



Journal of the Senate

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CALL TO ORDER

The Senate was called to order by President Negrón at 12:26 p.m. A quorum present—36:

Mr. President	Gainer	Rader
Baxley	Galvano	Rodriguez
Bean	Garcia	Rouson
Benacquisto	Gibson	Simmons
Book	Grimsley	Simpson
Bradley	Hukill	Stargel
Brandes	Hutson	Steube
Braynon	Mayfield	Stewart
Broxson	Montford	Taddeo
Campbell	Passidomo	Thurston
Farmer	Perry	Torres
Flores	Powell	Young

PRAYER

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

Gracious God, your word tells us that, “Every good thing given and every perfect gift is from above,” and we acknowledge that this morning. You are our great provider and the one who preserves and oversees all things. Hear our prayer.

You know us and the issues of our state better than we do ourselves, so it’s no secret to you that these are trying days. Just in the last six months, we’ve seen storms on every level—both literal and figurative. Hurricane Irma may have caused mass destruction, but it also caused us to join together in our resolve to rebuild and restore. We may have seen humanity at its worst during the Parkland school shooting, but we’ve also seen the community come together—not only to love and support victims and their families—but also to come up with ways to prevent senseless acts like these from repeating themselves in the future. Heroes have emerged within each tragic event we’ve faced—selfless people who, in many instances, gave their all. Our state has become a refuge for tens of thousands of people seeking safety and provision

while their situation back home improves. Grant us the wisdom to know how to handle this, and provide us the resources so no one goes without.

As I stand before this august body of Senators, I pray that you would grant them divine discernment. Give them your anointing, and cover them with your protective hand. May they always put the needs of Florida’s citizens ahead of their own personal needs and self-interests. Give them the strength to live up to the trust bestowed upon them by the people of this great state. May our elected officials be guided by your principles and standards. Remind them that their actions—big or small—have an impact on all Floridians. Constantly remind each of us that we are called to do what is right, not what is necessarily popular or convenient. Help our state blaze a trail for the rest of the nation when it comes to the provision and protection of its people.

God, bless our Governor, Senators, Representatives, and all our elected officials. Encourage them to always do what is honorable. May Florida’s future be as bright as the sun that shines upon it. Grant us your blessings as this prayer is offered in humility and prayed in your name. Amen.

PLEDGE

Senate Pages, Jameson “Jamie” Boswell of DeLand; Eric Odza of Coral Springs; and Kalell Lovely of Princeton, 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. Elias Sarkis of Gainesville, sponsored by Senator Perry, as the doctor of the day. Dr. Sarkis specializes in psychiatry.

ADOPTION OF RESOLUTIONS

At the request of Senator Bean—

By Senator Bean—

SR 768—A resolution commending the Florida Association for Behavior Analysis on its 38th anniversary and recognizing the month of October 2018 as “Florida Behavior Analysis Month.”

WHEREAS, the Florida Association for Behavior Analysis is the nation’s largest statewide organization committed to the promotion and support of behavior analysis, and

WHEREAS, for the past 38 years the Florida Association for Behavior Analysis has promoted the ethical, humane, and effective application of behavioral principles in all aspects of society, including education, business, rehabilitation facilities, and government, and

WHEREAS, behavior analysis is a science-based, cost-effective approach for training teachers, parents, and caregivers to prevent and solve serious behavior problems, and

WHEREAS, behavior analysis has demonstrated its effectiveness for many applications, including the treatment of autistic individuals, teaching basic self-help and language skills to persons with developmental disabilities, and helping foster parents lovingly raise foster children who have emotional difficulties, and

WHEREAS, the behavior analysts who are members of the Florida Association for Behavior Analysis have diverse career backgrounds,

including employment in consulting firms, state government programs, private therapy practices, and school administrations, and

WHEREAS, the Florida Association for Behavior Analysis holds an annual conference each fall as a forum for exchanging ideas and data-based research relating to behavior analysis, behavior therapy, performance management, and behavior management programming, NOW, THEREFORE,

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

That the Florida Association for Behavior Analysis is recognized for its 38 years of contributions to the field of behavior analysis and that the month of October 2018 is recognized as “Florida Behavior Analysis Month” in this state.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the Florida Association for Behavior Analysis as a tangible token of the sentiments of the Florida Senate.

—was introduced, read, and adopted by publication.

At the request of Senator Montford—

By Senator Montford—

SR 1926—A resolution recognizing and celebrating the 40th anniversary of the preservation of Florida’s 1902 Historic Capitol.

WHEREAS, on May 29, 1978, the Florida Senate passed CS/SB 678, which sought to preserve Florida’s 1902 Historic Capitol in perpetuity, and

WHEREAS, on June 1, 1978, the Florida House of Representatives joined the Florida Senate in passing the bill and, on the following day, it was approved by then-Governor Reubin Askew, and

WHEREAS, at the time of the bill’s passage, Florida’s 1902 Historic Capitol was the fifth-oldest capitol in continuous use in the United States, having served as the center of government for Florida since the territorial period, and

WHEREAS, Florida’s 1902 Historic Capitol is the most historically important state government building in Florida, and

WHEREAS, Florida’s 1902 Historic Capitol today serves as a museum with the purpose of educating our children, residents, and visitors about our state’s past and its future, NOW, THEREFORE,

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

That the Florida Senate hereby recognizes and celebrates the 40th anniversary of the preservation of Florida’s 1902 Historic Capitol and congratulates and commends its predecessors for undertaking the protection of this historic site and symbol of state government in Florida.

—was introduced, read, and adopted by publication.

At the request of Senator Hukill—

By Senator Hukill—

SR 1938—A resolution celebrating the 250th anniversary of the founding of New Smyrna Beach.

WHEREAS, New Smyrna Beach has a rich heritage and history that began with the Timucua Indians, who lived in the area for several hundred years as hunters, gatherers, and fishermen and developed a highly aristocratic tribe, and

WHEREAS, in 1768, Andrew Turnbull, a Scottish physician and entrepreneur, obtained a grant from the British Crown and established a colony of 1,225 immigrants on the coastal plantations of what was then known as Smyrnae, and

WHEREAS, this colony was the largest single attempt at colonial settlement in the United States and is recognized as being the second-oldest European-settled community in this state, and

WHEREAS, the settlement was located on the west bank of the Indian River across from one of coastal east Florida’s relatively few inlets and consisted of people of many cultures who spoke many languages, and

WHEREAS, inspired by the irrigation system in Egypt, Dr. Turnbull’s colonists built a similar system of canals lined with coquina rock, which remain beneath the streets of New Smyrna Beach today, and

WHEREAS, Dr. Turnbull envisioned increased commercial production of crops, such as corn, indigo, rice, and cotton, with indigo being the primary crop, which led to the establishment of 13 indigo processing works to maintain high production, and

WHEREAS, many settlers were killed during the first year of the Second Seminole War, but resettlement began shortly thereafter, and in 1887, with a population of 150, the Town of New Smyrna was incorporated under Florida law, and

WHEREAS, in 1892, Henry Flagler’s East Coast Railway arrived, spurring the development of the area’s economy, which was then based on the tourism, citrus, and commercial fishing industries, and

WHEREAS, at the turn of the 20th century, the town continued to grow, with the population increasing fourfold over the course of the next two decades, and

WHEREAS, today, about 800 structures remain standing from the historical period, such as the Old Fort, whose ruins and origin remain a mystery to this day and serve as an important reminder of the incredible heritage of New Smyrna Beach, and

WHEREAS, New Smyrna Beach is home to museums and cultural centers that keep the rich heritage of the city alive, such as the Mary S. Harrell Black Heritage Museum, which serves as the cornerstone of the Historic West Side community, and

WHEREAS, the New Smyrna Museum of History, located in the old post office building, is the official repository of archeological artifacts belonging to the City of New Smyrna Beach and Volusia County and houses the formal exhibit to commemorate the Turnbull Settlement and other important local area artifacts and archives, and

WHEREAS, New Smyrna Beach is known as a surf hub that attracts visitors from all over the world, and the excellent surfing conditions have produced eight world-class surfers over the years and have led many to call it one of the “Best Little Surf Towns in America,” and

WHEREAS, New Smyrna Beach is home to the Atlantic Center for the Arts, which is a world-renowned artist-in-residence program where artists from all over the world come to work with prominent artists in a supportive and creative environment, and

WHEREAS, New Smyrna Beach is known as the “Redfish Capital of the World,” and many anglers participate in world-class fishing offshore and in the backwaters of the Mosquito Lagoon, and

WHEREAS, the Canal Street Historic District offers an eclectic and vibrant blend of historic buildings, parks, art galleries, and cultural attractions, which brings locals together and also attracts visitors to the area, and

WHEREAS, New Smyrna Beach has an incredible 13-mile stretch of sandy beaches along central Florida’s Atlantic coast, which visitors and residents enjoy year round, and

WHEREAS, the 250th anniversary of the founding of New Smyrna Beach is being celebrated at a number of sestercentennial events throughout the year which recognize this milestone, NOW, THEREFORE,

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

That the 250th anniversary of the founding of New Smyrna Beach is celebrated.

—was introduced, read, and adopted by publication.

REPORTS OF COMMITTEE RELATING TO EXECUTIVE BUSINESS

The Honorable Joe Negron
 President, The Florida Senate
 Suite 409, The Capitol
 404 South Monroe Street
 Tallahassee, FL 32399-1100

March 7, 2018

Dear President Negron:

The following executive appointments were referred to the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 of the Rules of the Florida Senate:

<i>Office and Appointment</i>		<i>For Term Ending</i>
Jacksonville Aviation Authority	Appointees: Carson, Giselle Kilbane, Patrick J.	09/30/2021 09/30/2021
Florida Building Commission	Appointees: Compton, David L. Dean, Nanette Gilson, David R. Whitehead, Don S. Worrall, Diana R.	01/13/2021 04/05/2021 01/06/2021 11/21/2019 02/07/2021
Florida Citrus Commission	Appointees: Bouldin, David Lee, III Casper, Danny K. Hancock, Jonathan Ned Hunt, G. Ellis, Jr. Martinez, Carlos H. McKenna, Martin J. Pines, Francisco J.	05/31/2019 05/31/2020 05/31/2019 05/31/2020 05/31/2018 05/31/2020 05/31/2019
Hillsborough County Civil Service Board	Appointees: Bell, Tiffany D. Cichon, Andrea M. Hosler, Chandra D.	07/02/2021 07/02/2021 07/02/2021
Florida Commission on Community Service	Appointees: Collins, Meghan Davis, John F. Spann, Judi S. Syed, Sabeen Perwaiz	09/14/2018 09/14/2020 09/14/2019 09/14/2018
State of Florida Correctional Medical Authority	Appointees: Albers, Kris-Tena Chaykin, Lee B. Huot, Richard A.	07/01/2020 07/01/2020 07/01/2020
Florida Elections Commission	Appointee: Smith, Kymberlee C.	12/31/2020
Commission on Ethics	Appointees: Brady, Daniel T. Coone, Ashley Norris, Guy W.	06/30/2019 06/30/2018 06/30/2019
Florida Housing Finance Corporation	Appointees: Dubuque, Ray E. Green-Cobb, LaTasha Leifried, Creston	11/13/2020 11/13/2020 11/13/2018
Florida Commission on Human Relations	Appointees: Elam, Donna M. Garza, Mario A. Goldenberg, Dianne Jenkins, Tony McCambry, Al Pichard, Jay B. Singer, Gilbert M.	09/30/2020 09/30/2021 09/30/2019 09/30/2018 09/30/2019 09/30/2020 09/30/2018

<i>Office and Appointment</i>		<i>For Term Ending</i>
Florida Inland Navigation District	Appointees: Blow, John Carl Cuozzo, Donald J. Gernert, Frank E. Williams, Lynn	01/09/2021 01/09/2021 01/09/2021 01/09/2021
Juvenile Welfare Board of Pinellas County	Appointees: Butler, Richard Millican, James A.	08/07/2020 08/11/2020
Governor's Mansion Commission	Appointees: Beruff, Janelle L. Kelly, Kathleen Mica, Mary	09/30/2021 09/30/2021 09/30/2020
Tampa Port Authority	Appointee: Griffin, Michael E.	11/15/2019
West Florida Regional Planning Council, Region 1	Appointee: Qualls, Kurvin	Pleasure of Governor
Apalachee Regional Planning Council, Region 2	Appointee: Stoutamire, J. C. Davis	10/01/2018
State Retirement Commission	Appointees: Ciupalo, Holger Napier, Thomas E.	12/31/2019 12/31/2020
Big Cypress Basin Board of the South Florida Water Management District	Appointees: Kitchener, Marielle Waters, Daniel	03/01/2020 03/01/2020
Workers' Compensation Panel	Appointee: Robbins, Jason S.	Pleasure of Governor
<p>The following executive appointments were referred to the Senate Committee on Environmental Preservation and Conservation and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 of the Rules of the Florida Senate:</p>		
<i>Office and Appointment</i>		<i>For Term Ending</i>
Governing Board of the Northwest Florida Water Management District	Appointees: Costello, Jonathan M. Everett, Ted Pate, Jerome K. Spring, Samuel R.	03/01/2020 03/01/2021 03/01/2021 03/01/2020
Governing Board of the St. Johns River Water Management District	Appointees: Bournique, Douglas C. Burnett, Douglas Dolan, Susan S.	03/01/2020 03/01/2021 03/01/2021
Governing Board of the South Florida Water Management District	Appointees: Fernandez, Federico E. O'Keefe, Daniel T. Tucker, Brandon D. Weisinger, Max "Jaime"	03/01/2020 03/01/2020 03/01/2021 03/01/2021
Governing Board of the Southwest Florida Water Management District	Appointees: Beswick, Bryan K. Henslick, John R. Murphy, James G. Schleicher, Joel A. Smith, Rebecca J. Taylor, Mark Christopher Williamson, Michelle D.	03/01/2020 03/01/2021 03/01/2021 03/01/2019 03/01/2021 03/01/2020 03/01/2020

Office and Appointment

Governing Board of the Suwannee River Water Management District

Appointees: Johns, Virginia H. 03/01/2021
 Sanchez, Virginia Marsh 03/01/2021

The following executive appointment was referred to the Senate Committee on Governmental Oversight and Accountability and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 of the Rules of the Florida Senate:

Office and Appointment

Investment Advisory Council
 Appointee: McGould, Sean 02/01/2020

The following executive appointments were referred to the Senate Committee on Transportation and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 of the Rules of the Florida Senate:

Office and Appointment

Tampa-Hillsborough County Expressway Authority
 Appointees: Alvarez, Daniel A., Sr. 07/01/2021
 Cassidy, Vincent J. 07/01/2021
 Oxtal, Shaun R. 07/01/2018

As required by Rule 12.7, the committees caused to be conducted an inquiry into the qualifications, experience, and general suitability of the above-named appointees for appointment to the office indicated. In aid of such inquiry, the committees held public hearings at which members of the public were invited to attend and offer evidence concerning the qualifications, experience, and general suitability of the appointees. After due consideration of the findings of such inquiry and the evidence adduced at the public hearings, the Committee on Ethics and Elections and other referenced committees respectfully advise and recommend that in accordance with s. 114.05(1)(c), Florida Statutes:

- (1) the executive appointments of the above-named appointees, to the office and for the term indicated, be confirmed by the Senate;
- (2) Senate action on said appointments be taken prior to the adjournment of the 2018 Regular Session; and
- (3) there is no necessity known to the committees for the deliberations on said appointments to be held in executive session.

Respectfully submitted,
 Keith Perry, Chair

On motion by Senator Perry, the report was adopted and the Senate confirmed the appointments identified in the foregoing report of the committee to the offices for the terms indicated in accordance with the recommendation of the committee.

The vote was:

Yeas—36

Mr. President	Gainer	Rader
Baxley	Garcia	Rodriguez
Bean	Gibson	Rouson
Benacquisto	Grimsley	Simmons
Book	Hukill	Simpson
Bradley	Hutson	Stargel
Brandes	Lee	Steube
Braynon	Mayfield	Stewart
Broxson	Montford	Taddeo
Campbell	Passidomo	Thurston
Farmer	Perry	Torres
Flores	Powell	Young

Nays—None

For Term Ending

By direction of the President, the rules were waived and the Senate proceeded to—

SPECIAL ORDER CALENDAR

CS for SB 7008—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 119.0713, F.S., which provides an exemption from public records requirements for proprietary confidential business information held by a local government electric utility; conforming a cross-reference; redefining the term “proprietary confidential business information” to narrow the exemption; defining the term “trade secrets”; removing the scheduled repeal of the exemption; providing an effective date.

—was read the second time by title.

SENATOR BENACQUISTO PRESIDING

Pending further consideration of **CS for SB 7008**, pursuant to Rule 3.11(3), there being no objection, **HB 7095** was withdrawn from the Committees on Governmental Oversight and Accountability; and Rules.

On motion by Senator Bean—

HB 7095—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 119.0713, F.S., which provides an exemption from public records requirements for proprietary confidential business information held by a local government electric utility; conforming a cross-reference; removing the scheduled repeal of the exemption; providing an effective date.

—a companion measure, was substituted for **CS for SB 7008** and read the second time by title.

Pursuant to Rule 4.19, **HB 7095** was placed on the calendar of Bills on Third Reading.

SB 7010—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 560.312, F.S., relating to an exemption from public records requirements for certain payment instrument transaction information held by the Office of Financial Regulation; removing the scheduled repeal of the exemption; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 7010** to **HB 7075**.

Pending further consideration of **SB 7010**, as amended, pursuant to Rule 3.11(3), there being no objection, **HB 7075** was withdrawn from the Committees on Governmental Oversight and Accountability; and Rules.

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

HB 7075—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 560.312, F.S., relating to an exemption from public record requirements for certain payment instrument transaction information held by the Office of Financial Regulation; extending the repeal date; providing that the Office of Financial Regulation may release certain information in the aggregate; providing an effective date.

—a companion measure, was substituted for **SB 7010**, as amended, and read the second time by title.

Pursuant to Rule 4.19, **HB 7075** was placed on the calendar of Bills on Third Reading.

SB 7012—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 627.3518, F.S., relating to an exemption from public records requirements for certain proprietary business information provided by insurers to the Citizens Property Insurance Corporation policyholder eligibility clearinghouse;

removing the scheduled repeal of the exemption; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 7012** to **HB 7097**.

Pending further consideration of **SB 7012**, as amended, pursuant to Rule 3.11(3), there being no objection, **HB 7097** was withdrawn from the Committees on Governmental Oversight and Accountability; and Rules.

On motion by Senator Flores—

HB 7097—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 627.3518, F.S., which provides an exemption from public records requirements for certain proprietary business information provided by insurers to the Citizens Property Insurance Corporation policyholder eligibility clearinghouse; conforming a cross-reference; removing the scheduled repeal of the exemption; providing an effective date.

—a companion measure, was substituted for **SB 7012**, as amended, and read the second time by title.

Pursuant to Rule 4.19, **HB 7097** was placed on the calendar of Bills on Third Reading.

SB 7018—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 119.071, F.S., which provides an exemption from public records requirements for complaints of misconduct filed with an agency against an agency employee, and all information obtained pursuant to an agency investigation of such complaints; removing the scheduled repeal of the exemption; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 7018**, pursuant to Rule 3.11(3), there being no objection, **HB 7077** was withdrawn from the Committees on Governmental Oversight and Accountability; and Rules.

On motion by Senator Perry—

HB 7077—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 119.071, F.S., relating to an exemption from public record requirements for a complaint of misconduct against an agency employee and all information obtained pursuant to an investigation of such a complaint; removing the scheduled repeal of the exemption; providing an effective date.

—a companion measure, was substituted for **SB 7018** and read the second time by title.

Pursuant to Rule 4.19, **HB 7077** was placed on the calendar of Bills on Third Reading.

SB 538—A bill to be entitled An act relating to state and local governmental relations with the government of Venezuela; amending s. 215.471, F.S.; requiring the State Board of Administration to divest investments, and prohibiting it from investment, in any institution or company or subsidiary of a company domiciled in the United States which does business in or with the government of Venezuela or its agencies or instrumentalities in violation of federal law; defining the term “government of Venezuela”; authorizing the Governor to waive such requirements under certain circumstances; prohibiting the State Board of Administration from voting on any proxy resolution advocating expanded United States trade with the government of Venezuela; amending s. 215.472, F.S.; prohibiting state agencies from investing in any financial institution or company or foreign subsidiary of a company domiciled in the United States which engages in specified transactions with the government of Venezuela or certain companies in violation of federal law; defining the term “government of Venezuela”; authorizing the Governor to waive such prohibition under certain circumstances; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 538**, pursuant to Rule 3.11(3), there being no objection, **HB 359** was withdrawn from the Committees on Governmental Oversight and Accountability; Appropriations Subcommittee on Finance and Tax; and Appropriations.

On motion by Senator Garcia—

HB 359—A bill to be entitled An act relating to state investments; amending s. 215.471, F.S.; requiring the State Board of Administration to divest specified investments and prohibiting it from investing in specified investments of institutions or companies doing business in or with the government of Venezuela or any of its agencies or instrumentalities in violation of federal law; defining the term “government of Venezuela”; authorizing the Governor to waive the investment prohibitions if certain conditions exist; prohibiting the State Board of Administration from voting in favor of any proxy resolution advocating expanded United States trade with the government of Venezuela; amending s. 215.472, F.S.; prohibiting state agencies from investing in specified financial entities that extend credit, trade or buy goods or services with the government of Venezuela or investing in any company doing business with Venezuela in violation of federal law; defining the term “government of Venezuela”; authorizing the Governor to waive the investment prohibitions under specific circumstances; providing an effective date.

—a companion measure, was substituted for **SB 538** and read the second time by title.

Pursuant to Rule 4.19, **HB 359** was placed on the calendar of Bills on Third Reading.

On motion by Senator Galvano—

HB 7045—A bill to be entitled An act relating to the Legislature; fixing the date for convening the 2020 Regular Session of the Legislature; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **HB 7045** was placed on the calendar of Bills on Third Reading.

SR 210—A resolution recognizing August 15, 2018, as “India Independence Day” and August 2018 as “India Heritage Month” in Florida.

WHEREAS, the people of Florida represent many cultures and have a great tradition of celebrating significant milestones and events of cultural and historical importance, and

WHEREAS, Floridians are proud to join with their fellow residents of Indian heritage throughout the state and beyond as they commemorate the 71st anniversary of India’s independence, and

WHEREAS, in 1947, India proclaimed independence and officially became a self-governing country, marking the beginning of its identity as a free and sovereign nation, and

WHEREAS, as a growing democracy, India has proved to be a courageous nation, seeking to establish as its basic, fundamental principles those same values upon which the United States of America was founded: freedom, opportunity, and justice, and

WHEREAS, Florida residents who hail from India, or who have ancestral ties to India, continually demonstrate the greatness of the culture, arts, traditions, and natural beauty of their homeland, and the contributions of these individuals are notable and reflect success in many fields, including education, medicine, science, technology, business, and industry, and

WHEREAS, Florida welcomes the opportunity to promote a greater understanding of the world’s cultures, and this occasion, the 71st anniversary of India’s independence, provides an excellent means by which Floridians of all backgrounds can recognize the contributions made by the country and people of India and extend best wishes to them

on commemorating this historic milestone of independence, NOW, THEREFORE,

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

That August 15, 2018, be designated as “India Independence Day” and August 2018 as “India Heritage Month.”

—was read the second time by title. On motion by Senator Campbell, **SR 210** was adopted.

CO-INTRODUCERS

All Senators voting yea, not previously shown as co-introducers, were recorded as co-introducers of **SR 210**.

Yeas—31

Baxley	Garcia	Rouson
Bean	Grimsley	Simmons
Benacquisto	Hukill	Simpson
Book	Hutson	Stargel
Bradley	Lee	Stewart
Brandes	Mayfield	Taddeo
Braynon	Montford	Thurston
Farmer	Passidomo	Torres
Flores	Perry	Young
Gainer	Rader	
Galvano	Rodriguez	

SB 408—A bill to be entitled An act relating to licensure of cardiovascular programs; amending s. 408.0361, F.S.; establishing additional criteria that must be included by the Agency for Health Care Administration in rules relating to adult cardiovascular services at hospitals seeking licensure for a Level I program; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 408**, pursuant to Rule 3.11(3), there being no objection, **HB 283** was withdrawn from the Committees on Health Policy; Appropriations Subcommittee on Health and Human Services; and Appropriations.

On motion by Senator Flores—

HB 283—A bill to be entitled An act relating to cardiac programs; amending s. 408.0361, F.S.; granting an exception from volume requirements for diagnostic cardiac catheterization procedures and ischemic heart disease diagnoses for certain hospitals providing adult cardiovascular services; providing an effective date.

—a companion measure, was substituted for **SB 408** and read the second time by title.

Pursuant to Rule 4.19, **HB 283** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 8** and **CS for SB 18** was deferred.

CS for CS for CS for SB 1134—A bill to be entitled An act relating to Department of Health responsibilities related to the medical use of marijuana; amending s. 381.986, F.S.; deleting an obsolete date; revising a requirement that the department license one applicant who is a member of a certain class to exclude a requirement that the applicant also be a member of the Black Farmers and Agriculturalist Association-Florida Chapter; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for CS for SB 1134**, pursuant to Rule 3.11(3), there being no objection, **HB 6049** was withdrawn from the Committees on Health Policy; Appropriations; and Rules.

On motion by Senator Rouson—

HB 6049—A bill to be entitled An act relating to medical marijuana growers; amending s. 381.986, F.S.; deleting a requirement that the Department of Health grant a medical marijuana treatment center license to a member of a specified association; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 1134** and read the second time by title.

Pursuant to Rule 4.19, **HB 6049** was placed on the calendar of Bills on Third Reading.

CS for CS for CS for SB 1292—A bill to be entitled An act relating to the Department of Financial Services; amending s. 17.64, F.S.; providing that electronic images of warrants, vouchers, or checks in the Division of Treasury are deemed to be original records; revising the applicable medium, from film or print to electronic, in provisions relating to copies and reproductions of records and documents of the division; amending s. 20.121, F.S.; renaming the Bureau of Fire and Arson Investigations within the Division of Investigative and Forensic Services as the Bureau of Fire, Arson, and Explosives Investigations; creating the Bureau of Insurance Fraud and the Bureau of Workers’ Compensation Fraud within the division; amending s. 39.6035, F.S.; requiring child transition plans to address financial literacy by providing specified information; amending s. 218.32, F.S.; providing legislative intent relating to the creation of the Florida Open Financial Statement System; authorizing the Chief Financial Officer to consult with certain stakeholders for input on the design and implementation of the system; specifying requirements and procedures for the Chief Financial Officer in selecting and recruiting contractors for certain purposes; requiring the Chief Financial Officer to require completion of all work by a specified date; providing that if the Chief Financial Officer deems work products adequate, all local governmental financial statements pertaining to fiscal years ending on or after a specified date must meet certain requirements; providing construction; providing an appropriation; amending s. 284.40, F.S.; authorizing the department to disclose certain personal identifying information of injured or deceased employees which is exempt from disclosure under the Workers’ Compensation Law to department-contracted vendors for certain purposes; amending s. 284.50, F.S.; requiring safety coordinators of state governmental departments to complete, within a certain timeframe, safety coordinator training offered by the department; requiring certain agencies to report certain return-to-work information to the department; requiring agencies to provide certain risk management program information to the Division of Risk Management for certain purposes; specifying requirements for agencies in reviewing and responding to certain information and communications provided by the division; amending s. 409.1451, F.S.; conforming a provision to changes made by the act; amending s. 414.411, F.S.; replacing the Department of Economic Opportunity with the Department of Education in a list of entities to which a public assistance recipient may be required to provide written consent for certain investigative inquiries and to which the department must report investigation results; amending s. 624.317, F.S.; authorizing the department to conduct investigations of any, rather than specified, agents subject to its jurisdiction; amending s. 624.34, F.S.; conforming a provision to changes made by the act; amending s. 624.4073, F.S.; prohibiting certain officers or directors of insolvent insurers from having direct or indirect control over certain selection or appointment of officers or directors, except under certain circumstances; amending ss. 624.4094, 624.501, 624.509, and 625.071, F.S.; conforming provisions to changes made by the act; amending s. 626.112, F.S.; requiring a managing general agent to hold a currently effective producer license rather than a managing general agent license; amending s. 626.171, F.S.; deleting applicability of licensing provisions as to managing general agents; making a technical change; amending s. 626.202, F.S.; providing that certain applicants are not required to re-submit fingerprints to the department under certain circumstances; authorizing the department to require these applicants to file fingerprints under certain circumstances; amending s. 626.207, F.S.; conforming a provision to changes made by the act; amending s. 626.221, F.S.; adding a designation that exempts an applicant for licensure as an all-lines adjuster from an examination requirement; amending s. 626.451, F.S.; deleting a requirement for law enforcement agencies and state attorney’s offices to notify the department or the Office of Insurance Regulation of certain felony dispositions; deleting a requirement for the state attorney to provide the department or office a certi-

fied copy of an information or indictment against a managing general agent; conforming a provision to changes made by the act; amending s. 626.521, F.S.; revising requirements for credit and character reports secured and kept by insurers or employers appointing certain insurance representatives; providing applicability; amending s. 626.731, F.S.; deleting a certain qualification for licensure as a general lines agent; amending s. 626.7351, F.S.; revising a qualification for licensure as a customer representative; amending s. 626.744, F.S.; conforming a provision to changes made by the act; amending s. 626.745, F.S.; revising conditions under which service representatives and managing general agents may engage in certain activities; amending ss. 626.7451 and 626.7455, F.S.; conforming provisions to changes made by the act; amending s. 626.752, F.S.; revising a requirement for the Brokering Agent's Register maintained by brokering agents; revising the limit on certain personal lines risks an insurer may receive from an agent within a specified timeframe before the insurer must comply with certain reporting requirements for that agent; amending s. 626.793, F.S.; revising the limit on certain risks that certain insurers may receive from a life agent within a specified timeframe before the insurer must comply with certain reporting requirements for that agent; amending s. 626.798, F.S.; revising a prohibition applicable under certain circumstances to life agents when the life agent or the life agent's family member is the named beneficiary under a certain life insurance policy; revising a prohibition, and exceptions from the prohibition, applicable to life agents or their family members relating to certain trustee, guardian, or power of attorney authority for any person the life agent conducts insurance business with; revising definitions; amending s. 626.837, F.S.; revising the limit on certain risks that certain insurers may receive from a health agent within a specified timeframe before the insurer must comply with certain reporting requirements for that agent; amending s. 626.8732, F.S.; deleting a requirement for a licensed non-resident public adjuster to submit a certain annual affidavit to the department; amending s. 626.8734, F.S.; deleting a requirement for a nonresident independent adjuster to submit a certain annual affidavit to the department; amending s. 626.88, F.S.; conforming a provision to changes made by the act; amending s. 626.927, F.S.; revising qualifications for licensure as a surplus lines agent; amending s. 626.930, F.S.; revising a requirement relating to the location of a surplus lines agent's surplus lines business records; amending s. 626.9892, F.S.; authorizing the department to pay up a specified amount of rewards under the Anti-Fraud Reward Program for information leading to the arrest and conviction of persons guilty of arson; amending s. 633.302, F.S.; revising the term duration of certain members of the Florida Fire Safety Board; amending s. 633.304, F.S.; revising circumstances under which an inactive fire equipment dealer license is void; specifying the timeframe when an inactive license must be reactivated; specifying that permittees performing certain work on fire equipment may be contracted rather than employed; revising a requirement for a certain proof-of-insurance form to be provided by the insurer rather than the State Fire Marshal; amending s. 633.314, F.S.; requiring that serial numbers be permanently affixed, rather than permanently stamped, on certain plates of fire extinguishers; amending s. 633.318, F.S.; revising a requirement for a certain proof-of-insurance form to be provided by the insurer rather than the State Fire Marshal; amending s. 633.408, F.S.; specifying firefighter certification requirements for certain individuals employed in administrative and command positions of a fire service provider; specifying conditions for an individual to retain a Special Certificate of Compliance; amending s. 633.444, F.S.; deleting a requirement for the Division of State Fire Marshal to develop a staffing and funding formula for the Florida State Fire College; amending s. 648.27, F.S.; revising conditions under which a managing general agent must also be licensed as a bail bond agent; conforming a provision to changes made by the act; amending s. 648.34, F.S.; providing that certain individuals applying for bail bond agent licensure are not required to resubmit fingerprints to the department under certain circumstances; authorizing the department to require such individuals to file fingerprints under certain circumstances; reenacting s. 626.8734(1)(b), F.S., relating to nonresident all-lines adjuster license qualifications, to incorporate the amendment made to s. 626.221, F.S., in a reference thereto; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for CS for SB 1292**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for CS for HB 1073** was withdrawn from the Committees on Banking and Insurance; Children, Families, and Elder Affairs; and Appropriations.

On motion by Senator Stargel—

CS for CS for CS for HB 1073—A bill to be entitled An act relating to the Department of Financial Services; amending s. 17.64, F.S.; providing that electronic images of warrants, vouchers, or checks in the Division of Treasury are deemed to be original records; revising the applicable medium, from film or print to electronic, in provisions relating to copies and reproductions of records and documents of the division; amending s. 20.121, F.S.; renaming the Bureau of Fire and Arson Investigations within the Division of Investigative and Forensic Services as the Bureau of Fire, Arson, and Explosives Investigations; creating the Bureau of Insurance Fraud and the Bureau of Workers' Compensation Fraud within the division; amending s. 39.6035, F.S.; requiring child transition plans to address financial literacy by providing specified information; amending s. 218.32, F.S.; providing legislative intent to create the Florida Open Financial Statement System; authorizing the Chief Financial Officer to choose contracts to build eXtensible Business Reporting language taxonomies; requiring that local governmental financial statements be filed in XBRL format; amending s. 284.40, F.S.; authorizing the department to disclose certain personal identifying information of injured or deceased employees which is exempt from disclosure under the Workers' Compensation Law to department-contracted vendors for certain purposes; amending s. 284.50, F.S.; requiring safety coordinators of state governmental departments to complete, within a certain timeframe, safety coordinator training offered by the department; requiring certain agencies to report certain return-to-work information to the department; requiring agencies to provide certain risk management program information to the Division of Risk Management for certain purposes; specifying requirements for agencies in reviewing and responding to certain information and communications provided by the division; amending s. 409.1451, F.S.; conforming a provision to changes made by the act; amending s. 414.411, F.S.; replacing the Department of Economic Opportunity with the Department of Education in a list of entities to which a public assistance recipient may be required to provide written consent for certain investigative inquiries and to which the department must report investigation results; amending s. 624.317, F.S.; authorizing the department to conduct investigations of any, rather than specified, agents subject to its jurisdiction; amending s. 624.34, F.S.; conforming a provision to changes made by the act; amending s. 624.4073, F.S.; prohibiting certain officers or directors of insolvent insurers from having direct or indirect control over certain selection or appointment of officers or directors, except under certain circumstances; amending ss. 624.4094, 624.501, 624.509, and 625.071, F.S.; conforming provisions to changes made by the act; amending s. 626.112, F.S.; requiring a managing general agent to hold a currently effective producer license rather than a managing general agent license; amending s. 626.171, F.S.; deleting applicability of licensing provisions as to managing general agents; making a technical change; amending s. 626.202, F.S.; providing that certain applicants are not required to resubmit fingerprints to the department under certain circumstances; authorizing the department to require these applicants to file fingerprints under certain circumstances; amending s. 626.207, F.S.; conforming a provision to changes made by the act; amending s. 626.221, F.S.; adding a designation that exempts applicants for licensure as an all-lines adjuster from an examination requirement; amending s. 626.451, F.S.; deleting a requirement for law enforcement agencies and state attorney's offices to notify the department or the Office of Insurance Regulation of certain felony dispositions; deleting a requirement for the state attorney to provide the department or office a certified copy of an information or indictment against a managing general agent; conforming a provision to changes made by the act; amending s. 626.521, F.S.; revising requirements for credit and character reports secured and kept by insurers or employers appointing certain insurance representatives; providing applicability; amending s. 626.731, F.S.; deleting a certain qualification for licensure as a general lines agent; amending s. 626.7351, F.S.; revising a qualification for licensure as a customer representative; amending s. 626.744, F.S.; conforming a provision to changes made by the act; amending s. 626.745, F.S.; revising conditions under which service representatives and managing general agents may engage in certain activities; amending ss. 626.7451 and 626.7455, F.S.; conforming provisions to changes made by the act; amending s. 626.752, F.S.; revising a requirement for the Brokering Agent's Register maintained by broker-

ing agents; revising the limit on certain personal lines risks an insurer may receive from an agent within a specified timeframe before the insurer must comply with certain reporting requirements for that agent; amending s. 626.793, F.S.; revising the limit on certain risks that certain insurers may receive from a life agent within a specified timeframe before the insurer must comply with certain reporting requirements for that agent; amending s. 626.798, F.S.; prohibiting specified life agents from modifying the life insurance coverage on the life of a person who is not a family member, except as described; prohibiting a life agent or family member of such agent from serving in specified fiduciary capacities unless such agent or family member meets certain fiduciary conditions; revising definitions; amending s. 626.837, F.S.; revising the limit on certain risks that certain insurers may receive from a health agent within a specified timeframe before the insurer must comply with certain reporting requirements for that agent; amending s. 626.8732, F.S.; deleting a requirement for a licensed nonresident public adjuster to submit a certain annual affidavit to the department; amending s. 626.8734, F.S.; deleting a requirement for a nonresident independent adjuster to submit a certain annual affidavit to the department; amending s. 626.88, F.S.; conforming a provision to changes made by the act; amending s. 626.927, F.S.; revising conditions under which an individual may be licensed as a surplus lines agent solely for the purpose of placing certain coverages with surplus lines insurers; amending s. 626.930, F.S.; revising a requirement relating to the location of a surplus lines agent's surplus lines business records; amending s. 626.9892, F.S.; authorizing the department to pay a specified amount of rewards under the Anti-Fraud Reward Program for information leading to the arrest and conviction of persons guilty of arson; amending s. 633.302, F.S.; revising the duration of the terms of members of the Florida Fire Safety Board; amending s. 633.304, F.S.; revising circumstances under which an inactive fire equipment dealer license is void; specifying the timeframe when an inactive license must be reactivated; specifying that permittees performing certain work on fire equipment may be contracted rather than employed; revising a requirement for a certain proof-of-insurance form to be provided by the insurer rather than the State Fire Marshal; amending s. 633.314, F.S.; authorizing fire extinguisher serial numbers to be permanently affixed rather than stamped to the manufacturer's identification plate; amending s. 633.318, F.S.; revising a requirement for a certain proof-of-insurance form to be provided by the insurer rather than the State Fire Marshal; amending s. 633.408, F.S.; specifying prerequisites and retention requirements for a Special Certificate of Compliance that authorizes an individual to serve as an administrative and command head of a fire service provider; amending s. 633.444, F.S.; deleting a requirement for the Division of State Fire Marshal to develop a staffing and funding formula for the Florida State Fire College; amending s. 648.27, F.S.; revising conditions under which a managing general agent must also be licensed as a bail bond agent; conforming a provision to changes made by the act; amending s. 648.34, F.S.; providing that certain individuals applying for bail bond agent licensure are not required to resubmit fingerprints to the department under certain circumstances; authorizing the department to require such individuals to file fingerprints under certain circumstances; reenacting s. 626.8734(1)(b), F.S., relating to nonresident all-lines adjuster license qualifications, to incorporate the amendment made to s. 626.221, F.S., in a reference thereto; providing legislative findings; providing an appropriation; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 1292** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for HB 1073** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 1678—A bill to be entitled An act relating to reports concerning seized or forfeited property; amending s. 932.7061, F.S.; revising the deadline for submitting an annual report by law enforcement agencies concerning property seized or forfeited under the Florida Contraband Forfeiture Act; reenacting s. 932.7062, F.S., relating to a penalty for noncompliance with reporting requirements, to incorporate the amendment made to s. 932.7061, F.S., in a reference thereto; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1678**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 547** was withdrawn from the Committees on Criminal Justice; Judiciary; and Appropriations.

On motion by Senator Stargel—

CS for HB 547—A bill to be entitled An act relating to reports concerning seized or forfeited property; amending s. 932.7061, F.S.; revising the deadline for an annual report by law enforcement agencies concerning property seized or forfeited under the Florida Contraband Forfeiture Act; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1678** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 547** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 1788—A bill to be entitled An act relating to medication administration; amending s. 393.506, F.S.; revising training requirements for unlicensed direct service providers to assist with the administration of or to supervise the self-administration of medication if specified requirements are met; providing validation requirements for the competency and skills of unlicensed direct service providers; providing that an unlicensed direct service provider may administer medication to a client only if he or she has met specified training requirements and has been validated as competent; prohibiting such administration and the supervision of self-administration without specified informed written consent; requiring unlicensed direct service providers to complete an annual inservice training course in medication administration and medication error prevention developed by the Agency for Persons with Disabilities; providing that such training counts toward training required by agency or Agency for Health Care Administration rule; providing construction; providing that training, the determination of competency, and initial and annual validations be conducted by a registered nurse or by a licensed practical nurse; providing that certain physicians may validate or revalidate competency; requiring the Agency for Persons with Disabilities to adopt certain rules; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1788**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 1373** was withdrawn from the Committees on Children, Families, and Elder Affairs; Appropriations Subcommittee on Health and Human Services; and Appropriations.

On motion by Senator Passidomo—

CS for CS for HB 1373—A bill to be entitled An act relating to medication administration; amending s. 393.506, F.S.; revising training requirements for unlicensed direct service providers to assist with the administration of or to supervise the self-administration of medication under certain circumstances; providing validation requirements for the competency and skills of unlicensed direct service providers; requiring unlicensed direct service providers to complete an annual inservice training course in medication administration and medication error prevention developed by the Agency for Persons with Disabilities; providing construction; requiring the validation and revalidation of competency for certain medication administrations to be performed with an actual client; requiring the agency to adopt rules; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1788** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 1373** was placed on the calendar of Bills on Third Reading.

CS for SB 28—A bill to be entitled An act for the relief of Christopher Cannon; providing an appropriation to compensate him for injuries and damages sustained as a result of the alleged negligence of the City of

Tallahassee; providing that the appropriation satisfies all present and future claims arising out of the alleged negligent acts; providing a limitation on the payment of attorney and lobbying fees and costs; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 28**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 6527** was withdrawn from the Committees on Judiciary; Governmental Oversight and Accountability; and Rules.

On motion by Senator Montford—

CS for HB 6527—A bill to be entitled An act for the relief of Christopher Cannon; providing an appropriation to compensate him for injuries and damages sustained as a result of the alleged negligence of the City of Tallahassee; providing that the appropriation satisfies all present and future claims arising out of the alleged negligent acts; providing a limitation on the payment of fees & costs; providing an effective date.

—a companion measure, was substituted for **CS for SB 28** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 6527** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 1056—A bill to be entitled An act relating to computer science instruction; amending s. 1007.2616, F.S.; providing a definition; providing requirements for specified instruction relating to computer science; requiring certain computer science courses to be included in the Course Code Directory and published on the Department of Education's website by a specified date; requiring the Florida Virtual School to offer certain computer science courses; requiring school districts to provide access to computer science courses offered by the Florida Virtual school or by other means under certain circumstances; providing funds for school districts to provide professional development for classroom teachers; providing Department of Education responsibilities for the distribution of such funds; requiring that high school students be provided opportunities to take certain courses to meet certain graduation requirements; providing funds for bonuses for certain classroom teachers; requiring, rather than authorizing, the State Board of Education to adopt rules; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1056**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 495** was withdrawn from the Committees on Education; Appropriations Subcommittee on Pre-K - 12 Education; and Appropriations.

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

CS for HB 495—A bill to be entitled An act relating to education; amending s. 1002.33, F.S.; revising the criteria for denying high-performing charter school system applications; revising the requirements for the term of a charter; revising provisions for the modification of a charter; revising the student populations for which a charter school is authorized to limit the enrollment process; revising the process for resolving contractual disputes; amending s. 1002.331, F.S.; revising the criteria for designation as a high-performing charter school; revising the calculation used to determine facility capacity for such charter schools; revising the number of schools that may be established by a high-performing charter school; amending s. 1002.333, F.S.; providing for certain funds for the Schools of Hope Program to be carried forward for a specified number of years; amending s. 1007.2616, F.S.; providing a definition; providing requirements for specified instruction relating to computer science; requiring certain computer science courses to be included in the Course Code Directory and published on the Department of Education's website by a specified date; requiring the Florida Virtual School to offer certain computer science courses; requiring school districts to provide access to computer science courses offered by the Florida Virtual school or by other means under certain circumstances; providing funds for school districts to provide professional development for classroom teachers; providing Department of Education responsibilities for the distribution of such funds; requiring high school students

to be provided opportunities to take certain courses to certain meet graduation requirements; providing funds for bonuses for certain classroom teachers; requiring, rather than authorizing, the State Board of Education to adopt rules; amending s. 1011.62, F.S.; renaming the “supplemental academic instruction categorical fund” as the “supplemental academic instruction allocation”; requiring certain school districts to use the allocation for specified purposes; deleting an obsolete date; deleting a provision authorizing the Florida State University School to expend specified funds for certain purposes; revising provisions for the transfer of categorical funds; amending s. 1011.6202, F.S.; renaming the “Principal Autonomy Pilot Program” as the “Principal Autonomy Program”; providing that any school district may apply to participate in the program; providing that a school shall retain its exemption from specified laws under specified circumstances; requiring a designated leadership team at a participating school to complete a certain turnaround program; deleting a provision providing a specified amount of funds to a participating school district that completes the turnaround program; authorizing certain principals to manage additional schools as part of a district innovation academy or zone; providing requirements for such zones; authorizing the principal to allocate resources and personnel between the schools; deleting reporting requirements; providing for funding; revising the principal eligibility criteria for a salary supplement through the program; amending s. 1011.69, F.S.; authorizing certain high schools to receive Title I funds; providing that a school district may withhold Title I funds for specified purposes; authorizing certain schools to use Title I funds for specified purposes; providing an exception for specified funds; amending s. 1011.71, F.S.; prohibiting a school district from withholding charter school administrative fees under certain circumstances; creating s. 1011.79, F.S.; requiring the Department of Education to issue a competitive solicitation for a review of the Florida Price Level Index methodology; requiring subsequent reviews every 10 years; requiring the department to provide the results of all reviews to the Legislature and the Executive Office of the Governor; amending s. 1012.2315, F.S.; requiring school districts to negotiate a memorandum of understanding with certified collective bargaining units to address certain personnel issues; amending s. 1012.28, F.S.; conforming a provision to changes made by the act; amending s. 1012.32, F.S.; requiring a district school board to reimburse certain costs if it fails to notify a charter school of the eligibility status of certain persons; amending s. 1013.28, F.S.; requiring school districts to provide charter schools access to certain property on the same basis as public schools; prohibiting certain actions by a charter school without the written permission of the school district; amending s. 1013.385, F.S.; providing additional exceptions to certain building code regulations for school districts; amending s. 1013.62, F.S.; revising requirements for charter school capital outlay funding; requiring each district to certify certain information to the department by October 1 each year; conforming provisions to changes made by the act; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 1056** and read the second time by title.

Senator Passidomo moved the following amendment:

Amendment 1 (149500) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 1007.2616, Florida Statutes, is amended to read:

1007.2616 Computer science and technology instruction.—

(1) *For the purposes of this section, the term “computer science” means the study of computers and algorithmic processes, including their principles, hardware and software designs, applications, and their impact on society, and includes computer coding and computer programming.*

(2)(a) Public schools shall provide students in grades K-12 opportunities for learning computer science, including, but not limited to, computer coding and computer programming. Such opportunities may include coding instruction in elementary school and middle school and instruction to develop students' computer usage and digital literacy skills in middle school, and *must include* courses in computer science, ~~computer coding, and computer programming~~ in middle school and high school, including earning-related industry certifications. *Such courses must be integrated into each school district's middle and high schools,*

including combination schools in which any of grades 6 through 12 are taught.

(b) Computer science courses must be identified in the Course Code Directory and published on the Department of Education's website no later than July 1, 2018. Additional computer science courses may be subsequently identified and posted on the department's website.

(3) The Florida Virtual School shall offer computer science courses identified in the Course Code Directory pursuant to paragraph (2)(b). If a school district does not offer an identified course, the district must provide students access to the course through the Florida Virtual School or through other means.

(4)(a) Subject to legislative appropriation, a school district or a consortium of school districts may apply to the department, in a format prescribed by the department, for funding to deliver or facilitate training for classroom teachers to earn an educator certificate in computer science pursuant to s. 1012.56 or an industry certification associated with a course identified in the Course Code Directory pursuant to paragraph (2)(b). Such funding shall only be used to provide training for classroom teachers and to pay fees for examinations that lead to a credential pursuant to this paragraph.

(b) Once the department has identified courses in the Course Code Directory pursuant to paragraph (2)(b), the department shall establish a deadline for submitting applications. The department shall award funding to school districts in a manner that allows for an equitable distribution of funding statewide based on student population.

(5)(2) Elementary schools and middle schools may establish digital classrooms in which students are provided opportunities to improve digital literacy and competency; to learn digital skills, such as coding, multiple media presentation, and the manipulation of multiple digital graphic images; and to earn digital tool certificates and certifications pursuant to s. 1003.4203 and grade-appropriate, technology-related industry certifications.

(6)(3) High school students must be provided ~~schools may provide~~ ~~students~~ opportunities to take computer science courses to satisfy high school graduation requirements, including, but not limited to, the following:

(a) High school computer science courses of sufficient rigor, as identified by the commissioner, such that one credit in computer science and the earning of related industry certifications constitute the equivalent of up to one credit of the mathematics requirement, with the exception of Algebra I or higher-level mathematics, or up to one credit of the science requirement, with the exception of Biology I or higher-level science, for high school graduation. Computer science courses and technology-related industry certifications that are identified as eligible for meeting mathematics or science requirements for high school graduation shall be included in the Course Code Directory.

(b) High school computer technology courses in 3D rapid prototype printing of sufficient rigor, as identified by the commissioner, such that one or more credits in such courses and related industry certifications earned may satisfy up to two credits of mathematics required for high school graduation with the exception of Algebra I. Computer technology courses in 3D rapid prototype printing and related industry certifications that are identified as eligible for meeting mathematics requirements for high school graduation shall be included in the Course Code Directory.

(7) Subject to legislative appropriation, a classroom teacher who was evaluated as effective or highly effective pursuant to s. 1012.34 in the previous school year or who is newly hired by the district school board and has not been evaluated pursuant to s. 1012.34 must receive a bonus as follows:

(a) If the classroom teacher holds an educator certificate in computer science pursuant to s. 1012.56 or if he or she has passed the computer science subject area examination and holds an adjunct certificate issued by a school district pursuant to s. 1012.57, he or she shall receive a bonus of \$1,000 after each year the individual completes teaching a computer science course identified in the Course Code Directory pursuant to paragraph (2)(b) at a public middle, high, or combination school in the state, for up to 3 years.

(b) If the classroom teacher holds an industry certification associated with a course identified in the Course Code Directory pursuant to paragraph (2)(b), he or she shall receive a bonus of \$500 after each year the individual completes teaching the identified course at a public middle, high, or combination school in the state, for up to 3 years.

A school district shall report a qualifying classroom teacher to the department by a date and in a format established by the department. An eligible classroom teacher shall receive his or her bonus upon completion of the school year in which he or she taught the course. A teacher may not receive more than one bonus per year under this subsection.

(8)(4) The State Board of Education shall ~~may~~ adopt rules to administer this section.

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to education; amending s. 1007.2616, F.S.; providing a definition; providing requirements for specified instruction relating to computer science; requiring certain computer science courses to be included in the Course Code Directory and published on the Department of Education's website by a specified date; requiring the Florida Virtual School to offer certain computer science courses; requiring school districts to provide access to computer science courses offered by the Florida Virtual School or by other means under certain circumstances; providing funds for school districts to provide professional development for classroom teachers; providing Department of Education responsibilities for the distribution of such funds; requiring high school students to be provided opportunities to take certain courses to meet certain graduation requirements; providing funds for bonuses for certain classroom teachers; requiring, rather than authorizing, the State Board of Education to adopt rules; providing an effective date.

Senator Mayfield moved the following amendment to **Amendment 1 (149500)** which was adopted:

Amendment 1A (497406) (with title amendment)—Before line 5 insert:

Section 1. Paragraph (b) of subsection (13) of section 121.091, Florida Statutes, is amended to read:

121.091 Benefits payable under the system.—Benefits may not be paid under this section unless the member has terminated employment as provided in s. 121.021(39)(a) or begun participation in the Deferred Retirement Option Program as provided in subsection (13), and a proper application has been filed in the manner prescribed by the department. The department may cancel an application for retirement benefits when the member or beneficiary fails to timely provide the information and documents required by this chapter and the department's rules. The department shall adopt rules establishing procedures for application for retirement benefits and for the cancellation of such application when the required information or documents are not received.

(13) DEFERRED RETIREMENT OPTION PROGRAM.—In general, and subject to this section, the Deferred Retirement Option Program, hereinafter referred to as DROP, is a program under which an eligible member of the Florida Retirement System may elect to participate, deferring receipt of retirement benefits while continuing employment with his or her Florida Retirement System employer. The deferred monthly benefits shall accrue in the Florida Retirement System on behalf of the member, plus interest compounded monthly, for the specified period of the DROP participation, as provided in paragraph (c). Upon termination of employment, the member shall receive the total DROP benefits and begin to receive the previously determined normal retirement benefits. Participation in the DROP does not guarantee employment for the specified period of DROP. Participation in DROP by an eligible member beyond the initial 60-month period as authorized in this subsection shall be on an annual contractual basis for all participants.

(b) Participation in DROP.—Except as provided in this paragraph, an eligible member may elect to participate in DROP for a period not to exceed a maximum of 60 calendar months.

1.a. An eligible member may elect to participate in DROP for a period not to exceed a maximum of 60 calendar months. However, members who are instructional personnel employed by the Florida School for the Deaf and the Blind and authorized by the Board of Trustees of the Florida School for the Deaf and the Blind, who are instructional personnel as defined in s. 1012.01(2)(a)-(d) in grades K-12 and authorized by the district school superintendent, or who are instructional personnel as defined in s. 1012.01(2)(a) employed by a developmental research school and authorized by the school's director, or if the school has no director, by the school's principal, may participate in DROP for up to 36 calendar months beyond the 60-month period. *Effective July 1, 2018, instructional personnel who are authorized to extend DROP participation beyond the 60-month period must have a termination date that is the last day of the last calendar month of the school year within the DROP extension granted by the employer. If, on July 1, 2018, the member's DROP participation has already been extended for the maximum 36 calendar months and the extension period concludes before the end of the school year, the member's DROP participation may be extended through the last day of the last calendar month of that school year. The employer shall notify the division of the change in termination date and the additional period of DROP participation for the affected instructional personnel.*

b. *Administrative personnel in grades K-12, as defined in s. 1012.01(3), who have a DROP termination date on or after July 1, 2018, may be authorized to extend DROP participation beyond the initial 60 calendar month period if the administrative personnel's termination date is before the end of the school year. Such administrative personnel may have DROP participation extended until the last day of the last calendar month of the school year in which their original DROP termination date occurred if a date other than the last day of the last calendar month of the school year is designated. The employer shall notify the division of the change in termination date and the additional period of DROP participation for the affected administrative personnel.*

2. Upon deciding to participate in DROP, the member shall submit, on forms required by the division:

- a. A written election to participate in DROP;
- b. Selection of DROP participation and termination dates that satisfy the limitations stated in paragraph (a) and subparagraph 1. The termination date must be in a binding letter of resignation to the employer establishing a deferred termination date. The member may change the termination date within the limitations of subparagraph 1., but only with the written approval of the employer;
- c. A properly completed DROP application for service retirement as provided in this section; and
- d. Any other information required by the division.

3. The DROP participant is a retiree under the Florida Retirement System for all purposes, except for paragraph (5)(f) and subsection (9) and ss. 112.3173, 112.363, 121.053, and 121.122. DROP participation is final and may not be canceled by the participant after the first payment is credited during the DROP participation period. However, participation in DROP does not alter the participant's employment status, and the member is not deemed retired from employment until his or her deferred resignation is effective and termination occurs as defined in s. 121.021.

4. Elected officers are eligible to participate in DROP subject to the following:

a. An elected officer who reaches normal retirement date during a term of office may defer the election to participate until the next succeeding term in that office. An elected officer who exercises this option may participate in DROP for up to 60 calendar months or no longer than the succeeding term of office, whichever is less.

b. An elected or a nonelected participant may run for a term of office while participating in DROP and, if elected, extend the DROP termination date accordingly; however, if such additional term of office exceeds the 60-month limitation established in subparagraph 1., and the officer does not resign from office within such 60-month limitation, the retirement and the participant's DROP is null and void as provided in sub-subparagraph (c)5.d.

c. An elected officer who is dually employed and elects to participate in DROP must terminate all employment relationships as provided in s. 121.021(39) for the nonelected position within the original 60-month period or maximum participation period as provided in subparagraph 1. For DROP participation ending:

(I) Before July 1, 2010, the officer may continue employment as an elected officer as provided in s. 121.053. The elected officer shall be enrolled as a renewed member in the Elected Officers' Class or the Regular Class, as provided in ss. 121.053 and 121.122, on the first day of the month after termination of employment in the nonelected position and termination of DROP. Distribution of the DROP benefits shall be made as provided in paragraph (c).

(II) On or after July 1, 2010, the officer may continue employment as an elected officer but must defer termination as provided in s. 121.053.

Section 2. *The Legislature finds that a proper and legitimate state purpose is served when employees and retirees of the state and its political subdivisions, and the dependents, survivors, and beneficiaries of such employees and retirees, are extended the basic protections afforded by governmental retirement systems. These persons must be provided benefits that are fair and adequate and that are managed, administered, and funded in an actuarially sound manner, as required by s. 14, Article X of the State Constitution and part VII of chapter 112, Florida Statutes. Therefore, the Legislature determines and declares that the amendments made to s. 121.091, Florida Statutes, by this act fulfills an important state interest.*

And the title is amended as follows:

Delete line 123 and insert: An act relating to education; amending s. 121.091, F.S.; revising limitations on the maximum length of participation in the Deferred Retirement Option Program for certain instructional personnel and administrative personnel; requiring an employer to notify the Division of Retirement of the Department of Management Services regarding any change in termination date and program participation for each affected member; providing a statement of important state interest; amending s. 1007.2616,

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

Senator Book moved the following amendment to **Amendment 1 (149500)** which was adopted:

Amendment 1B (333622) (with title amendment)—Between lines 115 and 116 insert:

Section 2. Section 800.101, Florida Statutes, is created to read:

800.101 *Offenses against students by authority figures.—*

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

(a) *“Authority figure” means a person 18 years of age or older who is employed by, volunteering at, or under contract with a school, including school resource officers as provided in s. 1006.12.*

(b) *“School” has the same meaning as provided in s. 1003.01 and includes a private school as defined in s. 1002.01, a voluntary pre-kindergarten education program as described in s. 1002.53(3), early learning programs, a public school as described in s. 402.3025(1), the Florida School for the Deaf and the Blind, and the Florida Virtual School established under s. 1002.37. The term does not include a facility dedicated exclusively to the education of adults.*

(c) *“Student” means a person who is enrolled at a school.*

(2) *An authority figure shall not solicit or engage in:*

(a) *Sexual conduct;*

(b) *A relationship of a romantic nature; or*

(c) *Lewd conduct*

with a student.

(3) *A person who violates this section commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

(4) *This section does not apply to conduct constituting an offense that is subject to reclassification under s. 775.0862.*

Section 3. Subsection (5) of section 810.097, Florida Statutes, is amended to read:

810.097 Trespass upon grounds or facilities of a school; penalties; arrest.—

(5) As used in this section, the term “school” means the grounds or any facility, *including school buses*, of any kindergarten, elementary school, middle school, junior high school, or secondary school, whether public or nonpublic.

Section 4. Subsection (6) and paragraph (b) of subsection (7) of section 1001.42, Florida Statutes, are amended to read:

1001.42 Powers and duties of district school board.—The district school board, acting as a board, shall exercise all powers and perform all duties listed below:

(6) **STANDARDS OF ETHICAL CONDUCT FOR INSTRUCTIONAL PERSONNEL AND SCHOOL ADMINISTRATORS.**—Adopt policies establishing standards of ethical conduct for instructional personnel and school administrators. The policies must require all instructional personnel and school administrators, as defined in s. 1012.01, to complete training on the standards; establish the duty of instructional personnel and school administrators to report, and procedures for reporting, alleged misconduct by other instructional personnel and school administrators which affects the health, safety, or welfare of a student, *including misconduct that involves engaging in or soliciting sexual, romantic, or lewd conduct with a student; require the district school superintendent to report to law enforcement misconduct by instructional personnel or school administrators that would result in disqualification from educator certification or employment as provided in s. 1012.315; and include an explanation of the liability protections provided under ss. 39.203 and 768.095.* A district school board, or any of its employees, may not enter into a confidentiality agreement regarding terminated or dismissed instructional personnel or school administrators, or personnel or administrators who resign in lieu of termination, based in whole or in part on misconduct that affects the health, safety, or welfare of a student, and may not provide instructional personnel or school administrators with employment references or discuss the personnel’s or administrators’ performance with prospective employers in another educational setting, without disclosing the personnel’s or administrators’ misconduct. Any part of an agreement or contract that has the purpose or effect of concealing misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student is void, is contrary to public policy, and may not be enforced.

(7) **DISQUALIFICATION FROM EMPLOYMENT.**—Disqualify instructional personnel and school administrators, as defined in s. 1012.01, from employment in any position that requires direct contact with students if the personnel or administrators are ineligible for such employment under s. 1012.315. An elected or appointed school board official forfeits his or her salary for 1 year if:

(b) The school board official knowingly fails to adopt policies that require:-

1. Instructional personnel and school administrators to report alleged misconduct by other instructional personnel and school administrators;

2. *The district school superintendent to report misconduct by instructional personnel or school administrators that would result in disqualification from educator certification or employment as provided in s. 1012.315 to the law enforcement agencies with jurisdiction over the conduct;* or

3. ~~that require~~ The investigation of all reports of alleged misconduct by instructional personnel and school administrators, if the misconduct affects the health, safety, or welfare of a student.

Section 5. Subsection (12) of section 1001.51, Florida Statutes, is amended to read:

1001.51 Duties and responsibilities of district school superintendent.—The district school superintendent shall exercise all powers and perform all duties listed below and elsewhere in the law, provided that, in so doing, he or she shall advise and counsel with the district school board. The district school superintendent shall perform all tasks necessary to make sound recommendations, nominations, proposals, and reports required by law to be acted upon by the district school board. All such recommendations, nominations, proposals, and reports by the district school superintendent shall be either recorded in the minutes or shall be made in writing, noted in the minutes, and filed in the public records of the district school board. It shall be presumed that, in the absence of the record required in this section, the recommendations, nominations, and proposals required of the district school superintendent were not contrary to the action taken by the district school board in such matters.

(12) **RECORDS AND REPORTS.**—Recommend such records as should be kept in addition to those prescribed by rules of the State Board of Education; prepare forms for keeping such records as are approved by the district school board; ensure that such records are properly kept; and make all reports that are needed or required, as follows:

(a) *Forms, blanks, and reports.*—Require that all employees accurately keep all records and promptly make in proper form all reports required by the education code or by rules of the State Board of Education; recommend the keeping of such additional records and the making of such additional reports as may be deemed necessary to provide data essential for the operation of the school system; and prepare such forms and blanks as may be required and ensure that these records and reports are properly prepared.

(b) *Reports to the department.*—Prepare, for the approval of the district school board, all reports required by law or rules of the State Board of Education to be made to the department and transmit promptly all such reports, when approved, to the department, as required by law. If any reports are not transmitted at the time and in the manner prescribed by law or by State Board of Education rules, the salary of the district school superintendent must be withheld until the report has been properly submitted. Unless otherwise provided by rules of the State Board of Education, the annual report on attendance and personnel is due on or before July 1, and the annual school budget and the report on finance are due on the date prescribed by the commissioner.

Any district school superintendent who knowingly signs and transmits to any state official a report that the superintendent knows to be false or incorrect; who knowingly fails to investigate any allegation of misconduct by instructional personnel or school administrators, as defined in s. 1012.01, which affects the health, safety, or welfare of a student; or who knowingly fails to report the alleged misconduct to the department as required in s. 1012.796; or who knowingly fails to report misconduct to the law enforcement agencies with jurisdiction over the conduct pursuant to district school board policy under s. 1001.42(6), forfeits his or her salary for 1 year following the date of such act or failure to act.

Section 6. Subsections (5) and (6) of section 1012.27, Florida Statutes, are amended to read:

1012.27 Public school personnel; powers and duties of district school superintendent.—The district school superintendent is responsible for directing the work of the personnel, subject to the requirements of this chapter, and in addition the district school superintendent shall perform the following:

(5) **SUSPENSION AND DISMISSAL; NOTIFICATION.**—

(a) Suspend members of the instructional staff and other school employees during emergencies for a period extending to and including the day of the next regular or special meeting of the district school board and notify the district school board immediately of such suspension. When authorized to do so, serve notice on the suspended member of the instructional staff of charges made against him or her and of the date of hearing. Recommend employees for dismissal under the terms prescribed herein.

(b) Notify the parent of a student who was subjected to or affected by misconduct identified under s. 1001.42(6) within 30 days after the date on which the school district learns of the misconduct. The notification must inform the parent of:

1. The alleged misconduct, including which allegations have been substantiated, if any.
2. Whether the district reported the misconduct to the department, if required by s. 1012.796(1)(d).
3. The sanctions imposed by the school district against the employee, if any.
4. The support the school district will make available to the student in response to the misconduct.

(6) EMPLOYMENT HISTORY CHECKS.—Before employing a person ~~instructional personnel and school administrators, as defined in s. 1012.01,~~ in any position that requires direct contact with students, conduct employment history checks of each of the person's ~~personnel's or administrators'~~ previous employers, screen ~~instructional the personnel and school or~~ administrators, as defined in s. 1012.01, through use of the educator screening tools described in s. 1001.10(5), and document the findings. If unable to contact a previous employer, the district school superintendent shall document efforts to contact the employer.

Section 6. Paragraph (a) of subsection (2) and paragraph (a) of subsection (3) of section 1012.31, Florida Statutes, are amended to read:

1012.31 Personnel files.—Public school system employee personnel files shall be maintained according to the following provisions:

(2)(a) Materials relating to work performance, discipline, suspension, or dismissal must be reduced to writing and signed by a person competent to know the facts or make the judgment. *The resignation or termination of an employee before an investigation of alleged misconduct by the employee affecting the health, safety, or welfare of a student is concluded must be clearly indicated in the employee's personnel file.*

(3)(a) Public school system employee personnel files are subject to the provisions of s. 119.07(1), except as follows:

1. Any complaint and any material relating to the investigation of a complaint against an employee shall be confidential and exempt from the provisions of s. 119.07(1) until the conclusion of the preliminary investigation or until such time as the preliminary investigation ceases to be active. If the preliminary investigation is concluded with the finding that there is no probable cause to proceed further and with no disciplinary action taken or charges filed, a statement to that effect signed by the responsible investigating official shall be attached to the complaint, and the complaint and all such materials shall be open thereafter to inspection pursuant to s. 119.07(1). If the preliminary investigation is concluded with the finding that there is probable cause to proceed further or with disciplinary action taken or charges filed, the complaint and all such materials shall be open thereafter to inspection pursuant to s. 119.07(1). If the preliminary investigation ceases to be active, the complaint and all such materials shall be open thereafter to inspection pursuant to s. 119.07(1). For the purpose of this subsection, a preliminary investigation shall be considered active as long as it is continuing with a reasonable, good faith anticipation that an administrative finding will be made in the foreseeable future. An investigation shall be presumed to be inactive if no finding relating to probable cause is made within 60 days after the complaint is made. *This subparagraph does not absolve the school district of its duty to provide any legally sufficient complaint to the department within 30 days after the date on which the subject matter of the complaint comes to the attention of the school district pursuant to s. 1012.796(1)(d)1., regardless of the status of the complaint.*

2. An employee evaluation prepared pursuant to s. 1012.33, s. 1012.34, or s. 1012.56 or rules adopted by the State Board of Education or district school board under the authority of those sections shall be confidential and exempt from the provisions of s. 119.07(1) until the end of the school year immediately following the school year in which the evaluation was made. No evaluation prepared before July 1, 1983, shall be made public pursuant to this section.

3. No material derogatory to an employee shall be open to inspection until 10 days after the employee has been notified pursuant to paragraph (2)(c).

4. The payroll deduction records of an employee shall be confidential and exempt from the provisions of s. 119.07(1).

5. Employee medical records, including psychiatric and psychological records, shall be confidential and exempt from the provisions of s. 119.07(1); however, at any hearing relative to the competency or performance of an employee, the administrative law judge, hearing officer, or panel shall have access to such records.

Section 7. Section 1012.315, Florida Statutes, is amended to read:

1012.315 Disqualification from employment.—A person is ineligible for educator certification ~~or, and instructional personnel and school administrators, as defined in s. 1012.01,~~ are ineligible for employment in any position that requires direct contact with students in a district school system, charter school, or private school that accepts scholarship students under s. 1002.39 or s. 1002.395, if the person, ~~instructional personnel, or school administrator~~ has been convicted of:

(1) Any felony offense prohibited under any of the following statutes:

(a) Section 393.135, relating to sexual misconduct with certain developmentally disabled clients and reporting of such sexual misconduct.

(b) Section 394.4593, relating to sexual misconduct with certain mental health patients and reporting of such sexual misconduct.

(c) Section 415.111, relating to adult abuse, neglect, or exploitation of aged persons or disabled adults.

(d) Section 782.04, relating to murder.

(e) Section 782.07, relating to manslaughter, aggravated manslaughter of an elderly person or disabled adult, aggravated manslaughter of a child, or aggravated manslaughter of an officer, a firefighter, an emergency medical technician, or a paramedic.

(f) Section 784.021, relating to aggravated assault.

(g) Section 784.045, relating to aggravated battery.

(h) Section 784.075, relating to battery on a detention or commitment facility staff member or a juvenile probation officer.

(i) Section 787.01, relating to kidnapping.

(j) Section 787.02, relating to false imprisonment.

(k) Section 787.025, relating to luring or enticing a child.

(l) Section 787.04(2), relating to leading, taking, enticing, or removing a minor beyond the state limits, or concealing the location of a minor, with criminal intent pending custody proceedings.

(m) Section 787.04(3), relating to leading, taking, enticing, or removing a minor beyond the state limits, or concealing the location of a minor, with criminal intent pending dependency proceedings or proceedings concerning alleged abuse or neglect of a minor.

(n) Section 790.115(1), relating to exhibiting firearms or weapons at a school-sponsored event, on school property, or within 1,000 feet of a school.

(o) Section 790.115(2)(b), relating to possessing an electric weapon or device, destructive device, or other weapon at a school-sponsored event or on school property.

(p) Section 794.011, relating to sexual battery.

(q) Former s. 794.041, relating to sexual activity with or solicitation of a child by a person in familial or custodial authority.

(r) Section 794.05, relating to unlawful sexual activity with certain minors.

(s) Section 794.08, relating to female genital mutilation.

- (t) Chapter 796, relating to prostitution.
- (u) Chapter 800, relating to lewdness and indecent exposure.
- (v) *Section 800.101, relating to offenses against students by authority figures.*
- (w)(~~rw~~) Section 806.01, relating to arson.
- (x)(~~w~~) Section 810.14, relating to voyeurism.
- (y)(~~x~~) Section 810.145, relating to video voyeurism.
- (z)(~~y~~) Section 812.014(6), relating to coordinating the commission of theft in excess of \$3,000.
- (aa)(~~z~~) Section 812.0145, relating to theft from persons 65 years of age or older.
- (bb)(~~aa~~) Section 812.019, relating to dealing in stolen property.
- (cc)(~~bb~~) Section 812.13, relating to robbery.
- (dd)(~~cc~~) Section 812.131, relating to robbery by sudden snatching.
- (ee)(~~dd~~) Section 812.133, relating to carjacking.
- (ff)(~~ee~~) Section 812.135, relating to home-invasion robbery.
- (gg)(~~ff~~) Section 817.563, relating to fraudulent sale of controlled substances.
- (hh)(~~gg~~) Section 825.102, relating to abuse, aggravated abuse, or neglect of an elderly person or disabled adult.
- (ii)(~~hh~~) Section 825.103, relating to exploitation of an elderly person or disabled adult.
- (ij)(~~ii~~) Section 825.1025, relating to lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled person.
- (kk)(~~ij~~) Section 826.04, relating to incest.
- (ll)(~~kk~~) Section 827.03, relating to child abuse, aggravated child abuse, or neglect of a child.
- (mm)(~~ll~~) Section 827.04, relating to contributing to the delinquency or dependency of a child.
- (nn)(~~mm~~) Section 827.071, relating to sexual performance by a child.
- (oo)(~~nn~~) Section 843.01, relating to resisting arrest with violence.
- (pp)(~~oo~~) Chapter 847, relating to obscenity.
- (qq)(~~pp~~) Section 874.05, relating to causing, encouraging, soliciting, or recruiting another to join a criminal street gang.
- (rr)(~~qq~~) Chapter 893, relating to drug abuse prevention and control, if the offense was a felony of the second degree or greater severity.
- (ss)(~~rr~~) Section 916.1075, relating to sexual misconduct with certain forensic clients and reporting of such sexual misconduct.
- (tt)(~~ss~~) Section 944.47, relating to introduction, removal, or possession of contraband at a correctional facility.
- (uu)(~~tt~~) Section 985.701, relating to sexual misconduct in juvenile justice programs.
- (vv)(~~uu~~) Section 985.711, relating to introduction, removal, or possession of contraband at a juvenile detention facility or commitment program.
- (2) Any misdemeanor offense prohibited under any of the following statutes:
- (a) Section 784.03, relating to battery, if the victim of the offense was a minor.

- (b) Section 787.025, relating to luring or enticing a child.

(3) Any criminal act committed in another state or under federal law which, if committed in this state, constitutes an offense prohibited under any statute listed in subsection (1) or subsection (2).

(4) Any delinquent act committed in this state or any delinquent or criminal act committed in another state or under federal law which, if committed in this state, qualifies an individual for inclusion on the Registered Juvenile Sex Offender List under s. 943.0435(1)(h)1.d.

Section 7. Subsection (12) of section 1012.56, Florida Statutes, is amended to read:

1012.56 Educator certification requirements.—

(12) DENIAL OF CERTIFICATE.—

(a) The Department of Education may deny an applicant a certificate if the department possesses evidence satisfactory to it that the applicant has committed an act or acts, or that a situation exists, for which the Education Practices Commission would be authorized to *discipline a certified educator* ~~revoke a teaching certificate~~.

(b) The decision of the department is subject to review by the Education Practices Commission upon the filing of a written request from the applicant within 20 days after receipt of the notice of denial. *Upon review, the commission may deny the award of a certificate, bar an applicant from reapplying for a certificate, or allow the award of a certificate with one or more of the following conditions:*

1. *Probation for a period of time.*
2. *Restriction on the scope of practice.*
3. *Issuance of a letter of reprimand.*
4. *Referral to the recovery network program provided in s. 1012.798 under such terms and conditions as the commission may specify.*
5. *Imposition of an administrative fine not to exceed \$2,000 for each count or separate offense.*

Section 8. Subsections (1) and (5) of section 1012.795, Florida Statutes, are amended to read:

1012.795 Education Practices Commission; authority to discipline.—

(1) The Education Practices Commission may suspend the educator certificate of any *instructional personnel or school administrator*, ~~person~~ as defined in s. 1012.01(2) or (3), for up to 5 years, thereby denying that person the right to teach or otherwise be employed by a district school board or public school in any capacity requiring direct contact with students for that period of time, after which the *person holder* may return to teaching as provided in subsection (4); may revoke the educator certificate of any person, thereby denying that person the right to teach or otherwise be employed by a district school board or public school in any capacity requiring direct contact with students for up to 10 years, with reinstatement subject to ~~the provisions of~~ subsection (4); may *permanently* ~~permanently~~ revoke the educator certificate of any person thereby denying that person the right to teach or otherwise be employed by a district school board or public school in any capacity requiring direct contact with students; may suspend a *person's* ~~the~~ educator certificate, upon an order of the court or notice by the Department of Revenue relating to the payment of child support; or may impose any other penalty provided by law, if the person:

(a) Obtained or attempted to obtain an educator certificate by fraudulent means.

(b) Knowingly failed to report actual or suspected child abuse as required in s. 1006.061 or report alleged misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student as required in s. 1012.796.

(c) Has proved to be incompetent to teach or to perform duties as an employee of the public school system or to teach in or to operate a private school.

(d) Has been guilty of gross immorality or an act involving moral turpitude as defined by rule of the State Board of Education, *including engaging in or soliciting sexual, romantic, or lewd conduct with a student or minor.*

(e) Has had an educator certificate or other professional license sanctioned by *this or any other* ~~revocation, suspension, or surrender in another state or has had the authority to practice the regulated profession revoked, suspended, or otherwise acted against, including a denial of certification or licensure, by the licensing or certifying authority of any jurisdiction, including its agencies and subdivisions. The licensing or certifying authority's acceptance of a relinquishment, stipulation, consent order, or other settlement offered in response to or in anticipation of the filing of charges against the licensee or certificateholder shall be construed as action against the license or certificate. For purposes of this section, a sanction or action against a professional license, a certificate, or an authority to practice a regulated profession must relate to being an educator or the fitness of or ability to be an educator.~~

(f) Has been convicted or found guilty of, *has had adjudication withheld for, or has pled* ~~entered a plea of~~ guilty or *nolo contendere to,* ~~regardless of adjudication of guilt,~~ a misdemeanor, felony, or any other criminal charge, other than a minor traffic violation.

(g) Upon investigation, has been found guilty of personal conduct that seriously reduces that person's effectiveness as an employee of the district school board.

(h) Has breached a contract, as provided in s. 1012.33(2) or s. 1012.335.

(i) Has been the subject of a court order or notice by the Department of Revenue pursuant to s. 409.2598 directing the Education Practices Commission to suspend the certificate as a result of noncompliance with a child support order, a subpoena, an order to show cause, or a written agreement with the Department of Revenue.

(j) Has violated the Principles of Professional Conduct for the Education Profession prescribed by State Board of Education rules.

(k) Has otherwise violated the provisions of law, the penalty for which is the revocation of the educator certificate.

(l) Has violated any order of the Education Practices Commission.

(m) Has been the subject of a court order or plea agreement in any jurisdiction which requires the certificateholder to surrender or otherwise relinquish his or her educator's certificate. A surrender or relinquishment shall be for permanent revocation of the certificate. A person may not surrender or otherwise relinquish his or her certificate prior to a finding of probable cause by the commissioner as provided in s. 1012.796.

(n) Has been disqualified from educator certification under s. 1012.315.

(o) Has committed a third recruiting offense as determined by the Florida High School Athletic Association (FHSA) pursuant to s. 1006.20(2)(b).

(p) *Has violated test security as provided in s. 1008.24.*

(5) Each district school superintendent and the governing authority of each university lab school, state-supported school, private school, and the FHSA shall report to the department the name of any person certified pursuant to this chapter ~~or employed and qualified pursuant to s. 1012.39.~~

(a) Who has been convicted or found guilty of, *who has had adjudication withheld for, or who has pled guilty or nolo contendere to,* a misdemeanor, felony, or any other criminal charge, other than a minor traffic infraction;

(b) Who that official has reason to believe has committed or is found to have committed any act which would be a ground for revocation or suspension under subsection (1); or

(c) Who has been dismissed or severed from employment because of conduct involving any immoral, unnatural, or lascivious act.

Section 10. Paragraphs (d) and (e) of subsection (1) and paragraphs (a) and (d) of subsection (7) of section 1012.796, Florida Statutes, are amended to read:

1012.796 Complaints against teachers and administrators; procedure; penalties.—

(1)

(d)1. Each school district shall file in writing with the department all legally sufficient complaints within 30 days after the date on which subject matter of the complaint comes to the attention of the school district, *regardless of whether the subject of the complaint is still an employee of the school district.* A complaint is legally sufficient if it contains ultimate facts that show a violation has occurred as provided in s. 1012.795 and defined by rule of the State Board of Education. The school district shall include all information relating to the complaint which is known to the school district at the time of filing.

2. *A school district shall immediately notify the department if the subject of a legally sufficient complaint of misconduct affecting the health, safety, or welfare of a student resigns or is terminated before the conclusion of the school district's investigation. Upon receipt of the notification, the department shall place an alert on the person's certification file indicating that he or she resigned or was terminated before an investigation involving allegations of misconduct affecting the health, safety, or welfare of a student was concluded. In such circumstances, the database may not include specific information relating to the alleged misconduct until permitted by subsection (4).*

3. Each district school board shall develop and adopt policies and procedures to comply with this reporting requirement. School board policies and procedures must include standards for screening, hiring, and terminating instructional personnel and school administrators, as defined in s. 1012.01; standards of ethical conduct for instructional personnel and school administrators; the duties of instructional personnel and school administrators for upholding the standards; detailed procedures for reporting alleged misconduct by instructional personnel and school administrators which affects the health, safety, or welfare of a student; requirements for the reassignment of instructional personnel or school administrators pending the outcome of a misconduct investigation; and penalties for failing to comply with s. 1001.51 or s. 1012.795. The district school board policies and procedures shall include appropriate penalties for all personnel of the district school board for nonreporting and procedures for promptly informing the district school superintendent of each legally sufficient complaint. The district school superintendent is charged with knowledge of these policies and procedures and is accountable for the training of all instructional personnel and school administrators of the school district on the standards of ethical conduct, policies, and procedures.

4. If the district school superintendent has knowledge of a legally sufficient complaint and does not report the complaint, or fails to enforce the policies and procedures of the district school board, and fails to comply with the requirements of this subsection, in addition to other actions against certificateholders authorized by law, the district school superintendent is subject to penalties as specified in s. 1001.51(12).

5. If the superintendent determines that misconduct by instructional personnel or school administrators who hold an educator certificate affects the health, safety, or welfare of a student and the misconduct warrants termination, the instructional personnel or school administrators may resign or be terminated, and the superintendent must report the misconduct to the department in the format prescribed by the department. The department shall maintain each report of misconduct as a public record in the instructional personnel's or school administrators' certification files. This paragraph does not limit or restrict the power and duty of the department to investigate complaints, regardless of the school district's untimely filing, or failure to file, complaints and followup reports.

(e) If allegations arise against an employee who is certified under s. 1012.56 and employed in an educator-certificated position in any public school, charter school or governing board thereof, or private school that accepts scholarship students under s. 1002.39 or s. 1002.395, the school shall file in writing with the department a legally sufficient complaint within 30 days after the date on which the subject matter of the complaint came to the attention of the school, *regardless of whether the*

subject of the allegations is still an employee of the school. A complaint is legally sufficient if it contains ultimate facts that show a violation has occurred as provided in s. 1012.795 and defined by rule of the State Board of Education. The school shall include all known information relating to the complaint with the filing of the complaint. This paragraph does not limit or restrict the power and duty of the department to investigate complaints, regardless of the school's untimely filing, or failure to file, complaints and followup reports. A school described in this paragraph shall immediately notify the department if the subject of a legally sufficient complaint of misconduct affecting the health, safety, or welfare of a student resigns or is terminated before the conclusion of the school's investigation. Upon receipt of the notification, the department shall place an alert on the person's certification file indicating that he or she resigned or was terminated before an investigation involving allegations of misconduct affecting the health, safety, or welfare of a student was concluded. In such circumstances, the database may not include specific information relating to the alleged misconduct until permitted by subsection (4).

(7) A panel of the commission shall enter a final order either dismissing the complaint or imposing one or more of the following penalties:

(a) Denial of an application for a ~~teaching~~ certificate or for an administrative or supervisory endorsement on a teaching certificate. The denial may provide that the applicant may not reapply for certification, and that the department may refuse to consider that applicant's application, for a specified period of time or permanently.

(d) Placement of the teacher, administrator, or supervisor on probation for a period of time and subject to such conditions as the commission may specify, including requiring the certified teacher, administrator, or supervisor to complete additional appropriate college courses or work with another certified educator, with the administrative costs of monitoring the probation assessed to the educator placed on probation. An educator who has been placed on probation shall, at a minimum:

1. Immediately notify the investigative office in the Department of Education upon employment or *separation from* ~~termination of~~ employment ~~in the state~~ in any public or private position requiring a Florida educator's certificate.

2. Have his or her immediate supervisor submit annual performance reports to the investigative office in the Department of Education.

3. Pay to the commission within the first 6 months of each probation year the administrative costs of monitoring probation assessed to the educator.

4. Violate no law and fully comply with all district school board policies, school rules, and State Board of Education rules.

5. Satisfactorily perform his or her assigned duties in a competent, professional manner.

6. Bear all costs of complying with the terms of a final order entered by the commission.

The penalties imposed under this subsection are in addition to, and not in lieu of, the penalties required for a third recruiting offense pursuant to s. 1006.20(2)(b).

And the title is amended as follows:

Delete line 142 and insert: State Board of Education to adopt rules; creating s. 800.101, F.S.; providing definitions; prohibiting certain conduct with students by authority figures; providing penalties; providing exceptions; amending s. 810.097, F.S.; including school buses within the definition of the term "school" for purposes of trespass upon grounds or facilities of a school; amending s. 1001.42, F.S.; requiring school districts to adopt certain standards of ethical conduct; requiring the district school superintendent to report certain misconduct to law enforcement agencies; amending s. 1001.51, F.S.; providing for the forfeiture of a district school superintendent's salary for a specified period for failure to report certain misconduct to law enforcement agencies; amending s. 1012.27, F.S.; requiring the district school superintendent to notify a parent of specified information relating to al-

legations of misconduct by instructional personnel or school administrators; amending s. 1012.31, F.S.; requiring a resignation or termination before an investigation of certain misconduct is concluded to be indicated in a personnel file; specifying that legally sufficient complaints of certain misconduct must be reported to the Department of Education; amending s. 1012.315, F.S.; expanding the scope of provisions requiring the disqualification of persons convicted of certain offenses to apply to all persons who are required to have contact with students; providing an additional offense that disqualifies such persons from employment; amending s. 1012.56, F.S.; authorizing the Department of Education to deny applicants for certification if the applicant could be disciplined by the Education Practices Commission; authorizing the commission to approve an application with certain conditions; amending s. 1012.795, F.S.; authorizing the commission to take certain actions against persons who meet specified criteria; revising reporting requirements concerning specified misconduct by certified personnel; amending s. 1012.796, F.S.; requiring a school district to file certain complaints with the Department of Education even if the subject of the complaint is no longer employed by the district; requiring certain information be included on an educator's certificate file; requiring certified educators who are placed on probation to immediately notify a specified office upon separation from, rather than termination of, employment; providing an

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

Senator Garcia moved the following amendment to **Amendment 1 (149500)** which was adopted:

Amendment 1C (826168) (with title amendment)—Between lines 115 and 116 insert:

Section 2. Paragraph (b) of subsection (3) of section 1008.22, Florida Statutes, is amended to read:

1008.22 Student assessment program for public schools.—

(3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The Commissioner of Education shall design and implement a statewide, standardized assessment program aligned to the core curricular content established in the Next Generation Sunshine State Standards. The commissioner also must develop or select and implement a common battery of assessment tools that will be used in all juvenile justice education programs in the state. These tools must accurately measure the core curricular content established in the Next Generation Sunshine State Standards. Participation in the assessment program is mandatory for all school districts and all students attending public schools, including adult students seeking a standard high school diploma under s. 1003.4282 and students in Department of Juvenile Justice education programs, except as otherwise provided by law. If a student does not participate in the assessment program, the school district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation. The statewide, standardized assessment program shall be designed and implemented as follows:

(b) *End-of-course (EOC) assessments.*—EOC assessments must be statewide, standardized, and developed or approved by the Department of Education as follows:

1. EOC assessments for Algebra I, Geometry, Biology I, United States History, and Civics shall be administered to students enrolled in such courses as specified in the course code directory.

2. Students enrolled in a course, as specified in the course code directory, with an associated statewide, standardized EOC assessment must take the EOC assessment for such course and may not take the corresponding subject or grade-level statewide, standardized assessment pursuant to paragraph (a). Sections 1003.4156 and 1003.4282 govern the use of statewide, standardized EOC assessment results for students.

3. The commissioner may select one or more nationally developed comprehensive examinations, which may include examinations for a College Board Advanced Placement course, International Baccalaureate course, or Advanced International Certificate of Education course, or industry-approved examinations to earn national industry certifications identified in the CAPE Industry Certification Funding List, for use as

EOC assessments under this paragraph if the commissioner determines that the content knowledge and skills assessed by the examinations meet or exceed the grade-level expectations for the core curricular content established for the course in the Next Generation Sunshine State Standards. Use of any such examination as an EOC assessment must be approved by the state board in rule.

4. Contingent upon funding provided in the General Appropriations Act, including the appropriation of funds received through federal grants, the commissioner may establish an implementation schedule for the development and administration of additional statewide, standardized EOC assessments that must be approved by the state board in rule. If approved by the state board, student performance on such assessments constitutes 10 ~~30~~ percent of a student's final course grade.

5. All statewide, standardized EOC assessments must be administered online except as otherwise provided in paragraph (c).

6. *A student enrolled in an Advanced Placement (AP), International Baccalaureate (IB), or Advanced International Certificate of Education (AICE) course who takes the respective AP, IB, or AICE assessment and earns the minimum score necessary to earn college credit, as identified in s. 1007.27(2), meets the requirements of this paragraph and does not have to take the EOC assessment for the course.*

Section 3. Subsection (1) of section 1003.4156, Florida Statutes, is amended to read:

1003.4156 General requirements for middle grades promotion.—

(1) In order for a student to be promoted to high school from a school that includes middle grades 6, 7, and 8, the student must successfully complete the following courses:

(a) Three middle grades or higher courses in English Language Arts (ELA).

(b) Three middle grades or higher courses in mathematics. Each school that includes middle grades must offer at least one high school level mathematics course for which students may earn high school credit. Successful completion of a high school level Algebra I or Geometry course is not contingent upon the student's performance on the statewide, standardized end-of-course (EOC) assessment. To earn high school credit for Algebra I, a middle grades student must take the statewide, standardized Algebra I EOC assessment and pass the course, and in addition, beginning with the 2018-2019 ~~2013-2014~~ school year and thereafter, a student's performance on the Algebra I EOC assessment constitutes 10 ~~30~~ percent of the student's final course grade. To earn high school credit for a Geometry course, a middle grades student must take the statewide, standardized Geometry EOC assessment, which constitutes 10 ~~30~~ percent of the student's final course grade, and earn a passing grade in the course.

(c) Three middle grades or higher courses in social studies. Beginning with students entering grade 6 in the 2012-2013 school year, one of these courses must be at least a one-semester civics education course that includes the roles and responsibilities of federal, state, and local governments; the structures and functions of the legislative, executive, and judicial branches of government; and the meaning and significance of historic documents, such as the Articles of Confederation, the Declaration of Independence, and the Constitution of the United States. Beginning with the 2018-2019 ~~2013-2014~~ school year, each student's performance on the statewide, standardized EOC assessment in civics education required under s. 1008.22 constitutes 10 ~~30~~ percent of the student's final course grade. A middle grades student who transfers into the state's public school system from out of country, out of state, a private school, or a home education program after the beginning of the second term of grade 8 is not required to meet the civics education requirement for promotion from the middle grades if the student's transcript documents passage of three courses in social studies or two year-long courses in social studies that include coverage of civics education.

(d) Three middle grades or higher courses in science. Successful completion of a high school level Biology I course is not contingent upon the student's performance on the statewide, standardized EOC assessment required under s. 1008.22. However, beginning with the 2018-2019 ~~2012-2013~~ school year, to earn high school credit for a Biology I

course, a middle grades student must take the statewide, standardized Biology I EOC assessment, which constitutes 10 ~~30~~ percent of the student's final course grade, and earn a passing grade in the course.

Section 4. Paragraphs (b), (c), and (d) of subsection (3), subsection (7), and paragraph (e) of subsection (9) of section 1003.4282, Florida Statutes, are amended to read:

1003.4282 Requirements for a standard high school diploma.—

(3) STANDARD HIGH SCHOOL DIPLOMA; COURSE AND ASSESSMENT REQUIREMENTS.—

(b) *Four credits in mathematics.*—A student must earn one credit in Algebra I and one credit in Geometry. A student's performance on the statewide, standardized Algebra I end-of-course (EOC) assessment constitutes 10 ~~30~~ percent of the student's final course grade. A student must pass the statewide, standardized Algebra I EOC assessment, or earn a comparative score, in order to earn a standard high school diploma. A student's performance on the statewide, standardized Geometry EOC assessment constitutes 10 ~~30~~ percent of the student's final course grade. A student who earns an industry certification for which there is a statewide college credit articulation agreement approved by the State Board of Education may substitute the certification for one mathematics credit. Substitution may occur for up to two mathematics credits, except for Algebra I and Geometry.

(c) *Three credits in science.*—Two of the three required credits must have a laboratory component. A student must earn one credit in Biology I and two credits in equally rigorous courses. The statewide, standardized Biology I EOC assessment constitutes 10 ~~30~~ percent of the student's final course grade. A student who earns an industry certification for which there is a statewide college credit articulation agreement approved by the State Board of Education may substitute the certification for one science credit, except for Biology I.

(d) *Three credits in social studies.*—A student must earn one credit in United States History; one credit in World History; one-half credit in economics, which must include financial literacy; and one-half credit in United States Government. The United States History EOC assessment constitutes 10 ~~30~~ percent of the student's final course grade.

(7) UNIFORM TRANSFER OF HIGH SCHOOL CREDITS.—~~Beginning with the 2012-2013 school year,~~ If a student transfers to a Florida public high school from out of country, out of state, a private school, or a home education program and the student's transcript shows a credit in Algebra I, the student must pass the statewide, standardized Algebra I EOC assessment in order to earn a standard high school diploma unless the student earned a comparative score, passed a statewide assessment in Algebra I administered by the transferring entity, or passed the statewide mathematics assessment the transferring entity uses to satisfy the requirements of the Elementary and Secondary Education Act, 20 U.S.C. s. 6301. If a student's transcript shows a credit in high school reading or English Language Arts II or III, in order to earn a standard high school diploma, the student must take and pass the statewide, standardized grade 10 Reading assessment or, when implemented, the grade 10 ELA assessment, or earn a concordant score. If a transfer student's transcript shows a final course grade and course credit in Algebra I, Geometry, Biology I, or United States History, the transferring course final grade and credit shall be honored without the student taking the requisite statewide, standardized EOC assessment and without the assessment results constituting 10 ~~30~~ percent of the student's final course grade.

(9) COHORT TRANSITION TO NEW GRADUATION REQUIREMENTS.—The requirements of this section, in addition to applying to students entering grade 9 in the 2013-2014 school year and thereafter, shall also apply to students entering grade 9 before the 2013-2014 school year, except as otherwise provided in this subsection.

(e) Policy adopted in rule by the district school board may require for any cohort of students that performance on a statewide, standardized EOC assessment constitute 10 ~~30~~ percent of a student's final course grade.

And the title is amended as follows:

Delete line 142 and insert: State Board of Education to adopt rules; amending s. 1008.22, F.S.; revising end-of-course assessment requirements; amending ss. 1003.4156 and 1003.4282, F.S.; conforming provisions to changes made by the act; providing an

Amendment 1 (149500), as amended, was adopted.

Pursuant to Rule 4.19, **CS for HB 495**, as amended, was placed on the calendar of Bills on Third Reading.

SB 322—A bill to be entitled An act relating to fees charged by tax collectors; amending s. 322.12, F.S.; providing for allocation of fees from certain driver license examinations administered by tax collectors; amending s. 322.21, F.S.; providing for allocation of fees from certain driver license reinstatement services performed by tax collectors; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 322**, pursuant to Rule 3.11(3), there being no objection, **HB 185** was withdrawn from the Committees on Transportation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; and Appropriations.

On motion by Senator Book—

HB 185—A bill to be entitled An act relating to redirection of fees to tax collectors; amending s. 322.12, F.S.; providing for allocation of fees from certain driver license examinations administered by tax collectors; amending s. 322.21, F.S.; providing for allocation of fees from certain driver license reinstatement services performed by tax collectors; providing an effective date.

—a companion measure, was substituted for **SB 322** and read the second time by title.

Pursuant to Rule 4.19, **HB 185** was placed on the calendar of Bills on Third Reading.

CS for SB 46—A bill to be entitled An act for the relief of Ramiro Companioni, Jr., by the City of Tampa; providing for an appropriation to compensate Mr. Companioni for injuries sustained as a result of the negligence of an employee of the City of Tampa; providing a limitation on the payment of compensation and fees; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 46** to **CS for HB 6545**.

Pending further consideration of **CS for SB 46**, as amended, pursuant to Rule 3.11(3), there being no objection, **CS for HB 6545** was withdrawn from the Committees on Judiciary; Governmental Oversight and Accountability; and Rules.

On motion by Senator Galvano—

CS for HB 6545—A bill to be entitled An act for the relief of Ramiro Companioni, Jr., by the City of Tampa; providing for an appropriation to compensate Mr. Companioni for injuries sustained as a result of the negligence of the City of Tampa; providing a limitation on the payment of fees and costs; extinguishing certain lien interests; providing an effective date.

—a companion measure, was substituted for **CS for SB 46**, as amended, and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 6545** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bean—

CS for CS for SB 774—A bill to be entitled An act relating to dependency proceedings; amending s. 63.092, F.S.; requiring the Department of Children and Families to provide specified records to entities conducting preliminary home studies; limiting certain training re-

quirements to persons who adopt children from the department; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 774** was placed on the calendar of Bills on Third Reading.

CS for SB 80—A bill to be entitled An act relating to direct primary care agreements; creating s. 624.27, F.S.; providing definitions; specifying that a direct primary care agreement does not constitute insurance and is not subject to the Florida Insurance Code; specifying that entering into a direct primary care agreement does not constitute the business of insurance and is not subject to the code; providing that a certificate of authority or a license under the code is not required to market, sell, or offer to sell a direct primary care agreement; specifying requirements for a direct primary care agreement; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 80**, pursuant to Rule 3.11(3), there being no objection, **HB 37** was withdrawn from the Committees on Banking and Insurance; Health Policy; and Appropriations.

On motion by Senator Lee—

HB 37—A bill to be entitled An act relating to direct primary care agreements; creating s. 624.27, F.S.; providing definitions; specifying that a direct primary care agreement does not constitute insurance and is not subject to the Florida Insurance Code; specifying that entering into a direct primary care agreement does not constitute the business of insurance and is not subject to the code; providing that a certificate of authority is not required to market, sell, or offer to sell a direct primary care agreement; specifying requirements for a direct primary care agreement; providing an effective date.

—a companion measure, was substituted for **CS for SB 80** and read the second time by title.

Pursuant to Rule 4.19, **HB 37** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 870** was deferred.

CS for CS for CS for SB 1494—A bill to be entitled An act relating to prescription drug pricing transparency; amending s. 465.0244, F.S.; requiring pharmacists to inform customers of less expensive, generically equivalent drugs for their prescriptions and as to whether customers' cost-sharing obligations exceed the retail price of their prescriptions; repealing s. 465.1862, F.S., relating to pharmacy benefit manager contracts; creating s. 624.490, F.S.; defining the term "pharmacy benefit manager"; requiring a pharmacy benefit manager to register with the Office of Insurance Regulation beginning on a specified date; providing requirements and terms of registration, including the payment of a nonrefundable fee; requiring the office to issue certificates of registration; specifying that certificates are nontransferable; requiring the Financial Services Commission to set an initial registration fee and a renewal fee which are nonrefundable and may not exceed a specified amount; requiring the commission to adopt rules; creating ss. 627.64741, 627.6572, and 641.314, F.S.; defining the terms "maximum allowable cost" and "pharmacy benefit manager"; requiring that certain terms be included in a contract between a health insurer or a health maintenance organization and a pharmacy benefit manager; providing applicability; providing an appropriation; providing an effective date.

—was read the second time by title.

SENATOR FLORES PRESIDING

Pending further consideration of **CS for CS for CS for SB 1494**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 351** was withdrawn from the Committees on Health Policy; Banking and Insurance; and Appropriations.

On motion by Senator Montford—

CS for CS for HB 351—A bill to be entitled An act relating to prescription drug pricing transparency; amending s. 465.0244, F.S.; requiring pharmacists to inform customers of certain generically equivalent drug products and whether cost-sharing obligations to such customers exceed the retail price of the prescription; repealing s. 465.1862, F.S., relating to pharmacy benefit manager contracts; creating s. 624.490, F.S.; defining the term “pharmacy benefit manager”; requiring registration of pharmacy benefit managers with the Office of Insurance Regulation; providing registration requirements; requiring the registrant to report changes to certain information by a specified date; requiring the office to issue a registration certificate upon receipt of a completed registration form; providing for expiration of a registration certificate; requiring rulemaking; creating ss. 627.64741, 627.6572, and 641.314, F.S.; defining the terms “maximum allowable cost” and “pharmacy benefit manager”; requiring certain terms in health insurer or health maintenance organization contracts with pharmacy benefit managers; providing applicability; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 1494** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 351** was placed on the calendar of Bills on Third Reading.

CS for SB 8—A bill to be entitled An act relating to controlled substances; amending s. 409.967, F.S.; prohibiting managed care plans and their fiscal agents or intermediaries from imposing certain requirements or conditions on recipients as a prerequisite to receiving medication-assisted treatment (MAT) services to treat substance abuse disorders; creating s. 456.0301, F.S.; authorizing certain boards to require practitioners to complete a specified board-approved continuing education course to obtain authorization to prescribe controlled substances as part of biennial license renewal; providing exceptions; providing course requirements; prohibiting the Department of Health from renewing a license of a prescriber under specified circumstances; requiring a licensee to submit confirmation of course completion; providing for each licensing board requiring such continuing education course to include hours of completion with the total hours of continuing education required in certain circumstances; authorizing rulemaking; amending s. 456.072, F.S.; authorizing disciplinary action against practitioners for violating specified provisions relating to controlled substances; amending s. 456.44, F.S.; defining the term “acute pain”; requiring the applicable boards to adopt rules establishing certain guidelines for prescribing controlled substances for acute pain; providing that failure of a practitioner to follow specified guidelines is grounds for disciplinary action; limiting opioid drug prescriptions for the treatment of acute pain to a specified period under certain circumstances; authorizing prescriptions for such opioids for an extended period if specified requirements are met; amending ss. 458.3265 and 459.0137, F.S.; requiring certain pain management clinic owners to register approved exemptions with the department; requiring certain clinics to obtain certificates of exemption; providing requirements for such certificates; requiring the department to adopt rules necessary to administer such exemptions; amending s. 465.0155, F.S.; providing requirements for pharmacists for the dispensing of controlled substances to persons not known to them; defining the term “proper identification”; amending s. 465.0276, F.S.; prohibiting the dispensing of certain controlled substances in an amount that exceeds a 3-day supply or a medically necessary 7-day supply if certain criteria are met; providing an exception for the dispensing of certain controlled substances by a practitioner to the practitioner’s own patients for the medication-assisted treatment of opiate addiction; providing requirements for practitioners for the dispensing of controlled substances to persons not known to them; defining the term “proper identification”; amending s. 627.42392, F.S.; prohibiting a health insurer from imposing certain requirements or conditions on insureds as a prerequisite to receiving medication-assisted treatment (MAT) services to treat substance abuse disorders; amending s. 893.03, F.S.; conforming the state controlled substances schedule to the federal controlled substances schedule; amending s. 893.055, F.S.; revising and providing definitions; revising requirements for the prescription drug monitoring program; authorizing rulemaking; requiring the department to maintain an electronic system for certain purposes which meets specified requirements; requiring certain information to be reported to the system by a specified time; specifying direct access to system in-

formation; authorizing the department to enter into reciprocal agreements or contracts to share prescription drug monitoring information with certain entities; providing requirements for such agreements; authorizing the department to enter into agreements or contracts for secure connections with practitioner electronic systems; requiring specified persons to consult the system for certain purposes within a specified time; providing exceptions to the duty of specified persons to consult the system under certain circumstances; authorizing the department to issue citations to specified entities for failing to meet certain requirements; prohibiting the failure to report the dispensing of a controlled substance when required to do so; providing penalties; authorizing the department to enter into agreements or contracts for specified purposes; providing for the release of information obtained by the system; allowing specified persons to have direct access to information for the purpose of reviewing the controlled drug prescription history of a patient; providing prescriber or dispenser immunity from liability for review of patient history when acting in good faith; providing construction; prohibiting the department from specified uses of funds; requiring the department to conduct or participate in studies for specified purposes; requiring an annual report to be submitted to the Governor and Legislature by a specified date; providing report requirements; authorizing the department to establish a certain direct-support organization for specified purposes; defining the term “direct-support organization”; requiring a direct-support organization to operate under written contract with the department; providing contract requirements; requiring the direct-support organization to obtain written approval from the department for specified purposes; authorizing the department to adopt certain rules relating to resources used by the direct-support organization; providing for an independent annual financial audit by the direct-support organization; providing that copies of such audit be provided to specified entities; providing for future repeal of provisions relating to the direct-support organization; requiring the department to adopt rules to implement the system; amending s. 893.0551, F.S.; revising provisions concerning the release of information held by the prescription drug monitoring program; amending ss. 458.331, 459.015, 463.0055, 782.04, 893.13, 893.135, and 921.0022, F.S.; correcting cross-references; conforming provisions to changes made by the act; providing appropriations; providing effective dates.

—was read the second time by title.

Pending further consideration of **CS for SB 8**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 21** was withdrawn from the Committees on Health Policy; Appropriations; and Rules.

On motion by Senator Benacquisto—

CS for CS for HB 21—A bill to be entitled An act relating to controlled substances; creating s. 456.0301, F.S.; authorizing certain boards to require practitioners to complete a specified board-approved continuing education course to obtain authorization to prescribe controlled substances as part of biennial renewal; providing exceptions; providing course requirements; prohibiting the department from renewing a license of a prescriber under specified circumstances; requiring a licensee to submit confirmation of course completion; providing for each licensing board requiring such continuing education course to include hours of completion with the total hours of continuing education required in certain circumstances; authorizing rulemaking; amending s. 456.072, F.S.; authorizing disciplinary action against practitioners for violating specified provisions relating to controlled substances; amending s. 456.44, F.S.; providing definitions; providing exclusions; providing for the adoption of standards of practice for the treatment of acute pain; providing that failure of a practitioner to follow specified guidelines is grounds for disciplinary action; limiting opioid prescriptions for the treatment of acute pain to a specified period under certain circumstances; authorizing prescriptions for such opioids for an extended period if specified requirements are met; providing requirements for opioid prescriptions for pain other than acute pain; amending ss. 458.3265 and 459.0137, F.S.; requiring certain pain management clinic owners to register approved exemptions with the department; requiring certain clinics to obtain certificates of exemption; providing requirements for such certificates; authorizing rulemaking relating to specified exemptions; amending s. 465.0155, F.S.; providing requirements for pharmacists for the dispensing of controlled substances to persons not known to them; defining the term “proper identification”; amending s. 465.0276, F.S.; prohibiting the dispensing of certain controlled substances in an amount that exceeds a 3-day supply or a medically necessary 7-day supply if certain criteria are met; providing an exception

for the dispensing of certain controlled substances by a practitioner to the practitioner's own patients for the medication-assisted treatment of opiate addiction; providing requirements for practitioners for the dispensing of controlled substances to persons not known to them; defining the term "proper identification"; amending s. 893.03, F.S.; conforming the state controlled substances schedule to the federal controlled substances schedule; amending s. 893.04, F.S.; authorizing pharmacist to dispense controlled substances upon receipt of an electronic prescription if certain conditions are met; amending s. 893.055, F.S.; revising and providing definitions; revising requirements for the prescription drug monitoring program; authorizing rulemaking; requiring the department to maintain an electronic system for certain purposes to meet specified requirements; requiring certain information to be reported to the system by a specified time; providing exceptions; specifying direct access to system information; authorizing department to enter into one or more reciprocal agreements or contracts to share prescription drug monitoring information with certain entities; providing requirements for such agreements; authorizing the department to enter into agreements or contracts for secure connections with practitioner electronic systems; requiring specified persons to consult the system for certain purposes within a specified time; providing exceptions to the duty of specified persons to consult the system under certain circumstances; authorizing the department to issue nondisciplinary citations to specified entities for failing to meet certain requirements for the initial instance and to discipline specified entities for subsequently failing to meet such requirements; providing applicability; prohibiting the failure to report the dispensing of a controlled substance as required; providing penalties; authorizing the department to enter into agreements or contracts for specified purposes; providing for the release of information obtained by the system; allowing specified persons to have direct access to information for the purpose of reviewing the controlled drug prescription history of a patient; providing prescriber or dispenser immunity from liability for review of patient history when acting in good faith; providing construction; prohibiting the department from specified uses of funds; authorizing the department to conduct or participate in studies for specified purposes; requiring an annual report to be submitted to the Governor and Legislature by a specified date; providing report requirements; providing exemptions; establishing direct-support organizations for specified purposes; defining the term "direct-support organization"; requiring a direct-support organization to operate under written contract with the department; providing contract requirements; requiring the direct-support organization to obtain written approval from the department for specified purposes; authorizing rulemaking; providing for an independent annual financial audit by the direct-support organization; providing that copies of such audit be provided to specified entities; providing for future repeal of provisions relating to the direct-support organization; amending s. 893.0551, F.S.; revising provisions concerning release of information held by the prescription drug monitoring program; amending s. 893.13, F.S.; correcting cross-references; conforming provisions to changes made by the act; increasing the penalty for an offense; amending s. 893.147, F.S.; prohibiting the use, possession, manufacture, delivery, transportation, advertisement, or retail sale of specified paraphernalia, machines, and counterfeiting materials; providing definitions; providing exceptions to the prohibition; providing penalties; amending ss. 458.331, 459.015, 463.0055, 782.04, 893.135, and 921.0022, F.S.; correcting cross-references; conforming provisions to changes made by the act; providing effective dates.

—a companion measure, was substituted for **CS for SB 8** and read the second time by title.

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

Senator Benacquisto moved the following amendment:

Amendment 1 (397172) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (c) of subsection (2) of section 409.967, Florida Statutes, is amended to read:

409.967 Managed care plan accountability.—

(2) The agency shall establish such contract requirements as are necessary for the operation of the statewide managed care program. In addition to any other provisions the agency may deem necessary, the contract must require:

(c) *Access.*—

1. The agency shall establish specific standards for the number, type, and regional distribution of providers in managed care plan networks to ensure access to care for both adults and children. Each plan must maintain a regionwide network of providers in sufficient numbers to meet the access standards for specific medical services for all recipients enrolled in the plan. The exclusive use of mail-order pharmacies may not be sufficient to meet network access standards. Consistent with the standards established by the agency, provider networks may include providers located outside the region. A plan may contract with a new hospital facility before the date the hospital becomes operational if the hospital has commenced construction, will be licensed and operational by January 1, 2013, and a final order has issued in any civil or administrative challenge. Each plan shall establish and maintain an accurate and complete electronic database of contracted providers, including information about licensure or registration, locations and hours of operation, specialty credentials and other certifications, specific performance indicators, and such other information as the agency deems necessary. The database must be available online to both the agency and the public and have the capability to compare the availability of providers to network adequacy standards and to accept and display feedback from each provider's patients. Each plan shall submit quarterly reports to the agency identifying the number of enrollees assigned to each primary care provider.

2. Each managed care plan must publish any prescribed drug formulary or preferred drug list on the plan's website in a manner that is accessible to and searchable by enrollees and providers. The plan must update the list within 24 hours after making a change. Each plan must ensure that the prior authorization process for prescribed drugs is readily accessible to health care providers, including posting appropriate contact information on its website and providing timely responses to providers. For Medicaid recipients diagnosed with hemophilia who have been prescribed anti-hemophilic-factor replacement products, the agency shall provide for those products and hemophilia overlay services through the agency's hemophilia disease management program.

3. Managed care plans, and their fiscal agents or intermediaries, must accept prior authorization requests for any service electronically.

4. *Managed care plans, and their fiscal agents or intermediaries, may not implement, manage, or require a prior authorization process or step therapy procedures and may not impose any other conditions on recipients as a prerequisite to receiving medication-assisted treatment (MAT) services, as defined in s. 397.311, to treat substance abuse disorders.*

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

Section 2. Section 456.0301, Florida Statutes, is created to read:

456.0301 *Requirement for instruction on controlled substance prescribing.*

(1)(a) *The appropriate board shall require each person registered with the United States Drug Enforcement Administration and authorized to prescribe controlled substances pursuant to 21 U.S.C. s. 822 to complete a board-approved 2-hour continuing education course on prescribing controlled substances offered by a statewide professional association of physicians in this state that is accredited to provide educational activities designated for the American Medical Association*

Physician's Recognition Award Category 1 Credit or the American Osteopathic Category 1-A continuing medical education credit as part of biennial license renewal. The course must include information on the current standards for prescribing controlled substances, particularly opiates; alternatives to these standards; nonpharmacological therapies; prescribing emergency opioid antagonists; and the risks of opioid addiction following all stages of treatment in the management of acute pain. The course may be offered in a distance learning format and must be included within the number of continuing education hours required by law. The department may not renew the license of any prescriber registered with the United States Drug Enforcement Administration to prescribe controlled substances who has failed to complete the course. The course must be completed by January 31, 2019, and at each subsequent renewal. This paragraph does not apply to a licensee who is required by his or her applicable practice act to complete a minimum of 2 hours of continuing education on the safe and effective prescribing of controlled substances.

(b) Each practitioner required to complete the course required in paragraph (a) shall submit confirmation of having completed such course when applying for biennial license renewal.

(c) Each licensing board that requires a licensee to complete an educational course pursuant to this subsection must include the hours required for completion of the course in the total hours of continuing education required by law for such profession unless the continuing education requirements for such profession consist of fewer than 30 hours biennially.

(2) Each board may adopt rules to administer this section.

Section 3. Paragraph (gg) of subsection (1) of section 456.072, Florida Statutes, is amended to read:

456.072 Grounds for discipline; penalties; enforcement.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(gg) Engaging in a pattern of practice when prescribing medicinal drugs or controlled substances which demonstrates a lack of reasonable skill or safety to patients, a violation of ~~any provision of~~ this chapter or ss. 893.055 and 893.0551, a violation of the applicable practice act, or a violation of any rules adopted under this chapter or the applicable practice act of the prescribing practitioner. Notwithstanding s. 456.073(13), the department may initiate an investigation and establish such a pattern from billing records, data, or any other information obtained by the department.

Section 4. Paragraphs (a) through (g) of subsection (1) of section 456.44, Florida Statutes, are redesignated as paragraphs (b) through (h), respectively, a new paragraph (a) is added to that subsection, subsection (3) of that section is amended, and subsections (4), (5), and (6) are added to that section, to read:

456.44 Controlled substance prescribing.—

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

(a) "Acute pain" means the normal, predicted, physiological, and time-limited response to an adverse chemical, thermal, or mechanical stimulus associated with surgery, trauma, or acute illness. The term does not include pain related to:

1. Cancer.

2. A terminal condition. For purposes of this subparagraph, the term "terminal condition" means a progressive disease or medical or surgical condition that causes significant functional impairment, is not considered by a treating physician to be reversible without the administration of life-sustaining procedures, and will result in death within 1 year after diagnosis if the condition runs its normal course.

3. Palliative care to provide relief of symptoms related to an incurable, progressive illness or injury.

4. A traumatic injury with an Injury Severity Score of 9 or greater.

(3) STANDARDS OF PRACTICE FOR TREATMENT OF CHRONIC NONMALIGNANT PAIN.—The standards of practice in this section do not supersede the level of care, skill, and treatment recognized in general law related to health care licensure.

(a) A complete medical history and a physical examination must be conducted before beginning any treatment and must be documented in the medical record. The exact components of the physical examination shall be left to the judgment of the registrant who is expected to perform a physical examination proportionate to the diagnosis that justifies a treatment. The medical record must, at a minimum, document the nature and intensity of the pain, current and past treatments for pain, underlying or coexisting diseases or conditions, the effect of the pain on physical and psychological function, a review of previous medical records, previous diagnostic studies, and history of alcohol and substance abuse. The medical record shall also document the presence of one or more recognized medical indications for the use of a controlled substance. Each registrant must develop a written plan for assessing each patient's risk of aberrant drug-related behavior, which may include patient drug testing. Registrants must assess each patient's risk for aberrant drug-related behavior and monitor that risk on an ongoing basis in accordance with the plan.

(b) Each registrant must develop a written individualized treatment plan for each patient. The treatment plan shall state objectives that will be used to determine treatment success, such as pain relief and improved physical and psychosocial function, and shall indicate if any further diagnostic evaluations or other treatments are planned. After treatment begins, the registrant shall adjust drug therapy to the individual medical needs of each patient. Other treatment modalities, including a rehabilitation program, shall be considered depending on the etiology of the pain and the extent to which the pain is associated with physical and psychosocial impairment. The interdisciplinary nature of the treatment plan shall be documented.

(c) The registrant shall discuss the risks and benefits of the use of controlled substances, including the risks of abuse and addiction, as well as physical dependence and its consequences, with the patient, persons designated by the patient, or the patient's surrogate or guardian if the patient is incompetent. The registrant shall use a written controlled substance agreement between the registrant and the patient outlining the patient's responsibilities, including, but not limited to:

1. Number and frequency of controlled substance prescriptions and refills.

2. Patient compliance and reasons for which drug therapy may be discontinued, such as a violation of the agreement.

3. An agreement that controlled substances for the treatment of chronic nonmalignant pain shall be prescribed by a single treating registrant unless otherwise authorized by the treating registrant and documented in the medical record.

(d) The patient shall be seen by the registrant at regular intervals, not to exceed 3 months, to assess the efficacy of treatment, ensure that controlled substance therapy remains indicated, evaluate the patient's progress toward treatment objectives, consider adverse drug effects, and review the etiology of the pain. Continuation or modification of therapy shall depend on the registrant's evaluation of the patient's progress. If treatment goals are not being achieved, despite medication adjustments, the registrant shall reevaluate the appropriateness of continued treatment. The registrant shall monitor patient compliance in medication usage, related treatment plans, controlled substance agreements, and indications of substance abuse or diversion at a minimum of 3-month intervals.

(e) The registrant shall refer the patient as necessary for additional evaluation and treatment in order to achieve treatment objectives. Special attention shall be given to those patients who are at risk for misusing their medications and those whose living arrangements pose a risk for medication misuse or diversion. The management of pain in patients with a history of substance abuse or with a comorbid psychiatric disorder requires extra care, monitoring, and documentation and requires consultation with or referral to an addiction medicine specialist or a psychiatrist.

(f) A registrant must maintain accurate, current, and complete records that are accessible and readily available for review and comply with the requirements of this section, the applicable practice act, and applicable board rules. The medical records must include, but are not limited to:

1. The complete medical history and a physical examination, including history of drug abuse or dependence.
2. Diagnostic, therapeutic, and laboratory results.
3. Evaluations and consultations.
4. Treatment objectives.
5. Discussion of risks and benefits.
6. Treatments.
7. Medications, including date, type, dosage, and quantity prescribed.
8. Instructions and agreements.
9. Periodic reviews.
10. Results of any drug testing.
11. A photocopy of the patient's government-issued photo identification.
12. If a written prescription for a controlled substance is given to the patient, a duplicate of the prescription.
13. The registrant's full name presented in a legible manner.

(g) A registrant shall immediately refer patients with signs or symptoms of substance abuse to a board-certified pain management physician, an addiction medicine specialist, or a mental health addiction facility as it pertains to drug abuse or addiction unless the registrant is a physician who is board-certified or board-eligible in pain management. Throughout the period of time before receiving the consultant's report, a prescribing registrant shall clearly and completely document medical justification for continued treatment with controlled substances and those steps taken to ensure medically appropriate use of controlled substances by the patient. Upon receipt of the consultant's written report, the prescribing registrant shall incorporate the consultant's recommendations for continuing, modifying, or discontinuing controlled substance therapy. The resulting changes in treatment shall be specifically documented in the patient's medical record. Evidence or behavioral indications of diversion shall be followed by discontinuation of controlled substance therapy, and the patient shall be discharged, and all results of testing and actions taken by the registrant shall be documented in the patient's medical record.

This subsection does not apply to a board-eligible or board-certified anesthesiologist, physiatrist, rheumatologist, or neurologist, or to a board-certified physician who has surgical privileges at a hospital or ambulatory surgery center and primarily provides surgical services. This subsection does not apply to a board-eligible or board-certified medical specialist who has also completed a fellowship in pain medicine approved by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association, or who is board eligible or board certified in pain medicine by the American Board of Pain Medicine, the American Board of Interventional Pain Physicians, the American Association of Physician Specialists, or a board approved by the American Board of Medical Specialties or the American Osteopathic Association and performs interventional pain procedures of the type routinely billed using surgical codes. This subsection does not apply to a registrant who prescribes medically necessary controlled substances for a patient during an inpatient stay in a hospital licensed under chapter 395.

(4) **STANDARDS OF PRACTICE FOR TREATMENT OF ACUTE PAIN.**—*The applicable boards shall adopt rules establishing guidelines for prescribing controlled substances for acute pain, including evaluation of the patient, creation and maintenance of a treatment plan, obtaining informed consent and agreement for treatment, periodic review of the treatment plan, consultation, medical record review, and com-*

pliance with controlled substance laws and regulations. Failure of a prescriber to follow such guidelines constitutes grounds for disciplinary action pursuant to s. 456.072(1)(gg), punishable as provided in s. 456.072(2).

(5) **PRESCRIPTION SUPPLY.**—

(a) *For the treatment of acute pain, a prescription for an opioid drug listed as a Schedule II controlled substance in s. 893.03 or 21 U.S.C. s. 812 may not exceed a 3-day supply, except that up to a 7-day supply may be prescribed if:*

1. *The prescriber, in his or her professional judgment, believes that more than a 3-day supply of such an opioid is medically necessary to treat the patient's pain as an acute medical condition;*

2. *The prescriber indicates "MEDICALLY NECESSARY FOR ACUTE PAIN" on the prescription; and*

3. *The prescriber adequately documents in the patient's medical records the acute medical condition and lack of alternative treatment options that justify deviation from the 3-day supply limit established in this subsection.*

(b) *For the treatment of pain other than acute pain, a prescriber must indicate "FOR NONACUTE PAIN" on a prescription for an opioid drug listed as a Schedule II controlled substance in s. 893.03 or 21 U.S.C. s. 812.*

(6) **EMERGENCY OPIOID ANTAGONIST.**—*For the treatment of pain related to a traumatic injury with an Injury Severity Score of 9 or greater, a prescriber who prescribes a Schedule II controlled substance listed in s. 893.03 or 21 U.S.C. s. 812 must concurrently prescribe an emergency opioid antagonist, as defined in s. 381.887(1).*

Section 5. Effective January 1, 2019, present subsections (2) through (5) of section 458.3265, Florida Statutes, are renumbered as subsections (3) through (6), respectively, paragraphs (a) and (g) of subsection (1), paragraph (a) of present subsection (2), paragraph (a) of present subsection (3), and paragraph (a) of present subsection (4) of that section are amended, and a new subsection (2) is added to that section, to read:

458.3265 Pain-management clinics.—

(1) **REGISTRATION.**—

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

a. "Board eligible" means successful completion of an anesthesia, physical medicine and rehabilitation, rheumatology, or neurology residency program approved by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association for a period of 6 years from successful completion of such residency program.

b. "Chronic nonmalignant pain" means pain unrelated to cancer which persists beyond the usual course of disease or the injury that is the cause of the pain or more than 90 days after surgery.

c. "Pain-management clinic" or "clinic" means any publicly or privately owned facility:

(I) That advertises in any medium for any type of pain-management services; or

(II) Where in any month a majority of patients are prescribed opioids, benzodiazepines, barbiturates, or carisoprodol for the treatment of chronic nonmalignant pain.

2. Each pain-management clinic must register with the department or hold a valid certificate of exemption pursuant to subsection (2).

3. The following clinics are exempt from the registration requirement of paragraphs (c)-(m) and must apply to the department for a certificate of exemption ~~unless:~~

a. A ~~That~~ clinic is licensed as a facility pursuant to chapter 395;

b. A clinic in which the majority of the physicians who provide services in the clinic primarily provide surgical services;

c. A clinic is owned by a publicly held corporation whose shares are traded on a national exchange or on the over-the-counter market and whose total assets at the end of the corporation's most recent fiscal quarter exceeded \$50 million;

d. A clinic is affiliated with an accredited medical school at which training is provided for medical students, residents, or fellows;

e. A clinic that does not prescribe controlled substances for the treatment of pain;

f. A clinic is owned by a corporate entity exempt from federal taxation under 26 U.S.C. s. 501(c)(3);

g. A clinic is wholly owned and operated by one or more board-eligible or board-certified anesthesiologists, physiatrists, rheumatologists, or neurologists; or

h. A clinic is wholly owned and operated by a physician multi-specialty practice where one or more board-eligible or board-certified medical specialists, who have also completed fellowships in pain medicine approved by the Accreditation Council for Graduate Medical Education or who are also board-certified in pain medicine by the American Board of Pain Medicine or a board approved by the American Board of Medical Specialties, the American Association of Physician Specialists, or the American Osteopathic Association, perform interventional pain procedures of the type routinely billed using surgical codes.

(g) The department may revoke the clinic's certificate of registration and prohibit all physicians associated with that pain-management clinic from practicing at that clinic location based upon an annual inspection and evaluation of the factors described in subsection (4) (3).

(2) CERTIFICATE OF EXEMPTION.—

(a) A pain management clinic claiming an exemption from the registration requirements of subsection (1) must apply for a certificate of exemption on a form adopted in rule by the department. The form must require the applicant to provide:

1. The name or names under which the applicant does business.
2. The address at which the pain management clinic is located.
3. The specific exemption the applicant is claiming with supporting documentation.
4. Any other information deemed necessary by the department.

(b) The department must approve or deny the certificate within 30 days after the receipt of a complete application.

(c) The certificate of exemption must be renewed biennially, except that the department may issue the initial certificates of exemption for up to 3 years in order to stagger renewal dates.

(d) A certificateholder must prominently display the certificate of exemption and make it available to the department or the board upon request.

(e) A new certificate of exemption is required for a change of address and is not transferable. A certificate of exemption is valid only for the applicant, qualifying owners, licenses, registrations, certifications, and services provided under a specific statutory exemption and is valid only to the specific exemption claimed and granted.

(f) A certificateholder must notify the department at least 60 days before any anticipated relocation or name change of the pain management clinic or a change of ownership.

(g) If a pain management clinic no longer qualifies for a certificate of exemption, the certificateholder must notify the department within 3 days after becoming aware that the clinic no longer qualifies for a certificate of exemption and register as a pain management clinic under subsection (1) or cease operations.

(3)(2) PHYSICIAN RESPONSIBILITIES.—These responsibilities apply to any physician who provides professional services in a pain-management clinic that is required to be registered in subsection (1).

(a) A physician may not practice medicine in a pain-management clinic, as described in subsection (5) (4), if the pain-management clinic is not registered with the department as required by this section. Any physician who qualifies to practice medicine in a pain-management clinic pursuant to rules adopted by the Board of Medicine as of July 1, 2012, may continue to practice medicine in a pain-management clinic as long as the physician continues to meet the qualifications set forth in the board rules. A physician who violates this paragraph is subject to disciplinary action by his or her appropriate medical regulatory board.

(4)(3) INSPECTION.—

(a) The department shall inspect the pain-management clinic annually, including a review of the patient records, to ensure that it complies with this section and the rules of the Board of Medicine adopted pursuant to subsection (5) (4) unless the clinic is accredited by a nationally recognized accrediting agency approved by the Board of Medicine.

(5)(4) RULEMAKING.—

(a) The department shall adopt rules necessary to administer the registration, exemption, and inspection of pain-management clinics which establish the specific requirements, procedures, forms, and fees.

Section 6. Effective January 1, 2019, present subsections (2) through (5) of section 459.0137, Florida Statutes, are renumbered as subsections (3) through (6), respectively, paragraphs (a) and (g) of subsection (1), paragraph (a) of present subsection (2), paragraph (a) of present subsection (3), and paragraph (a) of present subsection (4) of that section are amended, and a new subsection (2) is added to that section, to read:

459.0137 Pain-management clinics.—

(1) REGISTRATION.—

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

a. "Board eligible" means successful completion of an anesthesia, physical medicine and rehabilitation, rheumatology, or neurology residency program approved by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association for a period of 6 years from successful completion of such residency program.

b. "Chronic nonmalignant pain" means pain unrelated to cancer which persists beyond the usual course of disease or the injury that is the cause of the pain or more than 90 days after surgery.

c. "Pain-management clinic" or "clinic" means any publicly or privately owned facility:

(I) That advertises in any medium for any type of pain-management services; or

(II) Where in any month a majority of patients are prescribed opioids, benzodiazepines, barbiturates, or carisoprodol for the treatment of chronic nonmalignant pain.

2. Each pain-management clinic must register with the department or hold a valid certificate of exemption pursuant to subsection (2).

3. The following clinics are exempt from the registration requirement of paragraphs (c)-(m) and must apply to the department for a certificate of exemption unless:

a. A clinic is licensed as a facility pursuant to chapter 395;

b. A clinic in which the majority of the physicians who provide services in the clinic primarily provide surgical services;

c. A clinic is owned by a publicly held corporation whose shares are traded on a national exchange or on the over-the-counter market and whose total assets at the end of the corporation's most recent fiscal quarter exceeded \$50 million;

d. ~~The clinic is~~ affiliated with an accredited medical school at which training is provided for medical students, residents, or fellows;

e. ~~The clinic that~~ does not prescribe controlled substances for the treatment of pain;

f. ~~The clinic is~~ owned by a corporate entity exempt from federal taxation under 26 U.S.C. s. 501(c)(3);

g. ~~The clinic is~~ wholly owned and operated by one or more board-eligible or board-certified anesthesiologists, physiatrists, rheumatologists, or neurologists; or

h. ~~The clinic is~~ wholly owned and operated by a physician multi-specialty practice where one or more board-eligible or board-certified medical specialists, who have also completed fellowships in pain medicine approved by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association or who are also board-certified in pain medicine by the American Board of Pain Medicine or a board approved by the American Board of Medical Specialties, the American Association of Physician Specialists, or the American Osteopathic Association, perform interventional pain procedures of the type routinely billed using surgical codes.

(g) The department may revoke the clinic's certificate of registration and prohibit all physicians associated with that pain-management clinic from practicing at that clinic location based upon an annual inspection and evaluation of the factors described in subsection (4) ~~(3)~~.

(2) *CERTIFICATE OF EXEMPTION.—*

(a) *A pain management clinic claiming an exemption from the registration requirements of subsection (1) must apply for a certificate of exemption on a form adopted in rule by the department. The form must require the applicant to provide:*

1. *The name or names under which the applicant does business.*
2. *The address at which the pain management clinic is located.*
3. *The specific exemption the applicant is claiming with supporting documentation.*
4. *Any other information deemed necessary by the department.*

(b) *The department must approve or deny the certificate within 30 days after the receipt of a complete application.*

(c) *The certificate of exemption must be renewed biennially, except that the department may issue the initial certificates of exemption for up to 3 years in order to stagger renewal dates.*

(d) *A certificateholder must prominently display the certificate of exemption and make it available to the department or the board upon request.*

(e) *A new certificate of exemption is required for a change of address and is not transferable. A certificate of exemption is valid only for the applicant, qualifying owners, licenses, registrations, certifications, and services provided under a specific statutory exemption and is valid only to the specific exemption claimed and granted.*

(f) *A certificateholder must notify the department at least 60 days before any anticipated relocation or name change of the pain management clinic or a change of ownership.*

(g) *If a pain management clinic no longer qualifies for a certificate of exemption, the certificateholder must notify the department within 3 days after becoming aware that the clinic no longer qualifies for a certificate of exemption and register as a pain management clinic under subsection (1) or cease operations.*

(3)~~(2)~~ *PHYSICIAN RESPONSIBILITIES.—*These responsibilities apply to any osteopathic physician who provides professional services in a pain-management clinic that is required to be registered in subsection (1).

(a) An osteopathic physician may not practice medicine in a pain-management clinic, as described in subsection (5) ~~(4)~~, if the pain-man-

agement clinic is not registered with the department as required by this section. Any physician who qualifies to practice medicine in a pain-management clinic pursuant to rules adopted by the Board of Osteopathic Medicine as of July 1, 2012, may continue to practice medicine in a pain-management clinic as long as the physician continues to meet the qualifications set forth in the board rules. An osteopathic physician who violates this paragraph is subject to disciplinary action by his or her appropriate medical regulatory board.

(4)~~(3)~~ *INSPECTION.—*

(a) The department shall inspect the pain-management clinic annually, including a review of the patient records, to ensure that it complies with this section and the rules of the Board of Osteopathic Medicine adopted pursuant to subsection (5) ~~(4)~~ unless the clinic is accredited by a nationally recognized accrediting agency approved by the Board of Osteopathic Medicine.

(5)~~(4)~~ *RULEMAKING.—*

(a) The department shall adopt rules necessary to administer the registration, *exemption*, and inspection of pain-management clinics which establish the specific requirements, procedures, forms, and fees.

Section 7. Section 465.0155, Florida Statutes, is amended to read:

465.0155 Standards of practice.—

(1) Consistent with the provisions of this act, the board shall adopt by rule standards of practice relating to the practice of pharmacy which shall be binding on every state agency and shall be applied by such agencies when enforcing or implementing any authority granted by any applicable statute, rule, or regulation, whether federal or state.

(2)(a) *Before dispensing a controlled substance to a person not known to the pharmacist, the pharmacist must require the person purchasing, receiving, or otherwise acquiring the controlled substance to present valid photographic identification or other verification of his or her identity. If the person does not have proper identification, the pharmacist may verify the validity of the prescription and the identity of the patient with the prescriber or his or her authorized agent. Verification of health plan eligibility through a real-time inquiry or adjudication system is considered to be proper identification.*

(b) *This subsection does not apply in an institutional setting or to a long-term care facility, including, but not limited to, an assisted living facility or a hospital to which patients are admitted.*

(c) *As used in this subsection, the term “proper identification” means an identification that is issued by a state or the Federal Government containing the person's photograph, printed name, and signature or a document considered acceptable under 8 C.F.R. s. 274a.2(b)(1)(v)(A) and (B).*

Section 8. Paragraph (b) of subsection (1) of section 465.0276, Florida Statutes, is amended, and paragraph (d) is added to subsection (2) of that section, to read:

465.0276 Dispensing practitioner.—

(1)

(b) A practitioner registered under this section may not dispense a controlled substance listed in Schedule II or Schedule III as provided in s. 893.03. This paragraph does not apply to:

1. The dispensing of complimentary packages of medicinal drugs which are labeled as a drug sample or complimentary drug as defined in s. 499.028 to the practitioner's own patients in the regular course of her or his practice without the payment of a fee or remuneration of any kind, whether direct or indirect, as provided in subsection (4).

2. The dispensing of controlled substances in the health care system of the Department of Corrections.

3. The dispensing of a controlled substance listed in Schedule II or Schedule III in connection with the performance of a surgical procedure.

a. For an opioid drug listed as a Schedule II controlled substance in s. 893.03 or 21 U.S.C. s. 812:

(I) For the treatment of acute pain, the amount dispensed pursuant to this subparagraph may not exceed a 3-day supply, or a 7-day supply if the criteria in s. 456.44(5)(a) are met.

(II) For the treatment of pain other than acute pain, a practitioner must indicate “FOR NONACUTE PAIN” on a prescription.

(III) For the treatment of pain related to a traumatic injury with an Injury Severity Score of 9 or greater, a practitioner must concurrently prescribe an emergency opioid antagonist, as defined in s. 381.887(1).

b. For a controlled substance listed in Schedule III, the amount dispensed pursuant to this ~~the~~ subparagraph may not exceed a 14-day supply.

c. The exception in this subparagraph ~~exception~~ does not allow for the dispensing of a controlled substance listed in Schedule II or Schedule III more than 14 days after the performance of the surgical procedure.

d. For purposes of this subparagraph, the term “surgical procedure” means any procedure in any setting which involves, or reasonably should involve:

(I)~~a~~. Perioperative medication and sedation that allows the patient to tolerate unpleasant procedures while maintaining adequate cardiorespiratory function and the ability to respond purposefully to verbal or tactile stimulation and makes intra- and postoperative monitoring necessary; or

(II)~~b~~. The use of general anesthesia or major conduction anesthesia and preoperative sedation.

4. The dispensing of a controlled substance listed in Schedule II or Schedule III pursuant to an approved clinical trial. For purposes of this subparagraph, the term “approved clinical trial” means a clinical research study or clinical investigation that, in whole or in part, is state or federally funded or is conducted under an investigational new drug application that is reviewed by the United States Food and Drug Administration.

5. The dispensing of methadone in a facility licensed under s. 397.427 where medication-assisted treatment for opiate addiction is provided.

6. The dispensing of a controlled substance listed in Schedule II or Schedule III to a patient of a facility licensed under part IV of chapter 400.

7. The dispensing of controlled substances listed in Schedule II or Schedule III which have been approved by the United States Food and Drug Administration for the purpose of treating opiate addictions, including, but not limited to, buprenorphine and buprenorphine combination products, by a practitioner authorized under 21 U.S.C. s. 823, as amended, to the practitioner’s own patients for the medication-assisted treatment of opiate addiction.

(2) A practitioner who dispenses medicinal drugs for human consumption for fee or remuneration of any kind, whether direct or indirect, must:

(d)1. Before dispensing a controlled substance to a person not known to the dispenser, require the person purchasing, receiving, or otherwise acquiring the controlled substance to present valid photographic identification or other verification of his or her identity. If the person does not have proper identification, the dispenser may verify the validity of the prescription and the identity of the patient with the prescriber or his or her authorized agent. Verification of health plan eligibility through a real-time inquiry or adjudication system is considered to be proper identification.

2. This paragraph does not apply in an institutional setting or to a long-term care facility, including, but not limited to, an assisted living facility or a hospital to which patients are admitted.

3. As used in this paragraph, the term “proper identification” means an identification that is issued by a state or the Federal Government containing the person’s photograph, printed name, and signature or a document considered acceptable under 8 C.F.R. s. 274a.2(b)(1)(v)(A) and (B).

Section 9. Subsection (5) is added to section 627.42392, Florida Statutes, to read:

627.42392 Prior authorization.—

(5) A health insurer may not require a prior authorization process or step therapy procedure or impose any other conditions on insureds as a prerequisite to receiving medication-assisted treatment (MAT) services, as defined in s. 397.311, to treat substance abuse disorders.

Section 10. Paragraph (c) of subsection (1) and subsections (2) through (5) of section 893.03, Florida Statutes, are amended to read:

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

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

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

1. Alpha-Ethyltryptamine.
2. 4-Methylaminorex (2-Amino-4-methyl-5-phenyl-2-oxazoline).
3. Aminorex (2-Amino-5-phenyl-2-oxazoline).
4. DOB (4-Bromo-2,5-dimethoxyamphetamine).
5. 2C-B (4-Bromo-2,5-dimethoxyphenethylamine).
6. Bufotenine.
7. Cannabis.
8. Cathinone.
9. DET (Diethyltryptamine).
10. 2,5-Dimethoxyamphetamine.
11. DOET (4-Ethyl-2,5-Dimethoxyamphetamine).
12. DMT (Dimethyltryptamine).
13. PCE (N-Ethyl-1-phenylcyclohexylamine)(Ethylamine analog of phencyclidine).
14. JB-318 (N-Ethyl-3-piperidyl benzilate).
15. N-Ethylamphetamine.
16. Fenethylamine.
17. 3,4-Methylenedioxy-N-hydroxyamphetamine.

18. Ibogaine.
19. LSD (Lysergic acid diethylamide).
20. Mescaline.
21. Methcathinone.
22. 5-Methoxy-3,4-methylenedioxyamphetamine.
23. PMA (4-Methoxyamphetamine).
24. PMMA (4-Methoxymethamphetamine).
25. DOM (4-Methyl-2,5-dimethoxyamphetamine).
26. MDEA (3,4-Methylenedioxy-N-ethylamphetamine).
27. MDA (3,4-Methylenedioxyamphetamine).
28. JB-336 (N-Methyl-3-piperidyl benzilate).
29. N,N-Dimethylamphetamine.
30. Parahexyl.
31. Peyote.
32. PCPY (N-(1-Phenylcyclohexyl)-pyrrolidine) (Pyrrolidine analog of phencyclidine).
33. Psilocybin.
34. Psilocyn.
35. Salvia divinorum, except for any drug product approved by the United States Food and Drug Administration which contains Salvia divinorum or its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, if the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation.
36. Salvinorin A, except for any drug product approved by the United States Food and Drug Administration which contains Salvinorin A or its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, if the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation.
37. Xylazine.
38. TCP (1-[1-(2-Thienyl)-cyclohexyl]-piperidine) (Thiophene analog of phencyclidine).
39. 3,4,5-Trimethoxyamphetamine.
40. Methylone (3,4-Methylenedioxy-methcathinone).
41. MDPV (3,4-Methylenedioxypropylvalerone).
42. Methylmethcathinone.
43. Methoxymethcathinone.
44. Fluoromethcathinone.
45. Methylethcathinone.
46. CP 47,497 (2-(3-Hydroxycyclohexyl)-5-(2-methyloctan-2-yl)phenol) and its dimethyloctyl (C8) homologue.
47. HU-210 [(6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol].
48. JWH-018 (1-Pentyl-3-(1-naphthoyl)indole).
49. JWH-073 (1-Butyl-3-(1-naphthoyl)indole).
50. JWH-200 (1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl)indole).
51. BZP (Benzylpiperazine).
52. Fluorophenylpiperazine.
53. Methylphenylpiperazine.
54. Chlorophenylpiperazine.
55. Methoxyphenylpiperazine.
56. DBZP (1,4-Dibenzylpiperazine).
57. TFMPP (Trifluoromethylphenylpiperazine).
58. MBDB (Methylbenzodioxolylbutanamine) or (3,4-Methylenedioxy-N-methylbutanamine).
59. 5-Hydroxy-AMT (5-Hydroxy-alpha-methyltryptamine).
60. 5-Hydroxy-N-methyltryptamine.
61. 5-MeO-MIPT (5-Methoxy-N-methyl-N-isopropyltryptamine).
62. 5-MeO-AMT (5-Methoxy-alpha-methyltryptamine).
63. Methyltryptamine.
64. 5-MeO-DMT (5-Methoxy-N,N-dimethyltryptamine).
65. 5-Me-DMT (5-Methyl-N,N-dimethyltryptamine).
66. Tyramine (4-Hydroxyphenethylamine).
67. 5-MeO-DiPT (5-Methoxy-N,N-Diisopropyltryptamine).
68. DiPT (N,N-Diisopropyltryptamine).
69. DPT (N,N-Dipropyltryptamine).
70. 4-Hydroxy-DiPT (4-Hydroxy-N,N-diisopropyltryptamine).
71. 5-MeO-DALT (5-Methoxy-N,N-Diallyltryptamine).
72. DOI (4-Iodo-2,5-dimethoxyamphetamine).
73. DOC (4-Chloro-2,5-dimethoxyamphetamine).
74. 2C-E (4-Ethyl-2,5-dimethoxyphenethylamine).
75. 2C-T-4 (4-Isopropylthio-2,5-dimethoxyphenethylamine).
76. 2C-C (4-Chloro-2,5-dimethoxyphenethylamine).
77. 2C-T (4-Methylthio-2,5-dimethoxyphenethylamine).
78. 2C-T-2 (4-Ethylthio-2,5-dimethoxyphenethylamine).
79. 2C-T-7 (4-(n)-Propylthio-2,5-dimethoxyphenethylamine).
80. 2C-I (4-Iodo-2,5-dimethoxyphenethylamine).
81. Butylone (3,4-Methylenedioxy-alpha-methylaminobutyrophenone).
82. Ethcathinone.
83. Ethylone (3,4-Methylenedioxy-N-ethylcathinone).
84. Naphyrone (Naphthylpyrovalerone).
85. Dimethylone (3,4-Methylenedioxy-N,N-dimethylcathinone).
86. 3,4-Methylenedioxy-N,N-diethylcathinone.
87. 3,4-Methylenedioxy-propiofenone.
88. 3,4-Methylenedioxy-alpha-bromopropiofenone.
89. 3,4-Methylenedioxy-propiofenone-2-oxime.
90. 3,4-Methylenedioxy-N-acetylcathinone.
91. 3,4-Methylenedioxy-N-acetylmethcathinone.
92. 3,4-Methylenedioxy-N-acetylethcathinone.

93. Bromomethcathinone.
94. Buphedrone (alpha-Methylamino-butyrophenone).
95. Eutylone (3,4-Methylenedioxy-alpha-ethylaminobutyrophenone).
96. Dimethylcathinone.
97. Dimethylmethcathinone.
98. Pentylone (3,4-Methylenedioxy-alpha-methylaminovalerophenone).
99. MDPBP (3,4-Methylenedioxy-alpha-pyrrolidinopropiophenone).
100. MDPBP (3,4-Methylenedioxy-alpha-pyrrolidinobutyrophenone).
101. MOPPP (Methoxy-alpha-pyrrolidinopropiophenone).
102. MPHP (Methyl-alpha-pyrrolidinohexanophenone).
103. BTCP (Benzothiophenylcyclohexylpiperidine) or BCP (Benocyclidine).
104. F-MABP (Fluoromethylaminobutyrophenone).
105. MeO-PBP (Methoxypyrrolidinobutyrophenone).
106. Et-PBP (Ethylpyrrolidinobutyrophenone).
107. 3-Me-4-MeO-MCAT (3-Methyl-4-Methoxymethcathinone).
108. Me-EABP (Methylethylaminobutyrophenone).
109. Etizolam.
110. PPP (Pyrrolidinopropiophenone).
111. PBP (Pyrrolidinobutyrophenone).
112. PVP (Pyrrolidinovalerophenone) or (Pyrrolidinopentiofenone).
113. MPPP (Methyl-alpha-pyrrolidinopropiophenone).
114. JWH-007 (1-Pentyl-2-methyl-3-(1-naphthoyl)indole).
115. JWH-015 (1-Propyl-2-methyl-3-(1-naphthoyl)indole).
116. JWH-019 (1-Hexyl-3-(1-naphthoyl)indole).
117. JWH-020 (1-Heptyl-3-(1-naphthoyl)indole).
118. JWH-072 (1-Propyl-3-(1-naphthoyl)indole).
119. JWH-081 (1-Pentyl-3-(4-methoxy-1-naphthoyl)indole).
120. JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole).
121. JWH-133 ((6aR,10aR)-6,6,9-Trimethyl-3-(2-methylpentan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromene).
122. JWH-175 (1-Pentyl-3-(1-naphthylmethyl)indole).
123. JWH-201 (1-Pentyl-3-(4-methoxyphenylacetyl)indole).
124. JWH-203 (1-Pentyl-3-(2-chlorophenylacetyl)indole).
125. JWH-210 (1-Pentyl-3-(4-ethyl-1-naphthoyl)indole).
126. JWH-250 (1-Pentyl-3-(2-methoxyphenylacetyl)indole).
127. JWH-251 (1-Pentyl-3-(2-methylphenylacetyl)indole).
128. JWH-302 (1-Pentyl-3-(3-methoxyphenylacetyl)indole).
129. JWH-398 (1-Pentyl-3-(4-chloro-1-naphthoyl)indole).
130. HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol).
131. HU-308 ((1R,2R,5R)-2-[2,6-Dimethoxy-4-(2-methyloctan-2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl) methanol).
132. HU-331 (3-Hydroxy-2-[(1R,6R)-3-methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-2,5-cyclohexadiene-1,4-dione).
133. CB-13 (4-Pentyloxy-1-(1-naphthoyl)naphthalene).
134. CB-25 (N-Cyclopropyl-11-(3-hydroxy-5-pentylphenoxy)-undecanamide).
135. CB-52 (N-Cyclopropyl-11-(2-hexyl-5-hydroxyphenoxy)-undecanamide).
136. CP 55,940 (2-[3-Hydroxy-6-propanol-cyclohexyl]-5-(2-methyloctan-2-yl)phenol).
137. AM-694 (1-(5-Fluoropentyl)-3-(2-iodobenzoyl)indole).
138. AM-2201 (1-(5-Fluoropentyl)-3-(1-naphthoyl)indole).
139. RCS-4 (1-Pentyl-3-(4-methoxybenzoyl)indole).
140. RCS-8 (1-(2-Cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole).
141. WIN55,212-2 ((R)-(+)-[2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone).
142. WIN55,212-3 ((3S)-2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone).
143. Pentedrone (alpha-Methylaminovalerophenone).
144. Fluoroamphetamine.
145. Fluoromethamphetamine.
146. Methoxetamine.
147. Methiopropamine.
148. Methylbuphedrone (Methyl-alpha-methylaminobutyrophenone).
149. APB ((2-Aminopropyl)benzofuran).
150. APDB ((2-Aminopropyl)-2,3-dihydrobenzofuran).
151. UR-144 (1-Pentyl-3-(2,2,3,3-tetramethylcyclopropanoyl)indole).
152. XLR11 (1-(5-Fluoropentyl)-3-(2,2,3,3-tetramethylcyclopropanoyl)indole).
153. Chloro UR-144 (1-(Chloropentyl)-3-(2,2,3,3-tetramethylcyclopropanoyl)indole).
154. AKB48 (N-Adamant-1-yl 1-pentylindazole-3-carboxamide).
155. AM-2233(1-[(N-Methyl-2-piperidinyl)methyl]-3-(2-iodobenzoyl)indole).
156. STS-135 (N-Adamant-1-yl 1-(5-fluoropentyl)indole-3-carboxamide).
157. URB-597 ((3'-(Aminocarbonyl)[1,1'-biphenyl]-3-yl)-cyclohexylcarbamate).
158. URB-602 ([1,1'-Biphenyl]-3-yl-carbamic acid, cyclohexyl ester).
159. URB-754 (6-Methyl-2-[(4-methylphenyl)amino]-1-benzoxazin-4-one).
160. 2C-D (4-Methyl-2,5-dimethoxyphenethylamine).

161. 2C-H (2,5-Dimethoxyphenethylamine).
162. 2C-N (4-Nitro-2,5-dimethoxyphenethylamine).
163. 2C-P (4-(n)-Propyl-2,5-dimethoxyphenethylamine).
164. 25I-NBOMe (4-Iodo-2,5-dimethoxy-[N-(2-methoxybenzyl)]phenethylamine).
165. MDMA (3,4-Methylenedioxyamphetamine).
166. PB-22 (8-Quinoliny 1-pentylindole-3-carboxylate).
167. Fluoro PB-22 (8-Quinoliny 1-(fluoropentyl)indole-3-carboxylate).
168. BB-22 (8-Quinoliny 1-(cyclohexylmethyl)indole-3-carboxylate).
169. Fluoro AKB48 (N-Adamant-1-yl 1-(fluoropentyl)indazole-3-carboxamide).
170. AB-PINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide).
171. AB-FUBINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)indazole-3-carboxamide).
172. ADB-PINACA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide).
173. Fluoro ADBICA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(fluoropentyl)indole-3-carboxamide).
174. 25B-NBOMe (4-Bromo-2,5-dimethoxy-[N-(2-methoxybenzyl)]phenethylamine).
175. 25C-NBOMe (4-Chloro-2,5-dimethoxy-[N-(2-methoxybenzyl)]phenethylamine).
176. AB-CHMINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide).
177. FUB-PB-22 (8-Quinoliny 1-(4-fluorobenzyl)indole-3-carboxylate).
178. Fluoro-NNEI (N-Naphthalen-1-yl 1-(fluoropentyl)indole-3-carboxamide).
179. Fluoro-AMB (N-(1-Methoxy-3-methyl-1-oxobutan-2-yl)-1-(fluoropentyl)indazole-3-carboxamide).
180. THJ-2201 (1-(5-Fluoropentyl)-3-(1-naphthoyl)indazole).
181. AM-855 ((4aR,12bR)-8-Hexyl-2,5,5-trimethyl-1,4,4a,8,9,10,11,12b-octahydronaphtho[3,2-c]isochromen-12-ol).
182. AM-905 ((6aR,9R,10aR)-3-[(E)-Hept-1-enyl]-9-(hydroxymethyl)-6,6-dimethyl-6a,7,8,9,10,10a-hexahydrobenzo[c]chromen-1-ol).
183. AM-906 ((6aR,9R,10aR)-3-[(Z)-Hept-1-enyl]-9-(hydroxymethyl)-6,6-dimethyl-6a,7,8,9,10,10a-hexahydrobenzo[c]chromen-1-ol).
184. AM-2389 ((6aR,9R,10aR)-3-(1-Hexyl-cyclobut-1-yl)-6a,7,8,9,10,10a-hexahydro-6,6-dimethyl-6H-dibenzo[b,d]pyran-1,9 diol).
185. HU-243 ((6aR,8S,9S,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-8,9-ditritio-7,8,10,10a-tetrahydro-6aH-benzo[c]chromen-1-ol).
186. HU-336 ((6aR,10aR)-6,6,9-Trimethyl-3-pentyl-6a,7,10,10a-tetrahydro-1H-benzo[c]chromene-1,4(6H)-dione).
187. MAPB ((2-Methylaminopropyl)benzofuran).
188. 5-IT (2-(1H-Indol-5-yl)-1-methyl-ethylamine).
189. 6-IT (2-(1H-Indol-6-yl)-1-methyl-ethylamine).
190. Synthetic Cannabinoids.—Unless specifically excepted or unless listed in another schedule or contained within a pharmaceutical product approved by the United States Food and Drug Administration, any material, compound, mixture, or preparation that contains any quantity of a synthetic cannabinoid found to be in any of the following chemical class descriptions, or homologues, nitrogen-heterocyclic analogs, isomers (including optical, positional, or geometric), esters, ethers, salts, and salts of homologues, nitrogen-heterocyclic analogs, isomers, esters, or ethers, whenever the existence of such homologues, nitrogen-heterocyclic analogs, isomers, esters, ethers, salts, and salts of isomers, esters, or ethers is possible within the specific chemical class or designation. Since nomenclature of these synthetically produced cannabinoids is not internationally standardized and may continually evolve, these structures or the compounds of these structures shall be included under this subparagraph, regardless of their specific numerical designation of atomic positions covered, if it can be determined through a recognized method of scientific testing or analysis that the substance contains properties that fit within one or more of the following categories:
 - a. Tetrahydrocannabinols.—Any tetrahydrocannabinols naturally contained in a plant of the genus *Cannabis*, the synthetic equivalents of the substances contained in the plant or in the resinous extracts of the genus *Cannabis*, or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity, including, but not limited to, Delta 9 tetrahydrocannabinols and their optical isomers, Delta 8 tetrahydrocannabinols and their optical isomers, Delta 6a,10a tetrahydrocannabinols and their optical isomers, or any compound containing a tetrahydrobenzo[c]chromene structure with substitution at either or both the 3-position or 9-position, with or without substitution at the 1-position with hydroxyl or alkoxy groups, including, but not limited to:
 - (I) Tetrahydrocannabinol.
 - (II) HU-210 ((6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol).
 - (III) HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol).
 - (IV) JWH-051 ((6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromene).
 - (V) JWH-133 ((6aR,10aR)-6,6,9-Trimethyl-3-(2-methylpentan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromene).
 - (VI) JWH-057 ((6aR,10aR)-6,6,9-Trimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromene).
 - (VII) JWH-359 ((6aR,10aR)-1-Methoxy-6,6,9-trimethyl-3-(2,3-dimethylpentan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromene).
 - (VIII) AM-087 ((6aR,10aR)-3-(2-Methyl-6-bromohex-2-yl)-6,6,9-trimethyl-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol).
 - (IX) AM-411 ((6aR,10aR)-3-(1-Adamantyl)-6,6,9-trimethyl-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol).
 - (X) Parahexyl.
 - b. Naphthoylindoles, Naphthoylindazoles, Naphthoylcarbazoles, Naphthylmethylindoles, Naphthylmethylindazoles, and Naphthylmethylcarbazoles.—Any compound containing a naphthoylindole, naphthoylindazole, naphthoylcarbazole, naphthylmethylindole, naphthylmethylindazole, or naphthylmethylcarbazole structure, with or without substitution on the indole, indazole, or carbazole ring to any extent, hether or not substituted on the naphthyl ring to any extent, including, but not limited to:
 - (I) JWH-007 (1-Pentyl-2-methyl-3-(1-naphthoyl)indole).
 - (II) JWH-011 (1-(1-Methylhexyl)-2-methyl-3-(1-naphthoyl)indole).
 - (III) JWH-015 (1-Propyl-2-methyl-3-(1-naphthoyl)indole).
 - (IV) JWH-016 (1-Butyl-2-methyl-3-(1-naphthoyl)indole).
 - (V) JWH-018 (1-Pentyl-3-(1-naphthoyl)indole).

- (VI) JWH-019 (1-Hexyl-3-(1-naphthoyl)indole).
- (VII) JWH-020 (1-Heptyl-3-(1-naphthoyl)indole).
- (VIII) JWH-022 (1-(4-Pentenyl)-3-(1-naphthoyl)indole).
- (IX) JWH-071 (1-Ethyl-3-(1-naphthoyl)indole).
- (X) JWH-072 (1-Propyl-3-(1-naphthoyl)indole).
- (XI) JWH-073 (1-Butyl-3-(1-naphthoyl)indole).
- (XII) JWH-080 (1-Butyl-3-(4-methoxy-1-naphthoyl)indole).
- (XIII) JWH-081 (1-Pentyl-3-(4-methoxy-1-naphthoyl)indole).
- (XIV) JWH-098 (1-Pentyl-2-methyl-3-(4-methoxy-1-naphthoyl)indole).
- (XV) JWH-116 (1-Pentyl-2-ethyl-3-(1-naphthoyl)indole).
- (XVI) JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole).
- (XVII) JWH-149 (1-Pentyl-2-methyl-3-(4-methyl-1-naphthoyl)indole).
- (XVIII) JWH-164 (1-Pentyl-3-(7-methoxy-1-naphthoyl)indole).
- (XIX) JWH-175 (1-Pentyl-3-(1-naphthylmethyl)indole).
- (XX) JWH-180 (1-Propyl-3-(4-propyl-1-naphthoyl)indole).
- (XXI) JWH-182 (1-Pentyl-3-(4-propyl-1-naphthoyl)indole).
- (XXII) JWH-184 (1-Pentyl-3-[(4-methyl-1-naphthylmethyl)indole]).
- (XXIII) JWH-193 (1-[2-(4-Morpholinyl)ethyl]-3-(4-methyl-1-naphthoyl)indole).
- (XXIV) JWH-198 (1-[2-(4-Morpholinyl)ethyl]-3-(4-methoxy-1-naphthoyl)indole).
- (XXV) JWH-200 (1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl)indole).
- (XXVI) JWH-210 (1-Pentyl-3-(4-ethyl-1-naphthoyl)indole).
- (XXVII) JWH-387 (1-Pentyl-3-(4-bromo-1-naphthoyl)indole).
- (XXVIII) JWH-398 (1-Pentyl-3-(4-chloro-1-naphthoyl)indole).
- (XXIX) JWH-412 (1-Pentyl-3-(4-fluoro-1-naphthoyl)indole).
- (XXX) JWH-424 (1-Pentyl-3-(8-bromo-1-naphthoyl)indole).
- (XXXI) AM-1220 (1-[(1-Methyl-2-piperidinyl)methyl]-3-(1-naphthoyl)indole).
- (XXXII) AM-1235 (1-(5-Fluoropentyl)-6-nitro-3-(1-naphthoyl)indole).
- (XXXIII) AM-2201 (1-(5-Fluoropentyl)-3-(1-naphthoyl)indole).
- (XXXIV) Chloro JWH-018 (1-(Chloropentyl)-3-(1-naphthoyl)indole).
- (XXXV) Bromo JWH-018 (1-(Bromopentyl)-3-(1-naphthoyl)indole).
- (XXXVI) AM-2232 (1-(4-Cyanobutyl)-3-(1-naphthoyl)indole).
- (XXXVII) THJ-2201 (1-(5-Fluoropentyl)-3-(1-naphthoyl)indazole).
- (XXXVIII) MAM-2201 (1-(5-Fluoropentyl)-3-(4-methyl-1-naphthoyl)indole).
- (XXXIX) EAM-2201 (1-(5-Fluoropentyl)-3-(4-ethyl-1-naphthoyl)indole).
- (XL) EG-018 (9-Pentyl-3-(1-naphthoyl)carbazole).
- (XLI) EG-2201 (9-(5-Fluoropentyl)-3-(1-naphthoyl)carbazole).

c. Naphthoylpyrroles.—Any compound containing a naphthoylpyrrole structure, with or without substitution on the pyrrole ring to any extent, whether or not substituted on the naphthyl ring to any extent, including, but not limited to:

- (I) JWH-030 (1-Pentyl-3-(1-naphthoyl)pyrrole).
- (II) JWH-031 (1-Hexyl-3-(1-naphthoyl)pyrrole).
- (III) JWH-145 (1-Pentyl-5-phenyl-3-(1-naphthoyl)pyrrole).
- (IV) JWH-146 (1-Heptyl-5-phenyl-3-(1-naphthoyl)pyrrole).
- (V) JWH-147 (1-Hexyl-5-phenyl-3-(1-naphthoyl)pyrrole).
- (VI) JWH-307 (1-Pentyl-5-(2-fluorophenyl)-3-(1-naphthoyl)pyrrole).
- (VII) JWH-309 (1-Pentyl-5-(1-naphthalenyl)-3-(1-naphthoyl)pyrrole).
- (VIII) JWH-368 (1-Pentyl-5-(3-fluorophenyl)-3-(1-naphthoyl)pyrrole).
- (IX) JWH-369 (1-Pentyl-5-(2-chlorophenyl)-3-(1-naphthoyl)pyrrole).
- (X) JWH-370 (1-Pentyl-5-(2-methylphenyl)-3-(1-naphthoyl)pyrrole).

d. Naphthylmethylenindenes.—Any compound containing a naphthylmethylenindene structure, with or without substitution at the 3-position of the indene ring to any extent, whether or not substituted on the naphthyl ring to any extent, including, but not limited to, JWH-176 (3-Pentyl-1-(naphthylmethylene)indene).

e. Phenylacetylindoles and Phenylacetylindazoles.—Any compound containing a phenylacetylindole or phenylacetylindazole structure, with or without substitution on the indole or indazole ring to any extent, whether or not substituted on the phenyl ring to any extent, including, but not limited to:

- (I) JWH-167 (1-Pentyl-3-(phenylacetyl)indole).
- (II) JWH-201 (1-Pentyl-3-(4-methoxyphenylacetyl)indole).
- (III) JWH-203 (1-Pentyl-3-(2-chlorophenylacetyl)indole).
- (IV) JWH-250 (1-Pentyl-3-(2-methoxyphenylacetyl)indole).
- (V) JWH-251 (1-Pentyl-3-(2-methylphenylacetyl)indole).
- (VI) JWH-302 (1-Pentyl-3-(3-methoxyphenylacetyl)indole).
- (VII) Cannabipiperidiethanone.
- (VIII) RCS-8 (1-(2-Cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole).

f. Cyclohexylphenols.—Any compound containing a cyclohexylphenol structure, with or without substitution at the 5-position of the phenolic ring to any extent, whether or not substituted on the cyclohexyl ring to any extent, including, but not limited to:

- (I) CP 47,497 (2-(3-Hydroxycyclohexyl)-5-(2-methyloctan-2-yl)phenol).
- (II) Cannabicyclohexanol (CP 47,497 dimethyloctyl (C8) homologue).
- (III) CP-55,940 (2-(3-Hydroxy-6-propanol-cyclohexyl)-5-(2-methyloctan-2-yl)phenol).

g. Benzoylindoles and Benzoylindazoles.—Any compound containing a benzoylindole or benzoylindazole structure, with or without substitution on the indole or indazole ring to any extent, whether or not substituted on the phenyl ring to any extent, including, but not limited to:

- (I) AM-679 (1-Pentyl-3-(2-iodobenzoyl)indole).
- (II) AM-694 (1-(5-Fluoropentyl)-3-(2-iodobenzoyl)indole).

(III) AM-1241 (1-[(N-Methyl-2-piperidiny)methyl]-3-(2-iodo-5-nitrobenzoyl)indole).

(IV) Pravadoline (1-[2-(4-Morpholinyl)ethyl]-2-methyl-3-(4-methoxybenzoyl)indole).

(V) AM-2233 (1-[(N-Methyl-2-piperidiny)methyl]-3-(2-iodobenzoyl)indole).

(VI) RCS-4 (1-Pentyl-3-(4-methoxybenzoyl)indole).

(VII) RCS-4 C4 homologue (1-Butyl-3-(4-methoxybenzoyl)indole).

(VIII) AM-630 (1-[2-(4-Morpholinyl)ethyl]-2-methyl-6-iodo-3-(4-methoxybenzoyl)indole).

h. Tetramethylcyclopropanoylindoles and Tetramethylcyclopropanoylindazoles.—Any compound containing a tetramethylcyclopropanoylindole or tetramethylcyclopropanoylindazole structure, with or without substitution on the indole or indazole ring to any extent, whether or not substituted on the tetramethylcyclopropyl group to any extent, including, but not limited to:

(I) UR-144 (1-Pentyl-3-(2,2,3,3-tetramethylcyclopropanoyl)indole).

(II) XLR11 (1-(5-Fluoropentyl)-3-(2,2,3,3-tetramethylcyclopropanoyl)indole).

(III) Chloro UR-144 (1-(Chloropentyl)-3-(2,2,3,3-tetramethylcyclopropanoyl)indole).

(IV) A-796,260 (1-[2-(4-Morpholinyl)ethyl]-3-(2,2,3,3-tetramethylcyclopropanoyl)indole).

(V) A-834,735 (1-[4-(Tetrahydropyranyl)methyl]-3-(2,2,3,3-tetramethylcyclopropanoyl)indole).

(VI) M-144 (1-(5-Fluoropentyl)-2-methyl-3-(2,2,3,3-tetramethylcyclopropanoyl)indole).

(VII) FUB-144 (1-(4-Fluorobenzyl)-3-(2,2,3,3-tetramethylcyclopropanoyl)indole).

(VIII) FAB-144 (1-(5-Fluoropentyl)-3-(2,2,3,3-tetramethylcyclopropanoyl)indazole).

(IX) XLR12 (1-(4,4,4-Trifluorobutyl)-3-(2,2,3,3-tetramethylcyclopropanoyl)indole).

(X) AB-005 (1-[(1-Methyl-2-piperidiny)methyl]-3-(2,2,3,3-tetramethylcyclopropanoyl)indole).

i. Adamantoylindoles, Adamantoylindazoles, Adamantylindole carboxamides, and Adamantylindazole carboxamides.—Any compound containing an adamantoyl indole, adamantoyl indazole, adamantyl indole carboxamide, or adamantyl indazole carboxamide structure, with or without substitution on the indole or indazole ring to any extent, whether or not substituted on the adamantyl ring to any extent, including, but not limited to:

(I) AKB48 (N-Adamant-1-yl 1-pentylindazole-3-carboxamide).

(II) Fluoro AKB48 (N-Adamant-1-yl 1-(fluoropentyl)indazole-3-carboxamide).

(III) STS-135 (N-Adamant-1-yl 1-(5-fluoropentyl)indole-3-carboxamide).

(IV) AM-1248 (1-(1-Methylpiperidine)methyl-3-(1-adamantoyl)indole).

(V) AB-001 (1-Pentyl-3-(1-adamantoyl)indole).

(VI) APICA (N-Adamant-1-yl 1-pentylindole-3-carboxamide).

(VII) Fluoro AB-001 (1-(Fluoropentyl)-3-(1-adamantoyl)indole).

j. Quinolinyndolecarboxylates, Quinolinyndazolecarboxylates, Quinolinyndolecarboxamides, and Quinolinyndazolecarboxamides.—Any compound containing a quinolinyndole carboxylate, quinolinyndazole carboxylate, isoquinolinyndole carboxylate, isoquinolinyndazole carboxylate, quinolinyndole carboxamide, quinolinyndazole carboxamide, isoquinolinyndole carboxamide, or isoquinolinyndazole carboxamide structure, with or without substitution on the indole or indazole ring to any extent, whether or not substituted on the quinoline or isoquinoline ring to any extent, including, but not limited to:

(I) PB-22 (8-Quinoliny 1-pentylindole-3-carboxylate).

(II) Fluoro PB-22 (8-Quinoliny 1-(fluoropentyl)indole-3-carboxylate).

(III) BB-22 (8-Quinoliny 1-(cyclohexylmethyl)indole-3-carboxylate).

(IV) FUB-PB-22 (8-Quinoliny 1-(4-fluorobenzyl)indole-3-carboxylate).

(V) NPB-22 (8-Quinoliny 1-pentylindazole-3-carboxylate).

(VI) Fluoro NPB-22 (8-Quinoliny 1-(fluoropentyl)indazole-3-carboxylate).

(VII) FUB-NPB-22 (8-Quinoliny 1-(4-fluorobenzyl)indazole-3-carboxylate).

(VIII) THJ (8-Quinoliny 1-pentylindazole-3-carboxamide).

(IX) Fluoro THJ (8-Quinoliny 1-(fluoropentyl)indazole-3-carboxamide).

k. Naphthylindolecarboxylates and Naphthylindazolecarboxylates.—Any compound containing a naphthylindole carboxylate or naphthylindazole carboxylate structure, with or without substitution on the indole or indazole ring to any extent, whether or not substituted on the naphthyl ring to any extent, including, but not limited to:

(I) NM-2201 (1-Naphthalenyl 1-(5-fluoropentyl)indole-3-carboxylate).

(II) SDB-005 (1-Naphthalenyl 1-pentylindazole-3-carboxylate).

(III) Fluoro SDB-005 (1-Naphthalenyl 1-(fluoropentyl)indazole-3-carboxylate).

(IV) FDU-PB-22 (1-Naphthalenyl 1-(4-fluorobenzyl)indole-3-carboxylate).

(V) 3-CAF (2-Naphthalenyl 1-(2-fluorophenyl)indazole-3-carboxylate).

l. Naphthylindole carboxamides and Naphthylindazole carboxamides.—Any compound containing a naphthylindole carboxamide or naphthylindazole carboxamide structure, with or without substitution on the indole or indazole ring to any extent, whether or not substituted on the naphthyl ring to any extent, including, but not limited to:

(I) NNEI (N-Naphthalen-1-yl 1-pentylindole-3-carboxamide).

(II) Fluoro-NNEI (N-Naphthalen-1-yl 1-(fluoropentyl)indole-3-carboxamide).

(III) Chloro-NNEI (N-Naphthalen-1-yl 1-(chloropentyl)indole-3-carboxamide).

(IV) MN-18 (N-Naphthalen-1-yl 1-pentylindazole-3-carboxamide).

(V) Fluoro MN-18 (N-Naphthalen-1-yl 1-(fluoropentyl)indazole-3-carboxamide).

m. Alkylcarbonyl indole carboxamides, Alkylcarbonyl indazole carboxamides, Alkylcarbonyl indole carboxylates, and Alkylcarbonyl indazole carboxylates.—Any compound containing an alkylcarbonyl group, including 1-amino-3-methyl-1-oxobutan-2-yl, 1-methoxy-3-methyl-1-oxobutan-2-yl, 1-amino-1-oxo-3-phenylpropan-2-yl, 1-methoxy-1-oxo-3-phenylpropan-2-yl, with an indole carboxamide, indazole carboxamide, indole carboxylate, or indazole carboxylate, with or without substitution on the indole or indazole ring to any extent, whether or not substituted on the alkylcarbonyl group to any extent, including, but not limited to:

- (I) ADBICA, (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentylindole-3-carboxamide).
- (II) Fluoro ADBICA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(fluoropentyl)indole-3-carboxamide).
- (III) Fluoro ABICA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-(fluoropentyl)indole-3-carboxamide).
- (IV) AB-PINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide).
- (V) Fluoro AB-PINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-(fluoropentyl)indazole-3-carboxamide).
- (VI) ADB-PINACA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide).
- (VII) Fluoro ADB-PINACA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(fluoropentyl)indazole-3-carboxamide).
- (VIII) AB-FUBINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)indazole-3-carboxamide).
- (IX) ADB-FUBINACA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)indazole-3-carboxamide).
- (X) AB-CHMINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide).
- (XI) MA-CHMINACA (N-(1-Methoxy-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide).
- (XII) MAB-CHMINACA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide).
- (XIII) AMB (N-(1-Methoxy-3-methyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide).
- (XIV) Fluoro-AMB (N-(1-Methoxy-3-methyl-1-oxobutan-2-yl)-1-(fluoropentyl)indazole-3-carboxamide).
- (XV) FUB-AMB (N-(1-Methoxy-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)indazole-3-carboxamide).
- (XVI) MDMB-CHMINACA (N-(1-Methoxy-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide).
- (XVII) MDMB-FUBINACA (N-(1-Methoxy-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)indazole-3-carboxamide).
- (XVIII) MDMB-CHMICA (N-(1-Methoxy-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indole-3-carboxamide).
- (XIX) PX-1 (N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1-(5-fluoropentyl)indole-3-carboxamide).
- (XX) PX-2 (N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1-(5-fluoropentyl)indazole-3-carboxamide).
- (XXI) PX-3 (N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide).
- (XXII) PX-4 (N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1-(4-fluorobenzyl)indazole-3-carboxamide).
- (XXIII) MO-CHMINACA (N-(1-Methoxy-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxylate).
- n. Cumylindolecarboxamides and Cumylindazolecarboxamides.—Any compound containing a N-(2-phenylpropan-2-yl) indole carboxamide or N-(2-phenylpropan-2-yl) indazole carboxamide structure, with or without substitution on the indole or indazole ring to any extent, whether or not substituted on the phenyl ring of the cumyl group to any extent, including, but not limited to:
- (I) CUMYL-PICA (N-(2-Phenylpropan-2-yl)-1-pentylindole-3-carboxamide).
- (II) Fluoro CUMYL-PICA (N-(2-Phenylpropan-2-yl)-1-(fluoropentyl)indole-3-carboxamide).
- o. Other Synthetic Cannabinoids.—Any material, compound, mixture, or preparation that contains any quantity of a Synthetic Cannabinoid, as described in sub-subparagraphs a.-n.:
- (I) With or without modification or replacement of a carbonyl, carboxamide, alkylene, alkyl, or carboxylate linkage between either two core rings, or linkage between a core ring and group structure, with or without the addition of a carbon or replacement of a carbon;
- (II) With or without replacement of a core ring or group structure, whether or not substituted on the ring or group structures to any extent; and
- (III) Is a cannabinoid receptor agonist, unless specifically excepted or unless listed in another schedule or contained within a pharmaceutical product approved by the United States Food and Drug Administration.
191. Substituted Cathinones.—Unless specifically excepted, listed in another schedule, or contained within a pharmaceutical product approved by the United States Food and Drug Administration, any material, compound, mixture, or preparation, including its salts, isomers, esters, or ethers, and salts of isomers, esters, or ethers, whenever the existence of such salts is possible within any of the following specific chemical designations:
- a. Any compound containing a 2-amino-1-phenyl-1-propanone structure;
- b. Any compound containing a 2-amino-1-naphthyl-1-propanone structure; or
- c. Any compound containing a 2-amino-1-thiophenyl-1-propanone structure,
- whether or not the compound is further modified:
- (I) With or without substitution on the ring system to any extent with alkyl, alkylthio, thio, fused alkylendioxy, alkoxy, haloalkyl, hydroxyl, nitro, fused furan, fused benzofuran, fused dihydrofuran, fused tetrahydropyran, fused alkyl ring, or halide substituents;
- (II) With or without substitution at the 3-propanone position with an alkyl substituent or removal of the methyl group at the 3-propanone position;
- (III) With or without substitution at the 2-amino nitrogen atom with alkyl, dialkyl, acetyl, or benzyl groups, whether or not further substituted in the ring system; or
- (IV) With or without inclusion of the 2-amino nitrogen atom in a cyclic structure, including, but not limited to:
- (A) Methcathinone.
- (B) Ethcathinone.
- (C) Methylone (3,4-Methylenedioxy-methcathinone).
- (D) 2,3-Methylenedioxy-methcathinone.
- (E) MDPV (3,4-Methylenedioxy-pyrovalerone).
- (F) Methylmethcathinone.
- (G) Methoxymethcathinone.
- (H) Fluoromethcathinone.
- (I) Methylethcathinone.
- (J) Butylone (3,4-Methylenedioxy-alpha-methylamino-butyrophenone).
- (K) Ethylone (3,4-Methylenedioxy-N-ethylcathinone).
- (L) BMDP (3,4-Methylenedioxy-N-benzylcathinone).

- (M) Naphyrone (Naphthylpyrovalerone).
- (N) Bromomethcathinone.
- (O) Buphedrone (alpha-Methylaminobutyrophenone).
- (P) Eutylone (3,4-Methylenedioxy-alpha-ethylaminobutyrophenone).
- (Q) Dimethylcathinone.
- (R) Dimethylmethcathinone.
- (S) Pentylone (3,4-Methylenedioxy-alpha-methylaminovalerophenone).
- (T) Pentedrone (alpha-Methylaminovalerophenone).
- (U) MDPPP (3,4-Methylenedioxy-alpha-pyrrolidinopropiophenone).
- (V) MDPBP (3,4-Methylenedioxy-alpha-pyrrolidinobutyrophenone).
- (W) MPPP (Methyl-alpha-pyrrolidinopropiophenone).
- (X) PPP (Pyrrolidinopropiophenone).
- (Y) PVP (Pyrrolidinovalerophenone) or (Pyrrolidinopentiophenone).
- (Z) MOPPP (Methoxy-alpha-pyrrolidinopropiophenone).
- (AA) MPHP (Methyl-alpha-pyrrolidinohexanophenone).
- (BB) F-MABP (Fluoromethylaminobutyrophenone).
- (CC) Me-EABP (Methylethylaminobutyrophenone).
- (DD) PBP (Pyrrolidinobutyrophenone).
- (EE) MeO-PBP (Methoxypyrrolidinobutyrophenone).
- (FF) Et-PBP (Ethylpyrrolidinobutyrophenone).
- (GG) 3-Me-4-MeO-MCAT (3-Methyl-4-Methoxymethcathinone).
- (HH) Dimethylone (3,4-Methylenedioxy-N,N-dimethylcathinone).
- (II) 3,4-Methylenedioxy-N,N-diethylcathinone.
- (JJ) 3,4-Methylenedioxy-N-acetylcathinone.
- (KK) 3,4-Methylenedioxy-N-acetylmethcathinone.
- (LL) 3,4-Methylenedioxy-N-acetylcathinone.
- (MM) Methylbuphedrone (Methyl-alpha-methylaminobutyrophenone).
- (NN) Methyl-alpha-methylaminohexanophenone.
- (OO) N-Ethyl-N-methylcathinone.
- (PP) PHP (Pyrrolidinohexanophenone).
- (QQ) PV8 (Pyrrolidinoheptanophenone).
- (RR) Chloromethcathinone.
- (SS) 4-Bromo-2,5-dimethoxy-alpha-aminoacetophenone.

192. Substituted Phenethylamines.—Unless specifically excepted or unless listed in another schedule, or contained within a pharmaceutical product approved by the United States Food and Drug Administration, any material, compound, mixture, or preparation, including its salts, isomers, esters, or ethers, and salts of isomers, esters, or ethers, whenever the existence of such salts is possible within any of the following specific chemical designations, any compound containing a phenethylamine structure, without a beta-keto group, and without a benzyl group attached to the amine group, whether or not the compound is further modified with or without substitution on the phenyl ring to any extent with alkyl, alkylthio, nitro, alkoxy, thio, halide, fused alkylendioxy, fused furan, fused benzofuran, fused dihydrofuran, or fused

tetrahydropyran substituents, whether or not further substituted on a ring to any extent, with or without substitution at the alpha or beta position by any alkyl substituent, with or without substitution at the nitrogen atom, and with or without inclusion of the 2-amino nitrogen atom in a cyclic structure, including, but not limited to:

- a. 2C-B (4-Bromo-2,5-dimethoxyphenethylamine).
- b. 2C-E (4-Ethyl-2,5-dimethoxyphenethylamine).
- c. 2C-T-4 (4-Isopropylthio-2,5-dimethoxyphenethylamine).
- d. 2C-C (4-Chloro-2,5-dimethoxyphenethylamine).
- e. 2C-T (4-Methylthio-2,5-dimethoxyphenethylamine).
- f. 2C-T-2 (4-Ethylthio-2,5-dimethoxyphenethylamine).
- g. 2C-T-7 (4-(n)-Propylthio-2,5-dimethoxyphenethylamine).
- h. 2C-I (4-Iodo-2,5-dimethoxyphenethylamine).
- i. 2C-D (4-Methyl-2,5-dimethoxyphenethylamine).
- j. 2C-H (2,5-Dimethoxyphenethylamine).
- k. 2C-N (4-Nitro-2,5-dimethoxyphenethylamine).
- l. 2C-P (4-(n)-Propyl-2,5-dimethoxyphenethylamine).
- m. MDMA (3,4-Methylenedioxyamphetamines).
- n. MBDB (Methylbenzodioxolylbutanamine) or (3,4-Methylenedioxy-N-methylbutanamine).
- o. MDA (3,4-Methylenedioxyamphetamine).
- p. 2,5-Dimethoxyamphetamine.
- q. Fluoroamphetamine.
- r. Fluoromethamphetamine.
- s. MDEA (3,4-Methylenedioxy-N-ethylamphetamine).
- t. DOB (4-Bromo-2,5-dimethoxyamphetamine).
- u. DOC (4-Chloro-2,5-dimethoxyamphetamine).
- v. DOET (4-Ethyl-2,5-dimethoxyamphetamine).
- w. DOI (4-Iodo-2,5-dimethoxyamphetamine).
- x. DOM (4-Methyl-2,5-dimethoxyamphetamine).
- y. PMA (4-Methoxyamphetamine).
- z. N-Ethylamphetamine.
- aa. 3,4-Methylenedioxy-N-hydroxyamphetamine.
- bb. 5-Methoxy-3,4-methylenedioxyamphetamine.
- cc. PMMA (4-Methoxymethamphetamine).
- dd. N,N-Dimethylamphetamine.
- ee. 3,4,5-Trimethoxyamphetamine.
- ff. 4-APB (4-(2-Aminopropyl)benzofuran).
- gg. 5-APB (5-(2-Aminopropyl)benzofuran).
- hh. 6-APB (6-(2-Aminopropyl)benzofuran).
- ii. 7-APB (7-(2-Aminopropyl)benzofuran).
- jj. 4-APDB (4-(2-Aminopropyl)-2,3-dihydrobenzofuran).
- kk. 5-APDB (5-(2-Aminopropyl)-2,3-dihydrobenzofuran).

- ll. 6-APDB (6-(2-Aminopropyl)-2,3-dihydrobenzofuran).
- mm. 7-APDB (7-(2-Aminopropyl)-2,3-dihydrobenzofuran).
- nn. 4-MAPB (4-(2-Methylaminopropyl)benzofuran).
- oo. 5-MAPB (5-(2-Methylaminopropyl)benzofuran).
- pp. 6-MAPB (6-(2-Methylaminopropyl)benzofuran).
- qq. 7-MAPB (7-(2-Methylaminopropyl)benzofuran).
- rr. 5-EAPB (5-(2-Ethylaminopropyl)benzofuran).
- ss. 5-MAPDB (5-(2-Methylaminopropyl)-2,3-dihydrobenzofuran),

which does not include phenethylamine, mescaline as described in subparagraph 20., substituted cathinones as described in subparagraph 191., N-Benzyl phenethylamine compounds as described in subparagraph 193., or methamphetamine as described in subparagraph (2)(c)5. ~~(2)(e)4.~~

193. N-Benzyl Phenethylamine Compounds.—Unless specifically excepted or unless listed in another schedule, or contained within a pharmaceutical product approved by the United States Food and Drug Administration, any material, compound, mixture, or preparation, including its salts, isomers, esters, or ethers, and salts of isomers, esters, or ethers, whenever the existence of such salts is possible within any of the following specific chemical designations, any compound containing a phenethylamine structure without a beta-keto group, with substitution on the nitrogen atom of the amino group with a benzyl substituent, with or without substitution on the phenyl or benzyl ring to any extent with alkyl, alkoxy, thio, alkylthio, halide, fused alkylenedioxy, fused furan, fused benzofuran, or fused tetrahydropyran substituents, whether or not further substituted on a ring to any extent, with or without substitution at the alpha position by any alkyl substituent, including, but not limited to:

- a. 25B-NBOMe (4-Bromo-2,5-dimethoxy-[N-(2-methoxybenzyl)]phenethylamine).
- b. 25B-NBOH (4-Bromo-2,5-dimethoxy-[N-(2-hydroxybenzyl)]phenethylamine).
- c. 25B-NBF (4-Bromo-2,5-dimethoxy-[N-(2-fluorobenzyl)]phenethylamine).
- d. 25B-NBMD (4-Bromo-2,5-dimethoxy-[N-(2,3-methylenedioxybenzyl)]phenethylamine).
- e. 25I-NBOMe (4-Iodo-2,5-dimethoxy-[N-(2-methoxybenzyl)]phenethylamine).
- f. 25I-NBOH (4-Iodo-2,5-dimethoxy-[N-(2-hydroxybenzyl)]phenethylamine).
- g. 25I-NBF (4-Iodo-2,5-dimethoxy-[N-(2-fluorobenzyl)]phenethylamine).
- h. 25I-NBMD (4-Iodo-2,5-dimethoxy-[N-(2,3-methylenedioxybenzyl)]phenethylamine).
- i. 25T2-NBOMe (4-Methylthio-2,5-dimethoxy-[N-(2-methoxybenzyl)]phenethylamine).
- j. 25T4-NBOMe (4-Isopropylthio-2,5-dimethoxy-[N-(2-methoxybenzyl)]phenethylamine).
- k. 25T7-NBOMe (4-(n)-Propylthio-2,5-dimethoxy-[N-(2-methoxybenzyl)]phenethylamine).
- l. 25C-NBOMe (4-Chloro-2,5-dimethoxy-[N-(2-methoxybenzyl)]phenethylamine).
- m. 25C-NBOH (4-Chloro-2,5-dimethoxy-[N-(2-hydroxybenzyl)]phenethylamine).
- n. 25C-NBF (4-Chloro-2,5-dimethoxy-[N-(2-fluorobenzyl)]phenethylamine).

- o. 25C-NBMD (4-Chloro-2,5-dimethoxy-[N-(2,3-methylenedioxybenzyl)]phenethylamine).
- p. 25H-NBOMe (2,5-Dimethoxy-[N-(2-methoxybenzyl)]phenethylamine).
- q. 25H-NBOH (2,5-Dimethoxy-[N-(2-hydroxybenzyl)]phenethylamine).
- r. 25H-NBF (2,5-Dimethoxy-[N-(2-fluorobenzyl)]phenethylamine).
- s. 25D-NBOMe (4-Methyl-2,5-dimethoxy-[N-(2-methoxybenzyl)]phenethylamine),

which does not include substituted cathinones as described in subparagraph 191.

194. Substituted Tryptamines.—Unless specifically excepted or unless listed in another schedule, or contained within a pharmaceutical product approved by the United States Food and Drug Administration, any material, compound, mixture, or preparation containing a 2-(1H-indol-3-yl)ethanamine, for example tryptamine, structure with or without mono- or di-substitution of the amine nitrogen with alkyl or alkenyl groups, or by inclusion of the amino nitrogen atom in a cyclic structure, whether or not substituted at the alpha position with an alkyl group, whether or not substituted on the indole ring to any extent with any alkyl, alkoxy, halo, hydroxyl, or acetoxy groups, including, but not limited to:

- a. Alpha-Ethyltryptamine.
- b. Bufotenine.
- c. DET (Diethyltryptamine).
- d. DMT (Dimethyltryptamine).
- e. MET (N-Methyl-N-ethyltryptamine).
- f. DALT (N,N-Diallyltryptamine).
- g. EiPT (N-Ethyl-N-isopropyltryptamine).
- h. MiPT (N-Methyl-N-isopropyltryptamine).
- i. 5-Hydroxy-AMT (5-Hydroxy-alpha-methyltryptamine).
- j. 5-Hydroxy-N-methyltryptamine.
- k. 5-MeO-MiPT (5-Methoxy-N-methyl-N-isopropyltryptamine).
- l. 5-MeO-AMT (5-Methoxy-alpha-methyltryptamine).
- m. Methyltryptamine.
- n. 5-MeO-DMT (5-Methoxy-N,N-dimethyltryptamine).
- o. 5-Me-DMT (5-Methyl-N,N-dimethyltryptamine).
- p. 5-MeO-DiPT (5-Methoxy-N,N-Diisopropyltryptamine).
- q. DiPT (N,N-Diisopropyltryptamine).
- r. DPT (N,N-Dipropyltryptamine).
- s. 4-Hydroxy-DiPT (4-Hydroxy-N,N-diisopropyltryptamine).
- t. 5-MeO-DALT (5-Methoxy-N,N-Diallyltryptamine).
- u. 4-AcO-DMT (4-Acetoxy-N,N-dimethyltryptamine).
- v. 4-AcO-DiPT (4-Acetoxy-N,N-diisopropyltryptamine).
- w. 4-Hydroxy-DET (4-Hydroxy-N,N-diethyltryptamine).
- x. 4-Hydroxy-MET (4-Hydroxy-N-methyl-N-ethyltryptamine).
- y. 4-Hydroxy-MiPT (4-Hydroxy-N-methyl-N-isopropyltryptamine).
- z. Methyl-alpha-ethyltryptamine.

aa. Bromo-DALT (Bromo-N,N-diallyltryptamine),

which does not include tryptamine, psilocyn as described in subparagraph 34., or psilocybin as described in subparagraph 33.

195. Substituted Phenylcyclohexylamines.—Unless specifically excepted or unless listed in another schedule, or contained within a pharmaceutical product approved by the United States Food and Drug Administration, any material, compound, mixture, or preparation containing a phenylcyclohexylamine structure, with or without any substitution on the phenyl ring, any substitution on the cyclohexyl ring, any replacement of the phenyl ring with a thiophenyl or benzothio-phenyl ring, with or without substitution on the amine with alkyl, dialkyl, or alkoxy substituents, inclusion of the nitrogen in a cyclic structure, or any combination of the above, including, but not limited to:

a. BTCP (Benzothiophenylcyclohexylpiperidine) or BCP (Benocyclidine).

b. PCE (N-Ethyl-1-phenylcyclohexylamine)(Ethylamine analog of phencyclidine).

c. PCPY (N-(1-Phenylcyclohexyl)-pyrrolidine)(Pyrrolidine analog of phencyclidine).

d. PCPr (Phenylcyclohexylpropylamine).

e. TCP (1-[1-(2-Thienyl)-cyclohexyl]-piperidine)(Thiophene analog of phencyclidine).

f. PCEEA (Phenylcyclohexyl(ethoxyethylamine)).

g. PCMPA (Phenylcyclohexyl(methoxypropylamine)).

h. Methoxetamine.

i. 3-Methoxy-PCE ((3-Methoxyphenyl)cyclohexylethylamine).

j. Bromo-PCP ((Bromophenyl)cyclohexylpiperidine).

k. Chloro-PCP ((Chlorophenyl)cyclohexylpiperidine).

l. Fluoro-PCP ((Fluorophenyl)cyclohexylpiperidine).

m. Hydroxy-PCP ((Hydroxyphenyl)cyclohexylpiperidine).

n. Methoxy-PCP ((Methoxyphenyl)cyclohexylpiperidine).

o. Methyl-PCP ((Methylphenyl)cyclohexylpiperidine).

p. Nitro-PCP ((Nitrophenyl)cyclohexylpiperidine).

q. Oxo-PCP ((Oxophenyl)cyclohexylpiperidine).

r. Amino-PCP ((Aminophenyl)cyclohexylpiperidine).

196. W-15, 4-chloro-N-[1-(2-phenylethyl)-2-piperidinylidene]-benzenesulfonamide.

197. W-18, 4-chloro-N-[1-[2-(4-nitrophenyl)ethyl]-2-piperidinylidene]-benzenesulfonamide.

198. AH-7921, 3,4-dichloro-N-[[1-(dimethylamino)cyclohexyl]methyl]-benzamide.

199. U47700, trans-3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methyl-benzamide.

200. MT-45, 1-cyclohexyl-4-(1,2-diphenylethyl)-piperazine, dihydrochloride.

(2) SCHEDULE II.—A substance in Schedule II has a high potential for abuse and has a currently accepted but severely restricted medical use in treatment in the United States, and abuse of the substance may lead to severe psychological or physical dependence. The following substances are controlled in Schedule II:

(a) Unless specifically excepted or unless listed in another schedule, any of the following substances, whether produced directly or indirectly

by extraction from substances of vegetable origin or independently by means of chemical synthesis:

1. Opium and any salt, compound, derivative, or preparation of opium, except nalmefene or isoquinoline alkaloids of opium, including, but not limited to the following:

a. Raw opium.

b. Opium extracts.

c. Opium fluid extracts.

d. Powdered opium.

e. Granulated opium.

f. Tincture of opium.

g. Codeine.

h. *Dihydroetorphine*.

~~i.k.~~ Ethylmorphine.

~~j.i.~~ Etorphine hydrochloride.

~~k.j.~~ Hydrocodone and hydrocodone combination products.

~~l.k.~~ Hydromorphone.

~~m.l.~~ Levo-alpha-acetylmethadol (also known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM).

~~n.m.~~ Metopon (methyldihydromorphinone).

~~o.n.~~ Morphine.

~~p.~~ Oripavine.

~~q.o.~~ Oxycodone.

~~r.p.~~ Oxymorphone.

~~s.q.~~ Thebaine.

2. Any salt, compound, derivative, or preparation of a substance which is chemically equivalent to or identical with any of the substances referred to in subparagraph 1., except that these substances shall not include the isoquinoline alkaloids of opium.

3. Any part of the plant of the species *Papaver somniferum*, L.

4. Cocaine or ecgonine, including any of their stereoisomers, and any salt, compound, derivative, or preparation of cocaine or ecgonine, except that these substances shall not include ioflupane I 123.

(b) Unless specifically excepted or unless listed in another schedule, any of the following substances, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation:

1. Alfentanil.

2. Alphaprodine.

3. Anileridine.

4. Bezitramide.

5. Bulk propoxyphene (nondosage forms).

6. Carfentanil.

7. Dihydrocodeine.

8. Diphenoxylate.

9. Fentanyl.

10. Isomethadone.
11. Levomethorphan.
12. Levorphanol.
13. Metazocine.
14. Methadone.
15. Methadone-Intermediate,4-cyano-2-dimethylamino-4,4-diphenylbutane.
16. Moramide-Intermediate,2-methyl-3-morpholino-1,1-diphenylpropane-carboxylic acid.
17. Nabilone.
18. Pethidine (meperidine).
19. Pethidine-Intermediate-A,4-cyano-1-methyl-4-phenylpiperidine.
20. Pethidine-Intermediate-B,ethyl-4-phenylpiperidine-4-carboxylate.
21. Pethidine-Intermediate-C,1-methyl-4-phenylpiperidine-4-carboxylic acid.
22. Phenazocine.
23. Phencyclidine.
24. 1-Phenylcyclohexylamine.
25. Piminodine.
26. 1-Piperidinocyclohexanecarbonitrile.
27. Racemethorphan.
28. Racemorphan.
29. *Remifentanil*.
- ~~30.29.~~ Sufentanil.
31. *Tapentadol*.
32. *Thiafentanil*.

(c) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including their salts, isomers, optical isomers, salts of their isomers, and salts of their optical isomers:

1. Amobarbital.
2. Amphetamine.
3. Glutethimide.
4. *Lisdexamfetamine*.
- ~~5.4.~~ Methamphetamine.
- ~~6.5.~~ Methylphenidate.
- ~~7.6.~~ Pentobarbital.
- ~~8.7.~~ Phenmetrazine.
- ~~9.8.~~ Phenylacetone.
- ~~10.9.~~ Secobarbital.

(d) *Dronabinol (synthetic THC) in oral solution in a drug product approved by the United States Food and Drug Administration.*

(3) SCHEDULE III.—A substance in Schedule III has a potential for abuse less than the substances contained in Schedules I and II and has a currently accepted medical use in treatment in the United States, and

abuse of the substance may lead to moderate or low physical dependence or high psychological dependence or, in the case of anabolic steroids, may lead to physical damage. The following substances are controlled in Schedule III:

(a) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant or stimulant effect on the nervous system:

1. Any substance which contains any quantity of a derivative of barbituric acid, including thiobarbituric acid, or any salt of a derivative of barbituric acid or thiobarbituric acid, including, but not limited to, butabarbital and butalbital.
2. Benzphetamine.
3. *Buprenorphine*.
- ~~4.3.~~ Chlorhexadol.
- ~~5.4.~~ Chlorphentermine.
- ~~6.5.~~ Clortermine.
7. *Embutramide*.
- ~~8.6.~~ Lysergic acid.
- ~~9.7.~~ Lysergic acid amide.
- ~~10.8.~~ Methyprylon.
11. *Perampanel*.
- ~~12.9.~~ Phendimetrazine.
- ~~13.10.~~ Sulfondiethylmethane.
- ~~14.11.~~ Sulfonethylmethane.
- ~~15.12.~~ Sulfonmethane.
- ~~16.13.~~ Tiletamine and zolazepam or any salt thereof.

(b) Nalorphine.

(c) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following controlled substances or any salts thereof:

1. Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium.
2. Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with recognized therapeutic amounts of one or more active ingredients which are not controlled substances.
3. Not more than 300 milligrams of hydrocodone per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium.
4. Not more than 300 milligrams of hydrocodone per 100 milliliters or not more than 15 milligrams per dosage unit, with recognized therapeutic amounts of one or more active ingredients that are not controlled substances.
5. Not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with recognized therapeutic amounts of one or more active ingredients which are not controlled substances.
6. Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

7. Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams, with recognized therapeutic amounts of one or more active ingredients which are not controlled substances.

For purposes of charging a person with a violation of s. 893.135 involving any controlled substance described in subparagraph 3. or subparagraph 4., the controlled substance is a Schedule III controlled substance pursuant to this paragraph but the weight of the controlled substance per milliliters or per dosage unit is not relevant to the charging of a violation of s. 893.135. The weight of the controlled substance shall be determined pursuant to s. 893.135(6).

(d) Anabolic steroids.

1. The term “anabolic steroid” means any drug or hormonal substance, chemically and pharmacologically related to testosterone, other than estrogens, progestins, and corticosteroids, that promotes muscle growth and includes:

- a. Androsterone.
- b. Androsterone acetate.
- c. Boldenone.
- d. Boldenone acetate.
- e. Boldenone benzoate.
- f. Boldenone undecylenate.
- g. Chlorotestosterone (Clostebol).
- h. Dehydrochlormethyltestosterone.
- i. Dihydrotestosterone (Stanolone).
- j. Drostanolone.
- k. Ethylestrenol.
- l. Fluoxymesterone.
- m. Formebolone (Formebolone).
- n. Mesterolone.
- o. Methandrostenolone (Methandienone).
- p. Methandranone.
- q. Methandriol.
- r. Methenolone.
- s. Methyltestosterone.
- t. Mibolerone.
- u. Nortestosterone (Nandrolone).
- v. Norethandrolone.
- w. Nortestosterone decanoate.
- x. Nortestosterone phenylpropionate.
- y. Nortestosterone propionate.
- z. Oxandrolone.
- aa. Oxymesterone.
- bb. Oxymetholone.
- cc. Stanozolol.
- dd. Testolactone.
- ee. Testosterone.

- ff. Testosterone acetate.
- gg. Testosterone benzoate.
- hh. Testosterone cypionate.
- ii. Testosterone decanoate.
- jj. Testosterone enanthate.
- kk. Testosterone isocaproate.
- ll. Testosterone oleate.
- mm. Testosterone phenylpropionate.
- nn. Testosterone propionate.
- oo. Testosterone undecanoate.
- pp. Trenbolone.
- qq. Trenbolone acetate.

rr. Any salt, ester, or isomer of a drug or substance described or listed in this subparagraph if that salt, ester, or isomer promotes muscle growth.

2. The term does not include an anabolic steroid that is expressly intended for administration through implants to cattle or other non-human species and that has been approved by the United States Secretary of Health and Human Services for such administration. However, any person who prescribes, dispenses, or distributes such a steroid for human use is considered to have prescribed, dispensed, or distributed an anabolic steroid within the meaning of this paragraph.

(e) Ketamine, including any isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation.

(f) Dronabinol (synthetic THC) in sesame oil and encapsulated in a soft gelatin capsule in a drug product approved by the United States Food and Drug Administration.

(g) Any drug product containing gamma-hydroxybutyric acid, including its salts, isomers, and salts of isomers, for which an application is approved under s. 505 of the Federal Food, Drug, and Cosmetic Act.

(4)(a) SCHEDULE IV.—A substance in Schedule IV has a low potential for abuse relative to the substances in Schedule III and has a currently accepted medical use in treatment in the United States, and abuse of the substance may lead to limited physical or psychological dependence relative to the substances in Schedule III.

(b) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation, are controlled in Schedule IV:

1. *Alfaxalone*.
2. ~~(a)~~ Alprazolam.
3. ~~(b)~~ Barbital.
4. ~~(c)~~ Bromazepam.
5. ~~(iii)~~ Butorphanol tartrate.
6. ~~(d)~~ Camazepam.
7. ~~(iii)~~ Carisoprodol.
8. ~~(e)~~ Cathine.
9. ~~(f)~~ Chloral betaine.

- 10.~~(g)~~ Chloral hydrate.
- 11.~~(h)~~ Chlordiazepoxide.
- 12.~~(i)~~ Clobazam.
- 13.~~(j)~~ Clonazepam.
- 14.~~(k)~~ Clorazepate.
- 15.~~(l)~~ Clotiazepam.
- 16.~~(m)~~ Cloxazolam.
17. *Dexfenfluramine*.
- 18.~~(n)~~ Delorazepam.
19. *Dichloralphenazone*.
- 20.~~(p)~~ Diazepam.
- 21.~~(q)~~ Diethylpropion.
22. *Eluxadoline*.
- 23.~~(r)~~ Estazolam.
24. *Eszopiclone*.
- 25.~~(s)~~ Ethchlorvynol.
- 26.~~(t)~~ Ethinamate.
- 27.~~(u)~~ Ethyl loflazepate.
- 28.~~(v)~~ Fencamfamin.
- 29.~~(w)~~ Fenfluramine.
- 30.~~(x)~~ Fenproporex.
- 31.~~(y)~~ Fludiazepam.
- 32.~~(z)~~ Flurazepam.
33. *Fospropofol*.
- 34.~~(aa)~~ Halazepam.
- 35.~~(bb)~~ Haloxazolam.
- 36.~~(cc)~~ Ketazolam.
- 37.~~(dd)~~ Loprazolam.
- 38.~~(ee)~~ Lorazepam.
39. *Lorcaserin*.
- 40.~~(ff)~~ Lormetazepam.
- 41.~~(gg)~~ Mazindol.
- 42.~~(hh)~~ Mebutamate.
- 43.~~(ii)~~ Medazepam.
- 44.~~(jj)~~ Mefenorex.
- 45.~~(kk)~~ Meprobamate.
- 46.~~(ll)~~ Methohexital.
- 47.~~(mm)~~ Methylphenobarbital.
- 48.~~(nn)~~ Midazolam.
49. *Modafinil*.
- 50.~~(oo)~~ Nimetazepam.
- 51.~~(pp)~~ Nitrazepam.
- 52.~~(qq)~~ Nordiazepam.
- 53.~~(rr)~~ Oxazepam.
- 54.~~(ss)~~ Oxazolam.
- 55.~~(tt)~~ Paraldehyde.
- 56.~~(uu)~~ Pemoline.
- 57.~~(vv)~~ Pentazocine.
58. *Petrichloral*.
- 59.~~(ww)~~ Phenobarbital.
- 60.~~(xx)~~ Phentermine.
- 61.~~(yy)~~ Pinazepam.
- 62.~~(zz)~~ Pipradrol.
- 63.~~(aaa)~~ Prazepam.
- 64.~~(e)~~ Propoxyphene (dosage forms).
- 65.~~(bbb)~~ Propylhexedrine, excluding any patent or proprietary preparation containing propylhexedrine, unless otherwise provided by federal law.
- 66.~~(eee)~~ Quazepam.
67. *Sibutramine*.
- 68.~~(eee)~~ SPA[(-)-1 dimethylamino-1, 2diphenylethane].
69. *Suvorexant*.
- 70.~~(fff)~~ Temazepam.
- 71.~~(ddd)~~ Tetrazepam.
72. *Tramadol*.
- 73.~~(ggg)~~ Triazolam.
74. *Zaleplon*.
75. *Zolpidem*.
76. *Zopiclone*.
- 77.~~(hhh)~~ Not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.
- (5) SCHEDULE V.—A substance, compound, mixture, or preparation of a substance in Schedule V has a low potential for abuse relative to the substances in Schedule IV and has a currently accepted medical use in treatment in the United States, and abuse of such compound, mixture, or preparation may lead to limited physical or psychological dependence relative to the substances in Schedule IV.
- (a) Substances controlled in Schedule V include any compound, mixture, or preparation containing any of the following limited quantities of controlled substances, which ~~must~~ ~~shall~~ include one or more active medicinal ingredients ~~that which~~ are not controlled substances in sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal qualities other than those possessed by the controlled substance alone:
1. Not more than 200 milligrams of codeine per 100 milliliters or per 100 grams.
 2. Not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams.
 3. Not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams.

4. Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit.

5. Not more than 100 milligrams of opium per 100 milliliters or per 100 grams.

6. *Not more than 0.5 milligrams of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.*

(b) *Unless a specific exception exists or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances is controlled in Schedule V:*

1. *Brivaracetam.*

2. *Ezogabine.*

3. *Lacosamide.*

4. ~~*Pregabalin*~~ ~~*Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs and their salts: Buprenorphine.*~~

(c) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers: Pyrovalerone.

Section 11. Subsection (1) of section 893.04, Florida Statutes, is amended to read:

893.04 Pharmacist and practitioner.—

(1) A pharmacist, in good faith and in the course of professional practice only, may dispense controlled substances upon a written, ~~or~~ oral, or *electronic* prescription of a practitioner, under the following conditions:

(a) Oral prescriptions must be promptly reduced to writing by the pharmacist or recorded electronically if permitted by federal law.

(b) The written prescription must be dated and signed by the prescribing practitioner on the day when issued.

(c) There shall appear on the face of the prescription or written record thereof for the controlled substance the following information:

1. The full name and address of the person for whom, or the owner of the animal for which, the controlled substance is dispensed.

2. The full name and address of the prescribing practitioner and the practitioner's federal controlled substance registry number shall be printed thereon.

3. If the prescription is for an animal, the species of animal for which the controlled substance is prescribed.

4. The name of the controlled substance prescribed and the strength, quantity, and directions for use thereof.

5. The number of the prescription, as recorded in the prescription files of the pharmacy in which it is filled.

6. The initials of the pharmacist filling the prescription and the date filled.

(d) The prescription shall be retained on file by the proprietor of the pharmacy in which it is filled for a period of 2 years.

(e) Affixed to the original container in which a controlled substance is delivered upon a prescription or authorized refill thereof, as hereinafter provided, there shall be a label bearing the following information:

1. The name and address of the pharmacy from which such controlled substance was dispensed.

2. The date on which the prescription for such controlled substance was filled.

3. The number of such prescription, as recorded in the prescription files of the pharmacy in which it is filled.

4. The name of the prescribing practitioner.

5. The name of the patient for whom, or of the owner and species of the animal for which, the controlled substance is prescribed.

6. The directions for the use of the controlled substance prescribed in the prescription.

7. A clear, concise warning that it is a crime to transfer the controlled substance to any person other than the patient for whom prescribed.

(f) A prescription for a controlled substance listed in Schedule II may be dispensed only upon a written or *electronic* prescription of a practitioner, except that in an emergency situation, as defined by regulation of the Department of Health, such controlled substance may be dispensed upon oral prescription but is limited to a 72-hour supply. A prescription for a controlled substance listed in Schedule II may not be refilled.

(g) A prescription for a controlled substance listed in Schedule III, Schedule IV, or Schedule V may not be filled or refilled more than five times within a period of 6 months after the date on which the prescription was written unless the prescription is renewed by a practitioner.

Section 12. Section 893.055, Florida Statutes, is amended to read:

(Substantial rewording of section. See

s. 893.055, F.S., for present text.)

893.055 Prescription drug monitoring program.—

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

(a) *“Active investigation” means an investigation that is being conducted with a reasonable, good faith belief that it could lead to the filing of administrative, civil, or criminal proceedings, or that is ongoing and continuing and for which there is a reasonable, good faith anticipation of securing an arrest or prosecution in the foreseeable future.*

(b) *“Administration” means the obtaining and giving of a single dose of a controlled substance by a legally authorized person to a patient for her or his consumption.*

(c) *“Controlled substance” means a controlled substance listed in Schedule II, Schedule III, Schedule IV, or Schedule V of s. 893.03 or 21 U.S.C. s. 812.*

(d) *“Dispense” means the transfer of possession of one or more doses of a controlled substance by a dispenser to the ultimate consumer or to his or her agent.*

(e) *“Dispenser” means a dispensing health care practitioner, pharmacy, or pharmacist licensed to dispense controlled substances in or into this state.*

(f) *“Health care practitioner” or “practitioner” means any practitioner licensed under chapter 458, chapter 459, chapter 461, chapter 463, chapter 464, chapter 465, or chapter 466.*

(g) *“Health care regulatory board” has the same meaning as in s. 456.001(1).*

(h) *“Law enforcement agency” means the Department of Law Enforcement, a sheriff's office in this state, a police department in this state, or a law enforcement agency of the Federal Government which enforces the laws of this state or the United States relating to controlled substances and whose agents and officers are empowered by law to conduct criminal investigations and make arrests.*

(i) *“Pharmacy” includes a community pharmacy, an institutional pharmacy, a nuclear pharmacy, a special pharmacy, or an Internet pharmacy that is licensed by the department under chapter 465 and that*

dispenses or delivers controlled substances to an individual or address in this state.

(j) "Prescriber" means a prescribing physician, prescribing practitioner, or other prescribing health care practitioner authorized by the laws of this state to order controlled substances.

(k) "Program manager" means an employee of or a person contracted by the department who is designated to ensure the integrity of the prescription drug monitoring program in accordance with the requirements established in this section.

(2)(a) The department shall maintain an electronic system to collect and store controlled substance dispensing information and shall release the information as authorized in this section and s. 893.0551. The electronic system must:

1. Not infringe upon the legitimate prescribing or dispensing of a controlled substance by a prescriber or dispenser acting in good faith and in the course of professional practice.

2. Be consistent with standards of the American Society for Automation in Pharmacy.

3. Comply with the Health Insurance Portability and Accountability Act as it pertains to protected health information, electronic protected health information, and all other relevant state and federal privacy and security laws and regulations.

4. Purge or cause to be purged information in the database that is more than 4 years old.

(b) The department may collaborate with professional health care regulatory boards, appropriate organizations, and other state agencies to identify indicators of controlled substance abuse.

(3)(a) For each controlled substance dispensed to a patient in this state, the following information must be reported by the dispenser to the system as soon thereafter as possible but no later than the close of the next business day after the day the controlled substance is dispensed unless an extension or exemption is approved by the department:

1. The name of the prescribing practitioner, the practitioner's federal Drug Enforcement Administration registration number, the practitioner's National Provider Identification or other appropriate identifier, and the date of the prescription.

2. The date the prescription was filled and the method of payment, such as cash by an individual, insurance coverage through a third party, or Medicaid payment. This paragraph does not authorize the department to include individual credit card numbers or other account numbers in the system.

3. The full name, address, telephone number, and date of birth of the person for whom the prescription was written.

4. The name, national drug code, quantity, and strength of the controlled substance dispensed.

5. The full name, federal Drug Enforcement Administration registration number, State of Florida Department of Health issued pharmacy permit number, and address of the pharmacy or other location from which the controlled substance was dispensed. If the controlled substance was dispensed by a practitioner other than a pharmacist, the practitioner's full name, address, federal Drug Enforcement Administration registration number, State of Florida Department of Health issued license number, and National Provider Identification.

6. Whether the drug was dispensed as an initial prescription or a refill, and the number of refills ordered.

7. The name of the individual picking up the controlled substance prescription and type and issuer of the identification provided.

8. Other appropriate identifying information as determined by department rule.

(b) The following acts of administration or dispensing are exempt from the reporting requirements of this subsection:

1. All acts of administration of a controlled substance.

2. The dispensing of a controlled substance in the health care system of the Department of Corrections.

3. The dispensing of a controlled substance to a person under the age of 16.

(4) The following persons must be provided direct access to information in the system:

(a) A prescriber or dispenser or his or her designee.

(b) An employee of the United States Department of Veterans Affairs, the United States Department of Defense, or the Indian Health Service who provides health care services pursuant to such employment and who has the authority to prescribe controlled substances shall have access to the information in the program's system upon verification of employment.

(c) The program manager or designated program and support staff to administer the system.

1. In order to calculate performance measures pursuant to subsection (14), the program manager or program and support staff members who have been directed by the program manager to calculate performance measures may have direct access to information that contains no identifying information of any patient, physician, health care practitioner, prescriber, or dispenser.

2. The program manager or designated program and support staff must provide the department, upon request, data that does not contain patient, physician, health care practitioner, prescriber, or dispenser identifying information for public health care and safety initiatives purposes.

3. The program manager, upon determining a pattern consistent with the department's rules established under subsection (16), may provide relevant information to the prescriber and dispenser.

4. The program manager, upon determining a pattern consistent with the rules established under subsection (16) and having cause to believe a violation of s. 893.13(7)(a)8., (8)(a), or (8)(b) has occurred, may provide relevant information to the applicable law enforcement agency.

The program manager and designated program and support staff must complete a level II background screening.

(5) The following entities may not directly access information in the system, but may request information from the program manager or designated program and support staff:

(a) The department and its health care regulatory boards, as appropriate, for investigations involving licensees authorized to prescribe or dispense controlled substances.

(b) The Attorney General for Medicaid fraud cases involving prescribed controlled substances.

(c) A law enforcement agency during active investigations of potential criminal activity, fraud, or theft regarding prescribed controlled substances.

(d) A medical examiner when conducting an authorized investigation under s. 406.11, to determine the cause of death of an individual.

(e) An impaired practitioner consultant who is retained by the department under s. 456.076 to review the system information of an impaired practitioner program participant or a referral who has agreed to be evaluated or monitored through the program and who has separately agreed in writing to the consultant's access to and review of such information.

(f) A patient or the legal guardian or designated health care surrogate of an incapacitated patient who submits a written and notarized request that includes the patient's full name, address, phone number, date of birth, and a copy of a government-issued photo identification.

(6) The department may enter into one or more reciprocal agreements or contracts to share prescription drug monitoring information with other states, districts, or territories if the prescription drug monitoring programs of such other states, districts, or territories are compatible with the Florida program.

(a) In determining compatibility, the department shall consider:

1. The safeguards for privacy of patient records and the success of the program in protecting patient privacy.

2. The persons authorized to view the data collected by the program. Comparable entities and licensed health care practitioners in other states, districts, or territories of the United States, law enforcement agencies, the Attorney General's Medicaid Fraud Control Unit, medical regulatory boards, and, as needed, management staff that have similar duties as management staff who work with the prescription drug monitoring program as authorized in s. 893.0551 are authorized access upon approval by the department.

3. The schedules of the controlled substances that are monitored by the program.

4. The data reported to or included in the program's system.

5. Any implementing criteria deemed essential for a thorough comparison.

6. The costs and benefits to the state of sharing prescription information.

(b) The department shall assess the prescription drug monitoring program's continued compatibility with other states', districts', or territories' programs every 4 years.

(c) Any agreements or contracts for sharing of prescription drug monitoring information between the department and other states, districts, or territories shall contain the same restrictions and requirements as this section or s. 893.0551, and the information must be provided according to the department's determination of compatibility.

(7) The department may enter into agreements or contracts to establish secure connections between the system and a prescribing or dispensing health care practitioner's electronic health recordkeeping system. The electronic health recordkeeping system owner or license holder will be responsible for ensuring that only authorized individuals have access to prescription drug monitoring program information.

(8) A prescriber or dispenser or a designee of a prescriber or dispenser must consult the system to review a patient's controlled substance dispensing history before prescribing or dispensing a controlled substance for a patient age 16 or older. This requirement does not apply when prescribing or dispensing a nonopioid controlled substance listed in Schedule V of s. 893.03 or 21 U.S.C. 812. For purposes of this subsection, a "nonopioid controlled substance" is a controlled substance that does not contain any amount of a substance listed as an opioid in s. 893.03 or 21 U.S.C. 812.

(a) The duty to consult the system does not apply when the system:

1. Is determined by the department to be nonoperational; or

2. Cannot be accessed by the prescriber or dispenser or a designee of the prescriber or dispenser because of a temporary technological or electrical failure.

(b) A prescriber or dispenser or designee of a prescriber or dispenser who does not consult the system under this subsection shall document the reason he or she did not consult the system in the patient's medical record or prescription record and shall not prescribe or dispense greater than a 3-day supply of a controlled substance to the patient.

(c) Notwithstanding s. 456.077(1), the department must issue a citation pursuant to s. 456.077 to any prescriber or dispenser who fails to comply with this subsection or whose designee fails to comply with this subsection. The department must also refer the noncompliance to the appropriate board for consideration of disciplinary action, including suspension or revocation of license, against the non-compliant prescriber or dispenser.

(9) A person who willfully and knowingly fails to report the dispensing of a controlled substance as required by this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(10) Information in the prescription drug monitoring program's system may be released only as provided in this section and s. 893.0551. The content of the system is intended to be informational only. Information in the system is not subject to discovery or introduction into evidence in any civil or administrative action against a prescriber, dispenser, pharmacy, or patient arising out of matters that are the subject of information in the system. The program manager and authorized persons who participate in preparing, reviewing, issuing, or any other activity related to management of the system may not be permitted or required to testify in any such civil or administrative action as to any findings, recommendations, evaluations, opinions, or other actions taken in connection with management of the system.

(11) A prescriber or dispenser, or his or her designee, may have access to the information under this section which relates to a patient of that prescriber or dispenser as needed for the purpose of reviewing the patient's controlled drug prescription history. A prescriber or dispenser acting in good faith is immune from any civil, criminal, or administrative liability that might otherwise be incurred or imposed for receiving or using information from the prescription drug monitoring program. This subsection does not create a private cause of action, and a person may not recover damages against a prescriber or dispenser authorized to access information under this subsection for accessing or failing to access such information.

(12)(a) All costs incurred by the department in administering the prescription drug monitoring program shall be funded through federal grants, private funding applied for or received by the state, or state funds appropriated in the General Appropriations Act. The department may not:

1. Commit funds for the monitoring program without ensuring funding is available; or

2. Use funds provided, directly or indirectly, by prescription drug manufacturers to implement the program.

(b) The department shall cooperate with the direct-support organization established under subsection (15) in seeking federal grant funds, other nonstate grant funds, gifts, donations, or other private moneys for the department if the costs of doing so are immaterial. Immaterial costs include, but are not limited to, the costs of mailing and personnel assigned to research or apply for a grant. The department may competitively procure and contract pursuant to s. 287.057 for any goods and services required by this section.

(13) The department shall conduct or participate in studies to examine the feasibility of enhancing the prescription drug monitoring program for the purposes of public health initiatives and statistical reporting. Such studies shall respect the privacy of the patient, the prescriber, and the dispenser. Such studies may be conducted by the department or a contracted vendor in order to:

(a) Improve the quality of health care services and safety by improving prescribing and dispensing practices for controlled substances;

(b) Take advantage of advances in technology;

(c) Reduce duplicative prescriptions and the overprescribing of controlled substances; and

(d) Reduce drug abuse.

(14) The department shall annually report on performance measures to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1. Performance measures may include, but are not limited to, the following outcomes:

(a) Reduction of the rate of inappropriate use of controlled substances through department education and safety efforts.

(b) Reduction of the quantity of controlled substances obtained by individuals attempting to engage in fraud and deceit.

(c) Increased coordination among partners participating in the prescription drug monitoring program.

(d) Involvement of stakeholders in achieving improved patient health care and safety and reduction of controlled substance abuse and controlled substance diversion.

(15) The department may establish a direct-support organization to provide assistance, funding, and promotional support for the activities authorized for the prescription drug monitoring program.

(a) As used in this subsection, the term “direct-support organization” means an organization that is:

1. A Florida corporation not for profit incorporated under chapter 617, exempted from filing fees, and approved by the Department of State.

2. Organized and operated to conduct programs and activities; raise funds; request and receive grants, gifts, and bequests of money; acquire, receive, hold, and invest, in its own name, securities, funds, objects of value, or other property, either real or personal; and make expenditures or provide funding to or for the direct or indirect benefit of the department in the furtherance of the prescription drug monitoring program.

(b) The State Surgeon General shall appoint a board of directors for the direct-support organization.

1. The board of directors shall consist of no fewer than five members who shall serve at the pleasure of the State Surgeon General.

2. The State Surgeon General shall provide guidance to members of the board to ensure that moneys received by the direct-support organization are not received from inappropriate sources. Inappropriate sources include, but are not limited to, donors, grantors, persons, prescription drug manufacturers, or organizations that may monetarily or substantively benefit from the purchase of goods or services by the department in furtherance of the prescription drug monitoring program.

(c) The direct-support organization shall operate under written contract with the department. The contract must, at a minimum, provide for:

1. Approval of the articles of incorporation and bylaws of the direct-support organization by the department.

2. Submission of an annual budget for the approval of the department.

3. The reversion, without penalty, to the department’s grants and donations trust fund for the administration of the prescription drug monitoring program of all moneys and property held in trust by the direct-support organization for the benefit of the prescription drug monitoring program if the direct-support organization ceases to exist or if the contract is terminated.

4. The fiscal year of the direct-support organization, which must begin July 1 of each year and end June 30 of the following year.

5. The disclosure of the material provisions of the contract to donors of gifts, contributions, or bequests, including such disclosure on all promotional and fundraising publications, and an explanation to such donors of the distinction between the department and the direct-support organization.

6. The direct-support organization’s collecting, expending, and providing of funds to the department for the development, implementation, and operation of the prescription drug monitoring program as described in this section. The direct-support organization may collect and expend funds to be used for the functions of the direct-support organization’s board of directors, as necessary and approved by the department. In addition, the direct-support organization may collect and provide funding to the department in furtherance of the prescription drug monitoring program by:

a. Establishing and administering the prescription drug monitoring program’s electronic system, including hardware and software.

b. Conducting studies on the efficiency and effectiveness of the program to include feasibility studies as described in subsection (13).

c. Providing funds for future enhancements of the program within the intent of this section.

d. Providing user training of the prescription drug monitoring program, including distribution of materials to promote public awareness and education and conducting workshops or other meetings for health care practitioners, pharmacists, and others as appropriate.

e. Providing funds for travel expenses.

f. Providing funds for administrative costs, including personnel, audits, facilities, and equipment.

g. Fulfilling all other requirements necessary to implement and operate the program as outlined in this section.

7. Certification by the department that the direct-support organization is complying with the terms of the contract in a manner consistent with and in furtherance of the goals and purposes of the prescription drug monitoring program and in the best interests of the state. Such certification must be made annually and reported in the official minutes of a meeting of the direct-support organization.

(d) The activities of the direct-support organization must be consistent with the goals and mission of the department, as determined by the department, and in the best interests of the state. The direct-support organization must obtain written approval from the department for any activities in support of the prescription drug monitoring program before undertaking those activities.

(e) The direct-support organization shall provide for an independent annual financial audit in accordance with s. 215.981. Copies of the audit shall be provided to the department and the Office of Policy and Budget in the Executive Office of the Governor.

(f) The direct-support organization may not exercise any power under s. 617.0302(12) or (16).

(g) The direct-support organization is not considered a lobbying firm within the meaning of s. 11.045.

(h) The department may permit, without charge, appropriate use of administrative services, property, and facilities of the department by the direct-support organization, subject to this section. The use must be directly in keeping with the approved purposes of the direct-support organization and may not be made at times or places that would unreasonably interfere with opportunities for the public to use such facilities for established purposes. Any moneys received from rentals of facilities and properties managed by the department may be held in a separate depository account in the name of the direct-support organization and subject to the provisions of the letter of agreement with the department. The letter of agreement must provide that any funds held in the separate depository account in the name of the direct-support organization must revert to the department if the direct-support organization is no longer approved by the department to operate in the best interests of the state.

(i) The department may adopt rules under s. 120.54 to govern the use of administrative services, property, or facilities of the department or office by the direct-support organization.

(j) The department may not permit the use of any administrative services, property, or facilities of the state by a direct-support organization if that organization does not provide equal membership and employment opportunities to all persons regardless of race, color, religion, gender, age, or national origin.

(k) This subsection is repealed October 1, 2027, unless reviewed and saved from repeal by the Legislature.

(16) The department shall adopt rules necessary to implement this section.

Section 13. Section 893.0551, Florida Statutes, is amended to read:

893.0551 Public records exemption for the prescription drug monitoring program.—

(1) For purposes of this section, the terms used in this section have the same meanings as provided in s. 893.055.

(2) The following information of a patient or patient's agent, a health care practitioner, a dispenser, an employee of the practitioner who is acting on behalf of and at the direction of the practitioner, a pharmacist, or a pharmacy that is contained in records held by the department under s. 893.055 is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

- (a) Name.
- (b) Address.
- (c) Telephone number.
- (d) Insurance plan number.
- (e) Government-issued identification number.
- (f) Provider number.
- (g) Drug Enforcement Administration number.
- (h) Any other unique identifying information or number.

(3) The department shall disclose such confidential and exempt information to the following persons or entities upon request and after using a verification process to ensure the legitimacy of the request as provided in s. 893.055:

(a) *A health care practitioner, or his or her designee, who certifies that the information is necessary to provide medical treatment to a current patient in accordance with ss. 893.04, 893.05, and 893.055.*

(b) *An employee of the United States Department of Veterans Affairs, the United States Department of Defense, or the Indian Health Service who provides health care services pursuant to such employment and who has the authority to prescribe controlled substances shall have access to the information in the program's system upon verification of such employment.*

(c) *The program manager and designated support staff for administration of the program, and to provide relevant information to the prescriber, dispenser, and appropriate law enforcement agencies, in accordance with s. 893.055.*

(d) *The department and its relevant health care regulatory boards for investigations involving licensees authorized to prescribe or dispense controlled substances. The department or health care regulatory board may request information from the program but may not have direct access to its system. The department may provide to a law enforcement agency pursuant to ss. 456.066 and 456.073 only information that is relevant to the specific controlled substances investigation that prompted the request for the information.*

(e) ~~(a)~~ The Attorney General or his or her designee when working on Medicaid fraud cases involving *prescribed controlled substances* ~~prescription drugs~~ or when the Attorney General has initiated a review of specific identifiers of Medicaid fraud or *specific identifiers that warrant a Medicaid investigation regarding prescribed controlled substances* ~~prescription drugs~~. The Attorney General's Medicaid fraud investigators may not have direct access to the department's *system database*. The Attorney General or his or her designee may disclose to a criminal justice agency, as defined in s. 119.011, only the ~~confidential and exempt~~ information received from the department that is relevant to an identified active investigation that prompted the request for the information.

(b) ~~The department's relevant health care regulatory boards responsible for the licensure, regulation, or discipline of a practitioner, pharmacist, or other person who is authorized to prescribe, administer, or dispense controlled substances and who is involved in a specific controlled substances investigation for prescription drugs involving a designated person. The health care regulatory boards may request information from the department but may not have direct access to its database. The health care regulatory boards may provide to a law enforcement agency pursuant to ss. 456.066 and 456.073 only information~~

~~that is relevant to the specific controlled substances investigation that prompted the request for the information.~~

(f) ~~(e)~~ A law enforcement agency that has initiated an active investigation involving a specific violation of law regarding prescription drug abuse or diversion of prescribed controlled substances and that has entered into a user agreement with the department. A law enforcement agency may request information from the department but may not have direct access to its ~~system database~~. The law enforcement agency may disclose to a criminal justice agency, as defined in s. 119.011, only ~~confidential and exempt~~ information received from the department that is relevant to an identified active investigation that prompted the request for such information.

(g) *A district medical examiner or associate medical examiner, as described in s. 406.06, pursuant to his or her official duties, as required by s. 406.11, to determine the cause of death of an individual. Such medical examiners may request information from the department but may not have direct access to the system*

(d) ~~A health care practitioner, or his or her designee, who certifies that the information is necessary to provide medical treatment to a current patient in accordance with ss. 893.05 and 893.055.~~

(c) ~~A pharmacist, or his or her designee, who certifies that the requested information will be used to dispense controlled substances to a current patient in accordance with ss. 893.04 and 893.055.~~

(f) ~~A patient or the legal guardian or designated health care surrogate for an incapacitated patient, if applicable, making a request as provided in s. 893.055(7)(c)4.~~

(g) ~~The patient's pharmacy, prescriber, or dispenser, or the designee of the pharmacy, prescriber, or dispenser, who certifies that the information is necessary to provide medical treatment to his or her current patient in accordance with s. 893.055.~~

(h) An impaired practitioner consultant who has been authorized in writing by a participant in, or by a referral to, the impaired practitioner program to access and review information as provided in s. 893.055(5)(e) ~~893.055(7)(e)5.~~

(i) *A patient or the legal guardian or designated health care surrogate for an incapacitated patient, if applicable, making a request as provided in s. 893.055(5)(f).*

(4) If the department determines consistent with its rules that a pattern of controlled substance abuse exists, the department may disclose such confidential and exempt information to the applicable law enforcement agency in accordance with s. 893.055. The law enforcement agency may disclose to a criminal justice agency, as defined in s. 119.011, only ~~confidential and exempt~~ information received from the department that is relevant to an identified active investigation that is specific to a violation of s. 893.13(7)(a)8., s. 893.13(8)(a), or s. 893.13(8)(b).

(5) Before disclosing ~~confidential and exempt~~ information to a criminal justice agency or a law enforcement agency pursuant to this section, the disclosing person or entity must take steps to ensure the continued confidentiality of all ~~confidential and exempt~~ information. At a minimum, these steps must include redacting any nonrelevant information.

(6) An agency or person who obtains any ~~confidential and exempt~~ information pursuant to this section must maintain the confidential and exempt status of that information and may not disclose such information unless authorized by law. Information shared with a state attorney pursuant to paragraph (3)(f) ~~(3)(a)~~ or paragraph (3)(h) ~~(3)(e)~~ may be released only in response to a discovery demand if such information is directly related to the criminal case for which the information was requested. Unrelated information may be released only upon an order of a court of competent jurisdiction.

(7) A person who willfully and knowingly violates this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 14. Paragraphs (a), (c), (d), (e), (f), and (h) of subsection (1), subsection (2), paragraphs (a) and (b) of subsection (4), and subsections (5) and (7) of section 893.13, Florida Statutes, are amended to read:

893.13 Prohibited acts; penalties.—

(1)(a) Except as authorized by this chapter and chapter 499, a person may not sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance. A person who violates this provision with respect to:

1. A controlled substance named or described in s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or ~~(2)(c)5. (2)(e)4.~~ commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. A controlled substance named or described in s. 893.03(1)(c), (2)(c) 1., (2)(c)2., (2)(c)3., ~~(2)(e)5.~~ (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. A controlled substance named or described in s. 893.03(5) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(c) Except as authorized by this chapter, a person may not sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance in, on, or within 1,000 feet of the real property comprising a child care facility as defined in s. 402.302 or a public or private elementary, middle, or secondary school between the hours of 6 a.m. and 12 midnight, or at any time in, on, or within 1,000 feet of real property comprising a state, county, or municipal park, a community center, or a publicly owned recreational facility. As used in this paragraph, the term “community center” means a facility operated by a nonprofit community-based organization for the provision of recreational, social, or educational services to the public. A person who violates this paragraph with respect to:

1. A controlled substance named or described in s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or ~~(2)(c)5. (2)(e)4.~~ commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. The defendant must be sentenced to a minimum term of imprisonment of 3 calendar years unless the offense was committed within 1,000 feet of the real property comprising a child care facility as defined in s. 402.302.

2. A controlled substance named or described in s. 893.03(1)(c), (2)(c) 1., (2)(c)2., (2)(c)3., ~~(2)(e)5.~~ (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. Any other controlled substance, except as lawfully sold, manufactured, or delivered, must be sentenced to pay a \$500 fine and to serve 100 hours of public service in addition to any other penalty prescribed by law.

This paragraph does not apply to a child care facility unless the owner or operator of the facility posts a sign that is not less than 2 square feet in size with a word legend identifying the facility as a licensed child care facility and that is posted on the property of the child care facility in a conspicuous place where the sign is reasonably visible to the public.

(d) Except as authorized by this chapter, a person may not sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance in, on, or within 1,000 feet of the real property comprising a public or private college, university, or other postsecondary educational institution. A person who violates this paragraph with respect to:

1. A controlled substance named or described in s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or ~~(2)(c)5. (2)(e)4.~~ commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. A controlled substance named or described in s. 893.03(1)(c), (2)(c) 1., (2)(c)2., (2)(c)3., ~~(2)(e)5.~~ (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. Any other controlled substance, except as lawfully sold, manufactured, or delivered, must be sentenced to pay a \$500 fine and to serve 100 hours of public service in addition to any other penalty prescribed by law.

(e) Except as authorized by this chapter, a person may not sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance not authorized by law in, on, or within 1,000 feet of a physical place for worship at which a church or religious organization regularly conducts religious services or within 1,000 feet of a convenience business as defined in s. 812.171. A person who violates this paragraph with respect to:

1. A controlled substance named or described in s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or ~~(2)(c)5. (2)(e)4.~~ commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. A controlled substance named or described in s. 893.03(1)(c), (2)(c) 1., (2)(c)2., (2)(c)3., ~~(2)(e)5.~~ (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. Any other controlled substance, except as lawfully sold, manufactured, or delivered, must be sentenced to pay a \$500 fine and to serve 100 hours of public service in addition to any other penalty prescribed by law.

(f) Except as authorized by this chapter, a person may not sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance in, on, or within 1,000 feet of the real property comprising a public housing facility at any time. As used in this section, the term “real property comprising a public housing facility” means real property, as defined in s. 421.03(12), of a public corporation created as a housing authority pursuant to part I of chapter 421. A person who violates this paragraph with respect to:

1. A controlled substance named or described in s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or ~~(2)(c)5. (2)(e)4.~~ commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. A controlled substance named or described in s. 893.03(1)(c), (2)(c) 1., (2)(c)2., (2)(c)3., ~~(2)(e)5.~~ (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. Any other controlled substance, except as lawfully sold, manufactured, or delivered, must be sentenced to pay a \$500 fine and to serve 100 hours of public service in addition to any other penalty prescribed by law.

(h) Except as authorized by this chapter, a person may not sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance in, on, or within 1,000 feet of the real property comprising an assisted living facility, as that term is used in chapter 429. A person who violates this paragraph with respect to:

1. A controlled substance named or described in s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or ~~(2)(c)5. (2)(e)4.~~ commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. A controlled substance named or described in s. 893.03(1)(c), (2)(c) 1., (2)(c)2., (2)(c)3., ~~(2)(e)5.~~ (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. Any other controlled substance, except as lawfully sold, manufactured, or delivered, must be sentenced to pay a \$500 fine and to serve 100 hours of public service in addition to any other penalty prescribed by law.

(2)(a) Except as authorized by this chapter and chapter 499, a person may not purchase, or possess with intent to purchase, a controlled substance. A person who violates this provision with respect to:

1. A controlled substance named or described in s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or ~~(2)(c)5. (2)(e)4.~~ commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. A controlled substance named or described in s. 893.03(1)(c), (2)(c) 1., (2)(c)2., (2)(c)3., ~~(2)(c)5.~~, (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. A controlled substance named or described in s. 893.03(5) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) Except as provided in this chapter, a person may not purchase more than 10 grams of any substance named or described in s. 893.03(1)(a) or (1)(b), or any combination thereof, or any mixture containing any such substance. A person who violates this paragraph commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) Except as authorized by this chapter, a person 18 years of age or older may not deliver any controlled substance to a person younger than 18 years of age, use or hire a person younger than 18 years of age as an agent or employee in the sale or delivery of such a substance, or use such person to assist in avoiding detection or apprehension for a violation of this chapter. A person who violates this subsection with respect to:

(a) A controlled substance named or described in s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. ~~(2)(c)4.~~ commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A controlled substance named or described in s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(c)5.~~, (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Imposition of sentence may not be suspended or deferred, and the person so convicted may not be placed on probation.

(5) A person may not bring into this state any controlled substance unless the possession of such controlled substance is authorized by this chapter or unless such person is licensed to do so by the appropriate federal agency. A person who violates this provision with respect to:

(a) A controlled substance named or described in s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. ~~(2)(c)4.~~ commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A controlled substance named or described in s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(c)5.~~, (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) A controlled substance named or described in s. 893.03(5) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(7)

(e) A person or health care practitioner who violates the provisions of subparagraph (a)13. or paragraph (b) commits a felony of the ~~third~~ *second* degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if any controlled substance that is the subject of the offense is listed in Schedule II, Schedule III, or Schedule IV.

Section 15. Section 893.147, Florida Statutes, is amended, to read:

893.147 Use, possession, manufacture, delivery, transportation, advertisement, or retail sale of drug paraphernalia, *specified machines, and materials.*—

(1) **USE OR POSSESSION OF DRUG PARAPHERNALIA.**—It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia:

(a) To plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, re-pack, store, contain, or conceal a controlled substance in violation of this chapter; or

(b) To inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this chapter.

Any person who violates this subsection is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) **MANUFACTURE OR DELIVERY OF DRUG PARAPHERNALIA.**—It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used:

(a) To plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, re-pack, store, contain, or conceal a controlled substance in violation of this act; or

(b) To inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this act.

Any person who violates this subsection is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) **DELIVERY OF DRUG PARAPHERNALIA TO A MINOR.**—

(a) Any person 18 years of age or over who violates subsection (2) by delivering drug paraphernalia to a person under 18 years of age is guilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) It is unlawful for any person to sell or otherwise deliver hypodermic syringes, needles, or other objects which may be used, are intended for use, or are designed for use in parenterally injecting substances into the human body to any person under 18 years of age, except that hypodermic syringes, needles, or other such objects may be lawfully dispensed to a person under 18 years of age by a licensed practitioner, parent, or legal guardian or by a pharmacist pursuant to a valid prescription for same. Any person who violates the provisions of this paragraph is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(4) **TRANSPORTATION OF DRUG PARAPHERNALIA.**—It is unlawful to use, possess with the intent to use, or manufacture with the intent to use drug paraphernalia, knowing or under circumstances in which one reasonably should know that it will be used to transport:

(a) A controlled substance in violation of this chapter; or

(b) Contraband as defined in s. 932.701(2)(a)1.

Any person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) **ADVERTISEMENT OF DRUG PARAPHERNALIA.**—It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia. Any person who violates this subsection is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(6) **RETAIL SALE OF DRUG PARAPHERNALIA.**—

(a) It is unlawful for a person to knowingly and willfully sell or offer for sale at retail any drug paraphernalia described in s. 893.145(12)(a)-(c) or (g)-(m), other than a pipe that is primarily made of briar, meerschau, clay, or corn cob.

(b) A person who violates paragraph (a) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, and, upon a second or subsequent violation, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(7) **TABLETING MACHINES, ENCAPSULATING MACHINES, AND CONTROLLED SUBSTANCE COUNTERFEITING MATERIALS.**—

(a) Except as provided in paragraph (b), it is unlawful for any person to possess, purchase, deliver, sell, or possess with intent to sell or deliver a tableting machine, an encapsulating machine, or controlled substance counterfeiting materials knowing, intending, or having reasonable cause to believe that it will be used to manufacture a controlled substance or counterfeit controlled substance.

(b)1. A regulated person may possess, purchase, deliver, sell, or possess with intent to deliver or sell a tableting machine or encapsulating machine as part of a regulated transaction with a regular customer or regular importer if he or she is in compliance with 21 U.S.C. s. 830. For purposes of this paragraph, the terms "regulated person," "regulated transaction," "regular customer," and "regular importer" have the same meanings as provided in 21 U.S.C. s. 802.

2. A person registered under 21 U.S.C. s. 822 may possess, purchase, deliver, sell, or possess with intent to deliver or sell a tableting machine or encapsulating machine to manufacture a controlled substance pursuant to such registration.

3. A person who holds an active, unencumbered license or a permit under s. 381.986 or chapter 465 may possess, purchase, deliver, sell, or possess with intent to sell or deliver a tableting machine or encapsulating machine to manufacture a controlled substance, if such person is performing functions in compliance with or under the authority of that license or permit.

(c) For purposes of this subsection, the term:

1. "Controlled substance" has the same meaning as provided in s. 893.02(4).

2. "Controlled substance counterfeiting material" means a punch, die, plate, stone, or other item designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another or any likeness of any of the foregoing upon a drug or container or labeling thereof so as to render such drug a counterfeit controlled substance.

3. "Counterfeit controlled substance" has the same meaning as provided in s. 831.31(2).

4. "Encapsulating machine" means manual, semiautomatic, or fully automatic equipment that can be used to fill shells or capsules with powdered or granular solids or semisolid material to produce coherent solid tablets.

5. "Tableting machine" means manual, semiautomatic, or fully automatic equipment that can be used to compact or mold powdered or granular solids or semisolid material to produce coherent solid tablets.

(d)1. Except as provided in subparagraph 2., a person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. Any person who violates this subsection knowing, intending, or having reasonable cause to believe that such action will result in the unlawful manufacture of a controlled substance or counterfeit controlled substance that contains:

- a. A substance controlled under s. 893.03(1);
- b. Cocaine, as described in s. 893.03(2)(a)4.;
- c. Opium or any synthetic or natural salt, compound, derivative, or preparation of opium;
- d. Methadone;
- e. Alfentanil, as described in s. 893.03(2)(b)1.;
- f. Carfentanil, as described in s. 893.03(2)(b)6.;
- g. Fentanyl, as described in s. 893.03(2)(b)9.;
- h. Sufentanil, as described in s. 893.03(2)(b)30.; or
- i. A controlled substance analog, as described in s. 893.0356, of any substance specified in sub-subparagraphs a.-h., commits a felony of the

second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 16. Effective January 1, 2019, paragraphs (pp) and (qq) of subsection (1) of section 458.331, Florida Statutes, are amended to read:

458.331 Grounds for disciplinary action; action by the board and department.—

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2):

(pp) Applicable to a licensee who serves as the designated physician of a pain-management clinic as defined in s. 458.3265 or s. 459.0137:

1. Registering a pain-management clinic through misrepresentation or fraud;

2. Procuring, or attempting to procure, the registration of a pain-management clinic for any other person by making or causing to be made, any false representation;

3. Failing to comply with any requirement of chapter 499, the Florida Drug and Cosmetic Act; 21 U.S.C. ss. 301-392, the Federal Food, Drug, and Cosmetic Act; 21 U.S.C. ss. 821 et seq., the Drug Abuse Prevention and Control Act; or chapter 893, the Florida Comprehensive Drug Abuse Prevention and Control Act;

4. Being convicted or found guilty of, regardless of adjudication to, a felony or any other crime involving moral turpitude, fraud, dishonesty, or deceit in any jurisdiction of the courts of this state, of any other state, or of the United States;

5. Being convicted of, or disciplined by a regulatory agency of the Federal Government or a regulatory agency of another state for, any offense that would constitute a violation of this chapter;

6. Being convicted of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction of the courts of this state, of any other state, or of the United States which relates to the practice of, or the ability to practice, a licensed health care profession;

7. Being convicted of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction of the courts of this state, of any other state, or of the United States which relates to health care fraud;

8. Dispensing any medicinal drug based upon a communication that purports to be a prescription as defined in s. 465.003(14) or s. 893.02 if the dispensing practitioner knows or has reason to believe that the purported prescription is not based upon a valid practitioner-patient relationship; or

9. Failing to timely notify the board of the date of his or her termination from a pain-management clinic as required by s. 458.3265(3) ~~458.3265(2)~~.

(qq) Failing to timely notify the department of the theft of prescription blanks from a pain-management clinic or a breach of other methods for prescribing within 24 hours as required by s. 458.3265(3) ~~458.3265(2)~~.

Section 17. Effective January 1, 2019, paragraphs (rr) and (ss) of subsection (1) of section 459.015, Florida Statutes, are amended to read:

459.015 Grounds for disciplinary action; action by the board and department.—

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2):

(rr) Applicable to a licensee who serves as the designated physician of a pain-management clinic as defined in s. 458.3265 or s. 459.0137:

1. Registering a pain-management clinic through misrepresentation or fraud;

2. Procuring, or attempting to procure, the registration of a pain-management clinic for any other person by making or causing to be made, any false representation;

3. Failing to comply with any requirement of chapter 499, the Florida Drug and Cosmetic Act; 21 U.S.C. ss. 301-392, the Federal Food, Drug, and Cosmetic Act; 21 U.S.C. ss. 821 et seq., the Drug Abuse Prevention and Control Act; or chapter 893, the Florida Comprehensive Drug Abuse Prevention and Control Act;

4. Being convicted or found guilty of, regardless of adjudication to, a felony or any other crime involving moral turpitude, fraud, dishonesty, or deceit in any jurisdiction of the courts of this state, of any other state, or of the United States;

5. Being convicted of, or disciplined by a regulatory agency of the Federal Government or a regulatory agency of another state for, any offense that would constitute a violation of this chapter;

6. Being convicted of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction of the courts of this state, of any other state, or of the United States which relates to the practice of, or the ability to practice, a licensed health care profession;

7. Being convicted of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction of the courts of this state, of any other state, or of the United States which relates to health care fraud;

8. Dispensing any medicinal drug based upon a communication that purports to be a prescription as defined in s. 465.003(14) or s. 893.02 if the dispensing practitioner knows or has reason to believe that the purported prescription is not based upon a valid practitioner-patient relationship; or

9. Failing to timely notify the board of the date of his or her termination from a pain-management clinic as required by s. ~~459.0137(3)~~ ~~459.0137(2)~~.

(ss) Failing to timely notify the department of the theft of prescription blanks from a pain-management clinic or a breach of other methods for prescribing within 24 hours as required by s. ~~459.0137(3)~~ ~~459.0137(2)~~.

Section 18. Paragraph (b) of subsection (4) of section 463.0055, Florida Statutes, is amended to read:

463.0055 Administration and prescription of ocular pharmaceutical agents.—

(4) A certified optometrist shall be issued a prescriber number by the board. Any prescription written by a certified optometrist for an ocular pharmaceutical agent pursuant to this section shall have the prescriber number printed thereon. A certified optometrist may not administer or prescribe:

(b) A controlled substance for the treatment of chronic non-malignant pain as defined in s. ~~456.44(1)(f)~~ ~~456.44(1)(e)~~.

Section 19. Paragraph (a) of subsection (1) of section 782.04, Florida Statutes, is amended to read:

782.04 Murder.—

(1)(a) The unlawful killing of a human being:

1. When perpetrated from a premeditated design to effect the death of the person killed or any human being;

2. When committed by a person engaged in the perpetration of, or in the attempt to perpetrate, any:

- a. Trafficking offense prohibited by s. 893.135(1),
- b. Arson,
- c. Sexual battery,
- d. Robbery,

e. Burglary,

f. Kidnapping,

g. Escape,

h. Aggravated child abuse,

i. Aggravated abuse of an elderly person or disabled adult,

j. Aircraft piracy,

k. Unlawful throwing, placing, or discharging of a destructive device or bomb,

l. Carjacking,

m. Home-invasion robbery,

n. Aggravated stalking,

o. Murder of another human being,

p. Resisting an officer with violence to his or her person,

q. Aggravated fleeing or eluding with serious bodily injury or death,

r. Felony that is an act of terrorism or is in furtherance of an act of terrorism, including a felony under s. 775.30, s. 775.32, s. 775.33, s. 775.34, or s. 775.35, or

s. Human trafficking; or

3. Which resulted from the unlawful distribution by a person 18 years of age or older of any of the following substances, or mixture containing any of the following substances, when such substance or mixture is proven to be the proximate cause of the death of the user:

a. A substance controlled under s. 893.03(1);

b. Cocaine, as described in s. 893.03(2)(a)4.;

c. Opium or any synthetic or natural salt, compound, derivative, or preparation of opium;

d. Methadone;

e. Alfentanil, as described in s. 893.03(2)(b)1.;

f. Carfentanil, as described in s. 893.03(2)(b)6.;

g. Fentanyl, as described in s. 893.03(2)(b)9.;

h. Sufentanil, as described in s. ~~893.03(2)(b)30.~~ ~~893.03(2)(b)29.~~; or

i. A controlled substance analog, as described in s. 893.0356, of any substance specified in sub-subparagraphs a.-h., is murder in the first degree and constitutes a capital felony, punishable as provided in s. 775.082.

Section 20. Paragraphs (c) and (f) of subsection (1) of section 893.135, Florida Statutes, are amended to read:

893.135 Trafficking; mandatory sentences; suspension or reduction of sentences; conspiracy to engage in trafficking.—

(1) Except as authorized in this chapter or in chapter 499 and notwithstanding the provisions of s. 893.13:

(c)1. A person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 4 grams or more of any morphine, opium, hydromorphone, or any salt, derivative, isomer, or salt of an isomer thereof, including heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 4 grams or more of any mixture containing any such substance, but less than 30 kilograms of such substance or mixture, commits a felony of the first degree, which felony shall be known as “trafficking in illegal drugs,” punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

a. Is 4 grams or more, but less than 14 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 years and shall be ordered to pay a fine of \$50,000.

b. Is 14 grams or more, but less than 28 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 years and shall be ordered to pay a fine of \$100,000.

c. Is 28 grams or more, but less than 30 kilograms, such person shall be sentenced to a mandatory minimum term of imprisonment of 25 years and shall be ordered to pay a fine of \$500,000.

2. A person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 14 grams or more of hydrocodone, as described in s. 893.03(2)(a)1.k. ~~893.03(2)(a)1.j~~, codeine, as described in s. 893.03(2)(a)1.g., or any salt thereof, or 14 grams or more of any mixture containing any such substance, commits a felony of the first degree, which felony shall be known as “trafficking in hydrocodone,” punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

a. Is 14 grams or more, but less than 28 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 years and shall be ordered to pay a fine of \$50,000.

b. Is 28 grams or more, but less than 50 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 7 years and shall be ordered to pay a fine of \$100,000.

c. Is 50 grams or more, but less than 200 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 years and shall be ordered to pay a fine of \$500,000.

d. Is 200 grams or more, but less than 30 kilograms, such person shall be sentenced to a mandatory minimum term of imprisonment of 25 years and shall be ordered to pay a fine of \$750,000.

3. A person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 7 grams or more of oxycodone, as described in s. 893.03(2)(a)1.g. ~~893.03(2)(a)1.e~~, or any salt thereof, or 7 grams or more of any mixture containing any such substance, commits a felony of the first degree, which felony shall be known as “trafficking in oxycodone,” punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

a. Is 7 grams or more, but less than 14 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 years and shall be ordered to pay a fine of \$50,000.

b. Is 14 grams or more, but less than 25 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 7 years and shall be ordered to pay a fine of \$100,000.

c. Is 25 grams or more, but less than 100 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 years and shall be ordered to pay a fine of \$500,000.

d. Is 100 grams or more, but less than 30 kilograms, such person shall be sentenced to a mandatory minimum term of imprisonment of 25 years and shall be ordered to pay a fine of \$750,000.

4.a. A person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 4 grams or more of:

- (I) Alfentanil, as described in s. 893.03(2)(b)1.;
- (II) Carfentanil, as described in s. 893.03(2)(b)6.;
- (III) Fentanyl, as described in s. 893.03(2)(b)9.;
- (IV) Sufentanil, as described in s. 893.03(2)(b)30. ~~893.03(2)(b)29.~~;
- (V) A fentanyl derivative, as described in s. 893.03(1)(a)62.;
- (VI) A controlled substance analog, as described in s. 893.0356, of any substance described in sub-sub-paragraphs (I)-(V); or
- (VII) A mixture containing any substance described in sub-sub-paragraphs (I)-(VI), commits a felony of the first degree, which fel-

ony shall be known as “trafficking in fentanyl,” punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

b. If the quantity involved under sub-subparagraph a.:

(I) Is 4 grams or more, but less than 14 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 years, and shall be ordered to pay a fine of \$50,000.

(II) Is 14 grams or more, but less than 28 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 years, and shall be ordered to pay a fine of \$100,000.

(III) Is 28 grams or more, such person shall be sentenced to a mandatory minimum term of imprisonment of 25 years, and shall be ordered to pay a fine of \$500,000.

5. A person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 30 kilograms or more of any morphine, opium, oxycodone, hydrocodone, codeine, hydromorphone, or any salt, derivative, isomer, or salt of an isomer thereof, including heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or more of any mixture containing any such substance, commits the first degree felony of trafficking in illegal drugs. A person who has been convicted of the first degree felony of trafficking in illegal drugs under this subparagraph shall be punished by life imprisonment and is ineligible for any form of discretionary early release except pardon or executive clemency or conditional medical release under s. 947.149. However, if the court determines that, in addition to committing any act specified in this paragraph:

a. The person intentionally killed an individual or counseled, commanded, induced, procured, or caused the intentional killing of an individual and such killing was the result; or

b. The person’s conduct in committing that act led to a natural, though not inevitable, lethal result, such person commits the capital felony of trafficking in illegal drugs, punishable as provided in ss. 775.082 and 921.142. A person sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine provided under subparagraph 1.

6. A person who knowingly brings into this state 60 kilograms or more of any morphine, opium, oxycodone, hydrocodone, codeine, hydromorphone, or any salt, derivative, isomer, or salt of an isomer thereof, including heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 60 kilograms or more of any mixture containing any such substance, and who knows that the probable result of such importation would be the death of a person, commits capital importation of illegal drugs, a capital felony punishable as provided in ss. 775.082 and 921.142. A person sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine provided under subparagraph 1.

(f)1. Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 14 grams or more of amphetamine, as described in s. 893.03(2)(c)2., or methamphetamine, as described in s. 893.03(2)(c)5. ~~893.03(2)(c)4.~~, or of any mixture containing amphetamine or methamphetamine, or phenylacetone, phenylacetic acid, pseudoephedrine, or ephedrine in conjunction with other chemicals and equipment utilized in the manufacture of amphetamine or methamphetamine, commits a felony of the first degree, which felony shall be known as “trafficking in amphetamine,” punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

a. Is 14 grams or more, but less than 28 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 years, and the defendant shall be ordered to pay a fine of \$50,000.

b. Is 28 grams or more, but less than 200 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 7 years, and the defendant shall be ordered to pay a fine of \$100,000.

c. Is 200 grams or more, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years and pay a fine of \$250,000.

2. Any person who knowingly manufactures or brings into this state 400 grams or more of amphetamine, as described in s. 893.03(2)(c)2., or methamphetamine, as described in s. 893.03(2)(c)5. ~~893.03(2)(c)4.~~, or of any mixture containing amphetamine or methamphetamine, or phe-

Florida Statute	Felony Degree	Description
nylacetone, phenylacetic acid, pseudoephedrine, or ephedrine in conjunction with other chemicals and equipment used in the manufacture of amphetamine or methamphetamine, and who knows that the probable result of such manufacture or importation would be the death of any person commits capital manufacture or importation of amphetamine, a capital felony punishable as provided in ss. 775.082 and 921.142. Any person sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine provided under subparagraph 1.		
Section 21. Paragraphs (b) through (e) and (g) of subsection (3) of section 921.0022, Florida Statutes, are amended to read:		
921.0022 Criminal Punishment Code; offense severity ranking chart.—		
(3) OFFENSE SEVERITY RANKING CHART		
(b) LEVEL 2		
Florida Statute	Felony Degree	Description
379.2431 (1)(e)3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
379.2431 (1)(e)4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
403.413(6)(c)	3rd	Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.
517.07(2)	3rd	Failure to furnish a prospectus meeting requirements.
590.28(1)	3rd	Intentional burning of lands.
784.05(3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
787.04(1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
806.13(1)(b)3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
810.061(2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
810.09(2)(e)	3rd	Trespassing on posted commercial horticulture property.
812.014(2)(c)1.	3rd	Grand theft, 3rd degree; \$300 or more but less than \$5,000.
812.014(2)(d)	3rd	Grand theft, 3rd degree; \$100 or more but less than \$300, taken from unenclosed curtilage of dwelling.
812.015(7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
Florida Statute		
817.234(1)(a)2.	3rd	False statement in support of insurance claim.
817.481(3)(a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
817.52(3)	3rd	Failure to redeliver hired vehicle.
817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
817.60(5)	3rd	Dealing in credit cards of another.
817.60(6)(a)	3rd	Forgery; purchase goods, services with false card.
817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
831.01	3rd	Forgery.
831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
832.05(3)(a)	3rd	Cashing or depositing item with intent to defraud.
843.08	3rd	False personation.
893.13(2)(a)2.	3rd	Purchase of any s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5. , (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs other than cannabis.
893.147(2)	3rd	Manufacture or delivery of drug paraphernalia.
(c) LEVEL 3		
119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
316.066 (3)(b)-(d)	3rd	Unlawfully obtaining or using confidential crash reports.
316.193(2)(b)	3rd	Felony DUI, 3rd conviction.

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.	624.401(4)(a)	3rd	using materially false/misleading information.
319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.	624.401(4)(b)1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.	626.902(1)(a) & (b)	3rd	Representing an unauthorized insurer.
319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.	697.08 790.15(3)	3rd	Equity skimming.
319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.	806.10(1)	3rd	Person directs another to discharge firearm from a vehicle.
327.35(2)(b)	3rd	Felony BUI.		3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.	806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.	810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.	812.014(2)(c)2. 812.0145(2)(c)	3rd	Grand theft; \$5,000 or more but less than \$10,000.
379.2431 (1)(e)5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.	815.04(5)(b) 817.034(4)(a)3.	2nd 3rd	Computer offense devised to defraud or obtain property. Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
379.2431 (1)(e)6.	3rd	Possessing any marine turtle species or hatchling, or parts thereof, or the nest of any marine turtle species described in the Marine Turtle Protection Act.	817.233 817.234 (8)(b) & (c) 817.234(11)(a)	3rd 3rd	Burning to defraud insurer. Unlawful solicitation of persons involved in motor vehicle accidents.
379.2431 (1)(e)7.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.	817.236	3rd	Insurance fraud; property value less than \$20,000.
400.9935(4)(a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.	817.2361	3rd	Filing a false motor vehicle insurance application.
400.9935(4)(e)	3rd	Filing a false license application or other required information or failing to report information.	817.413(2) 828.12(2)	3rd 3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card. Sale of used goods as new.
440.1051(3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.	831.28(2)(a)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
501.001(2)(b)	2nd	Tampers with a consumer product or the container			Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.			assist a patient, other person, or owner of an animal in obtaining a controlled substance.
838.021(3)(b)	3rd	Threatens unlawful harm to public servant.	893.13(8)(a)3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
843.19	3rd	Injure, disable, or kill police dog or horse.	893.13(8)(a)4.	3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
860.15(3)	3rd	Overcharging for repairs and parts.			Alter, destroy, or conceal investigation evidence.
870.01(2)	3rd	Riot; inciting or encouraging.			Introduce contraband to correctional facility.
893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5. , (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs).	918.13(1)(a)	3rd	
893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5. , (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of university.	944.47 (1)(a)1. & 2.	3rd	
893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5. , (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of public housing facility.	944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
893.13(4)(c)	3rd	Use or hire of minor; deliver to minor other controlled substances.	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.	(d) LEVEL 4		
893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.	316.1935(3)(a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.	499.0051(1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.	499.0051(5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.	517.07(1)	3rd	Failure to register securities.
893.13(8)(a)1.	3rd	Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.	517.12(1)	3rd	Failure of dealer, associated person, or issuer of securities to register.
893.13(8)(a)2.	3rd	Employ a trick or scheme in the practitioner's practice to	784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, etc.
			784.074(1)(c)	3rd	Battery of sexually violent predators facility staff.
			784.075	3rd	Battery on detention or commitment facility staff.
			784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
			784.08(2)(c)	3rd	Battery on a person 65 years of age or older.
			784.081(3)	3rd	Battery on specified official or employee.

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
784.082(3)	3rd	Battery by detained person on visitor or other detainee.	817.625(2)(a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
784.083(3)	3rd	Battery on code inspector.	817.625(2)(c)	3rd	Possess, sell, or deliver skimming device.
784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.	828.125(1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
787.03(1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.	837.02(1)	3rd	Perjury in official proceedings.
787.04(2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.	837.021(1)	3rd	Make contradictory statements in official proceedings.
787.04(3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.	838.022	3rd	Official misconduct.
787.07	3rd	Human smuggling.	839.13(2)(a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
790.115(1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.	839.13(2)(c)	3rd	Falsifying records of the Department of Children and Families.
790.115(2)(b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
790.115(2)(c)	3rd	Possessing firearm on school property.	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
800.04(7)(c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.	843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreatment or bond jumping).
810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.	847.0135(5)(c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
810.02(4)(b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.	874.05(1)(a)	3rd	Encouraging or recruiting another to join a criminal gang.
810.06	3rd	Burglary; possession of tools.	893.13(2)(a)1.	2nd	Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d), (2)(a), (2)(b), or (2)(c)5. (2)(c) 4- drugs).
810.08(2)(c)	3rd	Trespass on property, armed with firearm or dangerous weapon.	914.14(2)	3rd	Witnesses accepting bribes.
812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.	914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
812.014 (2)(c)4.-10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.	914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
812.0195(2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.	918.12	3rd	Tampering with jurors.
817.505(4)(a)	3rd	Patient brokering.	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
817.563(1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.	(3) LEVEL 5		
817.568(2)(a)	3rd	Fraudulent use of personal identification information.	316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
			316.1935(4)(a)	2nd	Aggravated fleeing or eluding.

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
316.80(2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.	790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.
322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.	796.05(1)	2nd	Live on earnings of a prostitute; 1st offense.
379.365(2)(c)1.	3rd	Violation of rules relating to: willful molestation of stone crab traps, lines, or buoys; illegal bartering, trading, or sale, conspiring or aiding in such barter, trade, or sale, or supplying, agreeing to supply, aiding in supplying, or giving away stone crab trap tags or certificates; making, altering, forging, counterfeiting, or reproducing stone crab trap tags; possession of forged, counterfeit, or imitation stone crab trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked.	800.04(6)(c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
			800.04(7)(b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
			806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
			812.0145(2)(b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
			812.015(8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
			812.019(1)	2nd	Stolen property; dealing in or trafficking in.
379.367(4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.	812.131(2)(b)	3rd	Robbery by sudden snatching.
379.407(5)(b)3.	3rd	Possession of 100 or more undersized spiny lobsters.	812.16(2)	3rd	Owning, operating, or conducting a chop shop.
381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.	817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
440.10(1)(g)	2nd	Failure to obtain workers' compensation coverage.	817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
440.105(5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.	817.2341(1), (2)(a) & (3)(a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
440.381(2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.	817.568(2)(b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more persons.
624.401(4)(b)2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.	817.611(2)(a)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or related documents.
626.902(1)(c)	2nd	Representing an unauthorized insurer; repeat offender.	817.625(2)(b)	2nd	Second or subsequent fraudulent use of scanning device, skimming device, or re-encoder.
790.01(2)	3rd	Carrying a concealed firearm.	825.1025(4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
790.162	2nd	Threat to throw or discharge destructive device.			
790.163(1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.			

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
827.071(4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.	893.13(1)(f)1.	1st	used for religious services or a specified business site.
827.071(5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.	893.13(4)(b)	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)5. (2)(e) 4 drugs) within 1,000 feet of public housing facility.
839.13(2)(b)	2nd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.	893.1351(1)	3rd	Use or hire of minor; deliver to minor other controlled substance.
843.01	3rd	Resist officer with violence to person; resist arrest with violence.	(g) LEVEL 7		Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.
847.0135(5)(b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.	316.027(2)(c)	1st	Accident involving death, failure to stop; leaving scene.
847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.	316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.	316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
874.05(1)(b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
874.05(2)(a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfigurement, permanent disability, or death.
893.13(1)(a)1.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. (2)(e) 4 drugs).	409.920 (2)(b)1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
893.13(1)(c)2.	2nd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5. , (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.	409.920 (2)(b)1.b. 456.065(2) 456.065(2)	2nd 3rd 2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000. Practicing a health care profession without a license. Practicing a health care profession without a license which results in serious bodily injury.
893.13(1)(d)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. (2)(e) 4 drugs) within 1,000 feet of university.	458.327(1) 459.013(1) 460.411(1)	3rd 3rd 3rd	Practicing medicine without a license. Practicing osteopathic medicine without a license. Practicing chiropractic medicine without a license.
893.13(1)(e)2.	2nd	Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(e) 5. , (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) within 1,000 feet of property	461.012(1) 462.17	3rd 3rd	Practicing podiatric medicine without a license. Practicing naturopathy without a license.

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
463.015(1)	3rd	Practicing optometry without a license.	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
464.016(1)	3rd	Practicing nursing without a license.	782.071	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).
465.015(2)	3rd	Practicing pharmacy without a license.	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.	784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
467.201	3rd	Practicing midwifery without a license.	784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
468.366	3rd	Delivering respiratory care services without a license.	784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.	784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
483.901(7)	3rd	Practicing medical physics without a license.	784.048(7)	3rd	Aggravated stalking; violation of court order.
484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.	784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
484.053	3rd	Dispensing hearing aids without a license.	784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.
494.0018(2)	1st	Conviction of any violation of chapter 494 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.	784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.	784.081(1)	1st	Aggravated battery on specified official or employee.
560.125(5)(a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.	784.083(1)	1st	Aggravated battery on code inspector.
775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.	787.06(3)(a)2.	1st	Human trafficking using coercion for labor and services of an adult.
775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.	787.06(3)(e)2.	1st	Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to within the state.
775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.	790.16(1)	1st	Discharge of a machine gun under specified circumstances.

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.			forcement officer; property stolen while causing other property damage; 1st degree grand theft.
790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.	812.014(2)(b)2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.	812.014(2)(b)3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.	812.014(2)(b)4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
790.23	1st, PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.	812.0145(2)(a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
794.08(4)	3rd	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.	812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
796.05(1)	1st	Live on earnings of a prostitute; 2nd offense.	812.131(2)(a)	2nd	Robbery by sudden snatching.
796.05(1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.	812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.	817.034(4)(a)1.	1st	Communications fraud, value greater than \$50,000.
800.04(5)(c)2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of age; offender 18 years of age or older.	817.234(8)(a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
800.04(5)(e)	1st	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.	817.234(9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
806.01(2)	2nd	Maliciously damage structure by fire or explosive.	817.234(11)(c)	1st	Insurance fraud; property value \$100,000 or more.
810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.	817.2341 (2)(b) & (3)(b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.	817.535(2)(a)	3rd	Filing false lien or other unauthorized document.
810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.	817.611(2)(b)	2nd	Traffic in or possess 15 to 49 counterfeit credit cards or related documents.
810.02(3)(e)	2nd	Burglary of authorized emergency vehicle.	825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
812.014(2)(a)1.	1st	Property stolen, valued at \$100,000 or more or a semi-trailer deployed by a law en-	825.103(3)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$10,000 or more, but less than \$50,000.
			827.03(2)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
			827.04(3)	3rd	Impregnation of a child under 16 years of age by

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
		person 21 years of age or older.	893.135 (1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.	893.135 (1)(c)2.a.	1st	Trafficking in hydrocodone, 14 grams or more, less than 28 grams.
838.015	2nd	Bribery.			
838.016	2nd	Unlawful compensation or reward for official behavior.	893.135 (1)(c)2.b.	1st	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.
838.021(3)(a)	2nd	Unlawful harm to a public servant.	893.135 (1)(c)3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.
838.22	2nd	Bid tampering.			
843.0855(2)	3rd	Impersonation of a public officer or employee.	893.135 (1)(c)3.b.	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.
843.0855(3)	3rd	Unlawful simulation of legal process.	893.135 (1)(c)4.b.(I)	1st	Trafficking in fentanyl, 4 grams or more, less than 14 grams.
843.0855(4)	3rd	Intimidation of a public officer or employee.			
847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.	893.135 (1)(d)1.a.	1st	Trafficking in phencyclidine, 28 grams or more, less than 200 grams.
847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.	893.135(1)(e)1.	1st	Trafficking in methaqualone, 200 grams or more, less than 5 kilograms.
872.06	2nd	Abuse of a dead human body.	893.135(1)(f)1.	1st	Trafficking in amphetamine, 14 grams or more, less than 28 grams.
874.05(2)(b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.	893.135 (1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
874.10	1st, PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.	893.135 (1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. (2)(c)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.	893.135 (1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
			893.135 (1)(k)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
			893.135 (1)(m)2.a.	1st	Trafficking in synthetic cannabinoids, 280 grams or more, less than 500 grams.
893.13(1)(e)1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. (2)(c)4. , within 1,000 feet of property used for religious services or a specified business site.	893.135 (1)(m)2.b.	1st	Trafficking in synthetic cannabinoids, 500 grams or more, less than 1,000 grams.
			893.135 (1)(n)2.a.	1st	Trafficking in n-benzyl phenethylamines, 14 grams or more, less than 100 grams.
893.13(4)(a)	1st	Use or hire of minor; deliver to minor other controlled substance.	893.135(1)(2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.	896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.	896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial

Florida Statute	Felony Degree	Description	
		transactions exceeding \$300 but less than \$20,000.	<i>shall contract with a nonprofit organization for the distribution and associated costs for the following drugs as part of its medication-assisted treatment program for substance abuse disorders:</i>
943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.	<ol style="list-style-type: none"> 1. \$472,000 for methadone; 2. \$1,888,000 for buprenorphine; and 3. \$2,360,000 for naltrexone extended-release injectable.
943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.	(2) <i>The recurring sum of \$6 million from the General Revenue Fund is appropriated to the Office of the State Courts Administrator for treatment of substance abuse disorders in individuals involved in the criminal justice system, individuals who have a high likelihood of becoming involved in the criminal justice system, or individuals who are in court-ordered, community-based drug treatment. The Office of the State Courts Administrator shall use the funds to contract with a nonprofit entity for the purpose of distributing the medication. The Office of the State Courts Administrator shall make available the following drugs:</i>
943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.	
943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.	<ol style="list-style-type: none"> (a) \$600,000 for methadone; (b) \$2.4 million for buprenorphine; and (c) \$3 million for naltrexone extended-release injectable.
943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.	(3) <i>The recurring sum of \$5 million from the General Revenue Fund is appropriated to the Department of Health for the purchase of naloxone to be made available to emergency responders.</i>
944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.	(4) <i>The sums of \$873,089 in recurring funds and \$117,700 in non-recurring funds are appropriated from the Medical Quality Assurance Trust Fund to the Department of Health for improvements to the Prescription Drug Monitoring Program system.</i>
944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.	Section 23. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2018.
944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.	And the title is amended as follows:
944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.	Delete everything before the enacting clause and insert: A bill to be entitled An act relating to controlled substances; amending s. 409.967, F.S.; prohibiting managed care plans and their fiscal agents or intermediaries from imposing certain requirements or conditions on recipients as a prerequisite to receiving medication-assisted treatment (MAT) services to treat substance abuse disorders; creating s. 456.0301, F.S.; requiring certain boards to require certain registered practitioners to complete a specified board-approved continuing education course to obtain authorization to prescribe controlled substances as part of biennial license renewal and before a specified date; providing course requirements; providing that the course may be offered in a distance learning format and requiring that it be included within required continuing education hours; prohibiting the Department of Health from renewing the license of a prescriber under specified circumstances; specifying a deadline for course completion; providing an exception from the course requirements for certain licensees; requiring such licensees to submit confirmation of course completion; authorizing certain boards to adopt rules; amending s. 456.072, F.S.; authorizing disciplinary action against practitioners for violating specified provisions relating to controlled substances; amending s. 456.44, F.S.; defining the term "acute pain"; requiring the applicable boards to adopt rules establishing certain guidelines for prescribing controlled substances for acute pain; providing that the failure of a prescriber to follow specified guidelines is grounds for disciplinary action; limiting opioid drug prescriptions for the treatment of acute pain to a specified period under certain circumstances; authorizing such prescriptions for an extended period if specified requirements are met; requiring a prescriber who prescribes an opioid drug for the treatment of pain other than acute pain to include a specific indication on the prescription; requiring a prescriber who prescribes an opioid drug for the treatment of pain related to a traumatic injury with a specified Injury Severity Score to concurrently prescribe an emergency opioid antagonist; amending ss. 458.3265 and 459.0137, F.S.; requiring pain management clinics to register with the department or hold a valid certificate of exemption; requiring certain clinics to apply to the department for a certificate of exemption; providing requirements for such certificates; requiring the department to adopt rules necessary to administer such exemptions; amending s. 465.0155, F.S.; providing requirements for pharmacists for the dispensing of controlled substances to persons not known to them; defining the
985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.	
985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.	
985.4815(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.	

Section 22. *For the 2018-2019 fiscal year:*

(1)(a) *The nonrecurring sum of \$27,035,360 from the Federal Grants Trust Fund and the recurring sum of \$15,520,000 from the General Revenue Fund are appropriated to the Department of Children and Families. These funds shall be used for the following services to address opioid and other substance abuse disorders: outpatient, case management, and aftercare services; residential treatment; medication-assisted treatment, including the purchase and medical use of methadone, buprenorphine, and naltrexone extended-release injectable; peer recovery support; hospital and first responder outreach; and outreach targeted to pregnant women.*

(b) *From a total of \$4,720,000 of the recurring general revenue funds specified in paragraph (a), the Department of Children and Families*

term “proper identification”; amending s. 465.0276, F.S.; prohibiting the dispensing of certain controlled substances in an amount that exceeds a 3-day supply unless certain criteria are met; providing an exception for the dispensing of certain controlled substances by a practitioner to the practitioner’s own patients for the medication-assisted treatment of opiate addiction; providing requirements for practitioners for the dispensing of controlled substances to persons not known to them; defining the term “proper identification”; amending s. 627.42392, F.S.; prohibiting a health insurer from imposing certain requirements or conditions on insureds as a prerequisite to receiving MAT services to treat substance abuse disorders; amending s. 893.03, F.S.; correcting a cross-reference; conforming the state controlled substances schedule to the federal controlled substances schedule; amending s. 893.04, F.S.; authorizing a pharmacist to dispense controlled substances upon receipt of an electronic prescription if certain conditions are met; amending s. 893.055, F.S.; revising and providing definitions; revising requirements for the prescription drug monitoring program; authorizing rulemaking; requiring dispensers to report information to the department for each controlled substance dispensed; providing applicability; requiring the department to maintain an electronic system for certain purposes which meets specified requirements; requiring certain information to be reported to the system by a specified time; specifying direct access to system information; authorizing the department to enter into reciprocal agreements or contracts to share prescription drug monitoring information with certain entities; providing requirements for such agreements; authorizing the department to enter into agreements or contracts for secure connections with practitioner electronic systems; requiring specified persons to consult the system for certain purposes within a specified time; providing exceptions to the duty of specified persons to consult the system under certain circumstances; requiring the department to issue citations to prescribers or dispensers who fail to meet specified requirements relating to consulting the system; requiring the department refer such noncompliance to the appropriate board; prohibiting a person from failing to report the dispensing of a controlled substance when required to do so; specifying penalties; authorizing the department to enter into agreements or contracts for specified purposes; providing for the release of information obtained by the system; allowing specified persons to have direct access to information for the purpose of reviewing the controlled drug prescription history of a patient; providing prescriber or dispenser immunity from liability for review of patient history when acting in good faith; providing construction; prohibiting the department from specified uses of funds; requiring the department to conduct or participate in studies for specified purposes; requiring an annual report to be submitted to the Governor and Legislature by a specified date; providing report requirements; authorizing the department to establish a certain direct-support organization for specified purposes; defining the term “direct-support organization”; requiring a direct-support organization to operate under written contract with the department; providing contract requirements; requiring the direct-support organization to obtain written approval from the department for specified purposes; providing for an independent annual financial audit by the direct-support organization; providing that copies of such audit be provided to specified entities; authorizing the department to adopt certain rules relating to resources used by the direct-support organization; providing for future repeal of provisions relating to the direct-support organization; requiring the department to adopt rules to implement the system; amending s. 893.0551, F.S.; revising provisions concerning the release of information held by the prescription drug monitoring program; amending s. 893.13, F.S.; correcting cross-references; increasing the severity of a felony for a health care practitioner who provides or a person who obtains certain controlled substances that are not medically necessary under certain circumstances; amending s. 893.147, F.S.; prohibiting any person from possessing, purchasing, delivering, selling, or possessing with intent to sell or deliver a tableting machine, an encapsulating machine, or controlled substance counterfeiting materials with knowledge, intent, or reasonable cause to believe that it will be used to manufacture a controlled substance or counterfeit controlled substance; providing an exception for persons who meet certain criteria; defining terms; providing criminal penalties for persons who violate specified provisions relating to tableting machines, encapsulating machines, and controlled substance counterfeiting materials; amending ss. 458.331, 459.015, 463.0055, 782.04, 893.135, and 921.0022, F.S.; correcting cross-references; conforming provisions to changes made by the act; providing appropriations; providing effective dates.

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

Senator Thurston moved the following amendment to **Amendment 1 (397172)** which failed:

Amendment 1A (328996) (with title amendment)—Delete lines 83-111 and insert:

(1)(a) If not already required by the licensee’s practice act, the appropriate board shall require each person registered with the United States Drug Enforcement Administration and authorized to prescribe controlled substances pursuant to 21 U.S.C. s. 822 to complete a board-approved 2-hour continuing education course on prescribing controlled substances as part of biennial license renewal. The course must include information on the current standards for prescribing controlled substances, particularly opiates; alternatives to these standards; non-pharmacological therapies; prescribing emergency opioid antagonists; and the risks of opioid addiction following all stages of treatment in the management of acute pain. The course may be offered in a distance learning format and must be included within the number of continuing education hours required by law. The department may not renew the license of any prescriber registered with the United States Drug Enforcement Administration to prescribe controlled substances who has failed to complete the course. When required by this paragraph, the course must be completed by January 31, 2019, and at each subsequent renewal.

(b) Each such licensee shall submit confirmation of having

And the title is amended as follows:

Delete lines 3886-3888 and insert: specified circumstances; requiring

Amendment 1 (397172) was adopted.

Pursuant to Rule 4.19, **CS for CS for HB 21**, as amended, was placed on the calendar of Bills on Third Reading.

SB 1402—A bill to be entitled An act relating to state assumption of federal section 404 dredge and fill permitting authority; creating s. 373.4146, F.S.; defining the term “state assumed waters”; providing the Department of Environmental Protection with the power and authority to adopt rules to assume and implement the section 404 dredge and fill permitting program pursuant to the federal Clean Water Act; specifying that certain rules, standards, or other requirements are not effective or enforceable until such assumption is approved; providing legislative intent; providing applicability of other state law regulating discharges; specifying the applicability of certain exemptions; specifying department authority upon assumption of the section 404 dredge and fill permitting program; specifying certain procedures for permit applications; exempting the department from certain permitting timeframe limitations upon such assumption; specifying the maximum dredge and fill permit period for activities in state assumed waters; specifying certain procedures for permit reissuance; requiring the department to adopt rules to create an expedited permit review process; specifying applicability of certain administrative procedures; authorizing the department to delegate certain activities; specifying that the department must retain the authority to review, modify, revoke, or rescind any permit authorizing activities in state assumed waters which is issued by a delegated entity; providing an effective date.

—was read the second time by title.

SENATOR BENACQUISTO PRESIDING

Pending further consideration of **SB 1402**, pursuant to Rule 3.11(3), there being no objection, **HB 7043** was withdrawn from the Committees on Environmental Preservation and Conservation; Appropriations Subcommittee on the Environment and Natural Resources; and Appropriations.

On motion by Senator Simmons—

HB 7043—A bill to be entitled An act relating to state assumption of federal section 404 dredge and fill permitting authority; creating s.

373.4146, F.S.; defining the term “state assumed waters”; providing the Department of Environmental Protection with the power and authority to adopt rules to assume and implement the section 404 dredge and fill permitting program pursuant to the federal Clean Water Act; specifying that certain rules, standards, or other requirements are not effective or enforceable until such assumption is approved; providing legislative intent; providing applicability of other state law regulating discharges; specifying the applicability of certain exemptions; specifying department authority upon assumption of the section 404 dredge and fill permitting program; specifying certain procedures for permit applications; exempting the department from certain permitting timeframe limitations upon such assumption; specifying the maximum dredge and fill permit period for activities in state assumed waters; specifying certain procedures for permit reissuance; requiring the department to adopt rules to create an expedited permit review process; specifying applicability of certain administrative procedures; authorizing the department to delegate certain activities; specifying that the department must retain the authority to review, modify, revoke, or rescind any permit authorizing activities in state assumed waters which is issued by a delegated entity; providing an effective date.

—a companion measure, was substituted for **SB 1402** and read the second time by title.

Pursuant to Rule 4.19, **HB 7043** was placed on the calendar of Bills on Third Reading.

On motion by Senator Lee—

CS for SJR 792—A joint resolution proposing an amendment to Section 4 of Article IV of the State Constitution to revise the duties and responsibilities of the Chief Financial Officer.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SJR 792** was placed on the calendar of Bills on Third Reading.

SB 48—A bill to be entitled An act for the relief of Ashraf Kamel and Marguerite Dimitri by the Palm Beach County School Board; providing for an appropriation to compensate Ashraf Kamel and Marguerite Dimitri for the wrongful death of their minor child, Jean A. Pierre Kamel, as a result of the negligence of the Palm Beach County School Board; providing a limitation on the payment of attorney fees; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 48**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 6523** was withdrawn from the Committees on Judiciary; Governmental Oversight and Accountability; and Rules.

On motion by Senator Gibson—

CS for HB 6523—A bill to be entitled An act for the relief of Ashraf Kamel and Marguerite Dimitri by the Palm Beach County School Board; providing for an appropriation to compensate Ashraf Kamel and Marguerite Dimitri for the wrongful death of their minor child, Jean A. Pierre Kamel, as a result of the negligence of the Palm Beach County School Board; providing a limitation on the payment of fees and costs; providing an effective date.

—a companion measure, was substituted for **SB 48** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 6523** was placed on the calendar of Bills on Third Reading.

CS for SB 260—A bill to be entitled An act relating to students with disabilities in public schools; amending s. 1003.573, F.S., relating to the seclusion and restraint of students with disabilities; defining terms; providing requirements for the use of restraint; prohibiting specified physical restraint techniques; providing requirements for the use of exclusionary and nonexclusionary time; providing requirements for

school districts to report and publish training procedures; providing for student-centered followup; providing requirements for documenting, reporting, and monitoring the use of restraint and exclusionary or nonexclusionary time; revising school district policies and procedures relating to restraint; amending s. 1012.582, F.S.; requiring continuing education and inservice training for teaching students with emotional or behavioral disabilities; conforming provisions to changes made by the act; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 260**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 63** was withdrawn from the Committees on Education; Health Policy; and Rules.

On motion by Senator Book—

CS for HB 63—A bill to be entitled An act relating to students with disabilities in public schools; amending s. 1003.573, F.S., relating to the seclusion and restraint of students with disabilities; providing definitions; providing requirements for the use of restraint; prohibiting specified physical restraint techniques; providing requirements for the use of exclusionary and nonexclusionary time; providing requirements for school districts to report and publish training procedures; providing for student-centered followup; providing requirements for documenting, reporting, and monitoring the use of restraint and seclusion; revising school district policies and procedures relating to restraint and seclusion; amending s. 1012.582, F.S.; requiring continuing education and inservice training for teaching students with emotional or behavioral disabilities; conforming provisions; providing an effective date.

—a companion measure, was substituted for **CS for SB 260** and read the second time by title.

Senator Book moved the following amendment which was adopted:

Amendment 1 (678432) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 1003.573, Florida Statutes, is amended to read:

1003.573 *Seclusion and Use of restraint of ~~and seclusion on~~ students with disabilities in public schools.—*

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

(a) *“Department” means the Department of Education.*

(b) *“Exclusionary time” means the period during which a student is removed from an event, activity, or instructional environment to encourage reflection on behavior and allow space and time for understanding of choices and consequences.*

(c) *“Imminent risk of serious injury or death” means the impending risk of a significant injury, such as a laceration, bone fracture, substantial hematoma, or injury to an internal organ, or death.*

(d) *“Medical protective equipment” means health-related protective devices prescribed by a physician or dentist for use as student protection in response to an existing medical condition.*

(e) *“Nonexclusionary time” means a period during which a student remains in the event or instructional environment but is redirected from the activities so that he or she has an opportunity to reflect on the behavior and is given space and time for understanding of choices and consequences.*

(f) *“Restraint” means the use of a mechanical or physical restraint which may be used only when all other behavioral strategies and intervention techniques have been exhausted.*

1. *“Mechanical restraint” means the use of a device that restricts a student’s freedom of movement. The term includes, but is not limited to, the use of straps, belts, tie-downs, and chairs with straps; however, the term does not include the use of any of the following:*

a. *Medical protective equipment.*

b. Behavioral protective equipment, including helmets, gloves, wraps, calming blankets, and other devices that are used temporarily to prevent severe tissue damage caused by behavioral excesses.

c. Physical equipment or orthopedic appliances, surgical dressings or bandages, or supportive body bands or other restraints necessary for ongoing medical treatment in the educational setting.

d. Devices used to support functional body position or proper balance, or to prevent a person from falling out of a bed or a wheelchair, except when such a device is used for a purpose other than supporting a body position or proper balance, such as coercion, discipline, convenience, or retaliation, to prevent imminent risk of serious injury or death of the student or others, or for any other behavior management reason.

e. Equipment used for safety during transportation, such as seatbelts or wheelchair tie-downs.

2. "Physical restraint" means the use of manual restraint techniques that involve significant physical force applied by a teacher or other staff member to restrict the movement of all or part of a student's body.

(g) "Seclusion" means the removal of a student from an educational environment, involuntarily confining the student in a room or area, and preventing the student from leaving the area by locking or artificially blocking the door. The term does not include exclusionary time.

(h) "Student" means a student with a disability.

(2) PHYSICAL RESTRAINT.—

(a) Physical restraint may be used only when there is an imminent risk of serious injury or death to the student or others and only for the period of time necessary to eliminate such risk.

(b) Notwithstanding the authority provided in s. 1003.32, physical restraint shall be used only to protect the safety of students, school personnel, or others and may not be used for student discipline, to correct student noncompliance, or for the convenience of school district staff. Physical restraint shall be used only for the period needed to provide such protection.

(c) The degree of force applied during physical restraint must be only that degree of force necessary to protect the student or others from serious injury or death.

(d) School personnel who have received training that is not associated with their employment with the school district, such as a former law enforcement officer who is now a teacher, shall receive training in the specific district-approved techniques and may not apply techniques or procedures acquired elsewhere.

(e) School personnel may not use any of the following physical restraint techniques on a student:

1. Pain inducement to obtain compliance.
2. Bone locks.
3. Hyperextension of joints.
4. Peer restraint.
5. Pressure or weight on the chest, lungs, sternum, diaphragm, back, or abdomen causing chest compression.
6. Straddling or sitting on any part of the body or any maneuver that places pressure, weight, or leverage on the neck or throat, on an artery, or on the back of the head or neck or that otherwise obstructs or restricts the circulation of blood or obstructs an airway.
7. Any type of choking, including hand chokes, and any type of neck or head hold.
8. A technique that involves spraying or pushing anything on or into the mouth, nose, eyes, or any part of the face or that involves covering the face or body with anything, including soft objects such as pillows or washcloths.

9. Any maneuver that involves punching, hitting, poking, pinching, or shoving.

10. Prone or supine restraint.

(3) EXCLUSIONARY AND NONEXCLUSIONARY TIME.—

(a) School personnel may place a student in exclusionary or non-exclusionary time if all of the following conditions are met:

1. The exclusionary or nonexclusionary time is part of a positive behavioral intervention plan developed for the student.
2. There is documentation that the exclusionary or nonexclusionary time was preceded by the use of other positive behavioral supports that were not effective.
3. The exclusionary or nonexclusionary time takes place in a classroom or in another environment where class educational activities are taking place.
4. The student is not physically prevented from leaving the exclusionary or nonexclusionary time area.
5. The student is observed on a constant basis by an adult for the duration of the exclusionary or nonexclusionary time.
6. The exclusionary or nonexclusionary time area and process are free of any action that is likely to embarrass or humiliate the student.

(b) Exclusionary or nonexclusionary time may not be used for a period that exceeds 1 minute for each year of a student's age or until the student is calm enough to return to his or her seat.

(c) Exclusionary or nonexclusionary time may not be used as a punishment or negative consequence of a student's behavior.

(4) TRAINING.—

(a) Each school district shall report its procedures for training in the use of restraint to the department by publishing the procedures in the district's special policies and procedures manual.

(b) Training in the use of restraint must include all of the following:

1. Procedures for deescalating a problem behavior before the problem behavior increases to a level or intensity necessitating physical intervention.
2. Information regarding the risks associated with restraint and procedures for assessing individual situations and students in order to determine whether the use of restraint is appropriate and sufficiently safe.
3. The actual use of specific techniques that range from the least to most restrictive, with ample opportunity for trainees to demonstrate proficiency in the use of such techniques.
4. Techniques for implementing restraint with multiple staff members working as a team.
5. Techniques for assisting a student in reentering the instructional environment and reengaging in learning.
6. Instruction in the district's documentation and reporting requirements.
7. Procedures to identify and deal with possible medical emergencies arising during the use of restraint.
8. Cardiopulmonary resuscitation.

(5) STUDENT-CENTERED FOLLOWUP.—If a student is restrained more than twice during a semester, the school shall conduct a review of:

- (a) The incidents in which restraint was used and an analysis of how future incidents may be avoided;

(b) *The student's functional behavioral assessment and positive behavioral intervention plan by the school personnel and parent within two weeks before the end of the semester; and*

(c) *The training provided to school personnel concerning the use of restraint.*

~~(6)(4)~~ DOCUMENTATION AND REPORTING.—

(a) *At the beginning of each school year, a school district shall publicly post its policies on all emergency procedures, including its policies on the use of restraint.*

~~(b)(a)~~ A school shall prepare an incident report within 24 hours after a student is released from restraint or *exclusionary or nonexclusionary time seclusion*. If the student's release occurs on a day before the school closes for the weekend, a holiday, or another reason, the incident report must be completed by the end of the school day on the day the school reopens.

~~(c)(b)~~ The following must be included in the incident report:

1. The name of the student restrained or *placed in exclusionary or nonexclusionary time seclusion*.
2. The age, grade, ethnicity, and disability of the student restrained or *placed in exclusionary or nonexclusionary time seclusion*.
3. The date and time of the event and the duration of the restraint or *exclusionary or nonexclusionary time seclusion*.
4. The location at which the restraint or *exclusionary or nonexclusionary time seclusion* occurred.
5. *If a restraint is used*, a description of the type of restraint used in terms established by the department of ~~Education~~.
6. The name of the person using or assisting in the restraint or *imposition of exclusionary or nonexclusionary time on seclusion* of the student and the date the person was last trained in the use of restraint on students.
7. The name of any nonstudent who was present to witness the restraint or *exclusionary or nonexclusionary time seclusion*.
8. A description of the incident, including *all of the following*:
 - a. The context in which the restraint or *exclusionary or nonexclusionary time seclusion* occurred.
 - b. The student's behavior leading up to and precipitating the decision to use ~~manual or physical~~ restraint or *exclusionary or nonexclusionary time seclusion*, including an indication as to why there was an imminent risk of serious injury or death to the student or others *if a student was subject to restraint*.
 - c. The specific positive behavioral strategies used to prevent and deescalate the behavior.
 - d. What occurred with the student immediately after the termination of the restraint or *exclusionary or nonexclusionary time seclusion*.
 - e. Any injuries, visible marks, or possible medical emergencies that may have occurred during the restraint or *exclusionary or nonexclusionary time seclusion*, documented according to district policies.
 - f. Evidence of steps taken to notify the student's parent or guardian.

~~(d)(e)~~ A school shall notify the parent or guardian of a student each time ~~manual or physical~~ restraint or *exclusionary or nonexclusionary time seclusion* is used. Such notification must be in writing and provided before the end of the school day on which the restraint or *exclusionary or nonexclusionary time seclusion* occurs. Reasonable efforts must also be taken to notify the parent or guardian by telephone or ~~computer~~ e-mail, or both, and these efforts must be documented. The school shall obtain, and keep in its records, the parent's or guardian's signed acknowledgment that he or she was notified of his or her child's restraint or *exclusionary or nonexclusionary time seclusion*.

~~(e)(4)~~ A school shall also provide the parent or guardian with the completed incident report in writing by mail within 3 school days after a student was ~~manually or physically~~ restrained or *placed in exclusionary or nonexclusionary time seclusion*. The school shall obtain, and keep in its records, the parent's or guardian's signed acknowledgment that he or she received a copy of the incident report.

~~(7)(2)~~ MONITORING.—

(a) ~~Monitoring of~~ The use of ~~manual or physical~~ restraint or *exclusionary or nonexclusionary time seclusion* on students shall be monitored ~~occur~~ at the classroom, building, district, and state levels.

(b) Any documentation prepared by a school pursuant to ~~as required in~~ subsection (6) ~~(4)~~ shall be provided to the school principal, the district director of Exceptional Student Education, and the bureau chief of the Bureau of Exceptional Education and Student Services electronically each month that the school is in session. *Redacted copies of such documentation must be updated monthly and made available to the public through the department's website no later than October 1, 2018.*

(c) The department shall maintain aggregate data of incidents of ~~manual or physical~~ restraint or *exclusionary or nonexclusionary time and seclusion* and disaggregate the data for analysis by county, school, student exceptionality, and other variables, including the type and method of restraint or *exclusionary or nonexclusionary time seclusion* used. This information must ~~shall~~ be updated monthly and made available to the public through the department's website beginning no later than October 1, 2018.

(d) The department shall establish *and provide to school districts* standards for documenting, reporting, and monitoring the use of ~~man-ual or physical~~ restraint or ~~mechanical~~ restraint, and occurrences of *exclusionary or nonexclusionary time seclusion*. ~~These standards shall be provided to school districts by October 1, 2011.~~

~~(8)(3)~~ SCHOOL DISTRICT POLICIES AND PROCEDURES REGARDING RESTRAINT.—

(a) *School districts shall develop policies and procedures that provide for the physical safety and security of all students and school personnel and which treat all students with respect and dignity in an environment that promotes a positive school culture and climate. Such* ~~Each school district shall develop~~ policies and procedures *must be that* ~~are~~ consistent with this section and *must that* govern the following:

1. *A description of escalating behavioral strategies that may be used.*
2. *Allowable use of restraint on students.*
3. *Training procedures.*
- ~~4.1-~~ Incident-reporting procedures.
- ~~5.2-~~ Data collection and monitoring, including when, where, and why students are restrained and ~~or seclusion~~; the frequency of occurrences of such restraint or ~~seclusion~~; and the ~~prone or mechanical~~ restraint ~~that is most used~~.
- ~~6.3-~~ Monitoring and reporting of data collected.
- ~~7.4-~~ Training programs and procedures relating to ~~manual or physical~~ restraint and ~~seclusion~~.
- ~~8.5-~~ The district's plan for selecting personnel to be trained *and the timeframe for completing such training pursuant to subsection (4).*
- ~~9.6-~~ The district's plan for reducing the use of restraint, ~~and seclusion~~ particularly in settings in which it occurs frequently or with students who are restrained repeatedly, ~~and for reducing the use of prone restraint and mechanical restraint~~. The plan must include a goal for reducing the use of restraint and ~~seclusion~~ and must include activities, skills, and resources needed to achieve that goal. Activities may include, but are not limited to, *all of the following*:
 - a. Additional training in positive behavioral support and crisis management.;
 - b. Parental involvement.;

- c. Data review.;
 - d. Updates of students' functional behavioral analysis and positive behavior intervention plans.;
 - e. Additional student evaluations.;
 - f. Debriefing with staff.;
 - g. Use of schoolwide positive behavior support.;
 - h. Changes to the school environment.
10. *Analysis of data to determine trends.*
11. *Ongoing reduction of the use of restraint.*

(b) Any revisions a school district makes to its ~~to the district's~~ policies and procedures, which must be prepared as part of the school district's special policies and procedures, must be filed with the bureau chief of the Bureau of Exceptional Education and Student Services ~~no later than January 31, 2012.~~

(9)(4) PROHIBITED RESTRAINT.—School personnel may not use a mechanical restraint or a ~~manual or physical~~ restraint that restricts a student's breathing.

(10)(5) SECLUSION.—School personnel may not ~~place a student in seclusion close, lock, or physically block a student in a room that is unlit and does not meet the rules of the State Fire Marshal for seclusion time-out rooms.~~

Section 2. Subsections (1) and (2) of section 1012.582, Florida Statutes, are amended to read:

1012.582 Continuing education and inservice training for teaching students with developmental *and emotional or behavioral* disabilities.—

(1) The Commissioner of Education shall develop recommendations to incorporate instruction regarding autism spectrum disorder, Down syndrome, ~~and~~ other developmental disabilities, *and emotional or behavioral disabilities* into continuing education or inservice training requirements for instructional personnel. These recommendations shall address:

- (a) Early identification of, and intervention for, students who have autism spectrum disorder, Down syndrome, ~~or~~ other developmental disabilities, *or emotional or behavioral disabilities.*
- (b) Curriculum planning and curricular and instructional modifications, adaptations, and specialized strategies and techniques.
- (c) The use of available state and local resources.
- (d) The use of positive behavioral supports to deescalate problem behaviors.
- (e) Appropriate use of ~~manual~~ physical restraint and *effective classroom behavior management strategies, including, but not limited to, differential reinforcement, precision commands, minimizing attention or access to other reinforcers, and exclusionary and nonexclusionary time methods seclusion techniques.*

(2) In developing the recommendations, the commissioner shall consult with the State Surgeon General, the Director of the Agency for Persons with Disabilities, representatives from the education community in the state, and representatives from entities that promote awareness about autism spectrum disorder, Down syndrome, ~~and~~ other developmental disabilities, *and emotional or behavioral disabilities* and provide programs and services to persons with ~~developmental~~ disabilities, including, but not limited to, regional autism centers pursuant to s. 1004.55.

Section 3. This act shall take effect July 1, 2018.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to students with disabilities in public schools; amending s. 1003.573, F.S., relating to the seclusion and restraint of

students with disabilities; defining terms; providing requirements for the use of restraint; prohibiting specified physical restraint techniques; providing requirements for the use of exclusionary and nonexclusionary time; providing requirements for school districts to report and publish training procedures; providing for student-centered followup; providing requirements for documenting, reporting, and monitoring the use of restraint and exclusionary or nonexclusionary time; revising school district policies and procedures relating to restraint; amending s. 1012.582, F.S.; requiring continuing education and inservice training for teaching students with emotional or behavioral disabilities; conforming provisions to changes made by the act; providing an effective date.

Pursuant to Rule 4.19, **CS for HB 63**, as amended, was placed on the calendar of Bills on Third Reading.

SB 922—A bill to be entitled An act relating to the sale of alcoholic beverages; amending s. 565.02, F.S.; providing an exception to the miniature bottle requirement for operators of intrastate railroads and sleeper cars; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 922**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 1265** was withdrawn from the Committees on Regulated Industries; Transportation; and Rules.

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

CS for HB 1265—A bill to be entitled An act relating to alcoholic beverages; amending s. 565.02, F.S.; removing certain liquor bottle size restrictions for operators of intrastate railroads or sleeping cars; removing a requirement that operators of intrastate railroads and sleeping cars keep separate the alcoholic beverages intended for sale on passenger trains and the alcoholic beverages intended for sale in the railroad transit station; providing an effective date.

—a companion measure substituted for **SB 922** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1265** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 840** was deferred.

CS for CS for CS for SB 1020—A bill to be entitled An act relating to alcohol deliveries; amending s. 561.57, F.S.; including an electronic order as a type of order construed as a sale made at a vendor's licensed place of business; authorizing a vendor to make certain deliveries in a third-party vehicle under certain circumstances; providing that the vehicles used to make such deliveries are subject to certain inspections and searches under certain circumstances; requiring that the recipient's identity and age be verified and documented at the time of delivery; requiring that deliveries comply with s. 562.11, F.S.; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for CS for SB 1020**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 667** was withdrawn from the Committees on Regulated Industries; Commerce and Tourism; and Rules.

On motion by Senator Young—

CS for HB 667—A bill to be entitled An act relating to the Beverage Law; amending s. 561.57, F.S.; providing for electronic orders received at a vendor's licensed place of business to be construed as a sale actually made at the vendor's licensed place of business; authorizing a vendor to make certain deliveries in a third-party vehicle under certain circumstances; requiring that the recipient's identity and age be verified and documented at the time of delivery; requiring that deliveries comply with age requirements for selling, giving, or serving alcoholic beverages; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 1020** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 667** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 1254—A bill to be entitled An act relating to early learning; amending s. 1002.81, F.S.; revising the definition of “at-risk child”; amending s. 1002.82, F.S.; revising the duties of the Office of Early Learning; revising the requirements for certain assessments; revising the standard statewide contract for providers; providing that failing to meet certain measures for a specified period is cause for termination of a provider; providing for the development of a program assessment for school readiness providers; providing program assessment requirements; requiring the office to set a payment differential for certain providers; providing requirements for such payment differential; revising requirements for a certain single statewide information system; revising the requirement for an analysis of early learning activities throughout the state; amending s. 1002.84, F.S.; conforming a cross-reference; amending s. 1002.85, F.S.; revising the required contents of the school readiness program plan each early learning coalition must submit; amending s. 1002.87, F.S.; revising the priority criteria for participation in the school readiness program; amending s. 1002.88, F.S.; revising school readiness provider requirements for program participation; conforming cross-references; amending s. 1002.89, F.S.; providing for the use of specified funds for a required assessment; amending s. 1002.92, F.S.; conforming a cross-reference; providing an appropriation; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1254**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 1091** was withdrawn from the Committees on Education; Judiciary; and Appropriations.

On motion by Senator Passidomo—

CS for CS for HB 1091—A bill to be entitled An act relating to early learning; amending s. 1002.81, F.S.; revising the definition of “at-risk child”; amending s. 1002.82, F.S.; revising the duties of the Office of Early Learning; revising the requirements for certain assessments; revising the standard statewide contract for providers; providing that failing to meet certain measures for a specified period is cause for termination of a provider; providing for the development of a program assessment for school readiness providers; providing program assessment requirements; requiring the office to set a payment differential for certain providers; providing requirements for such payment differential; revising requirements for a certain single statewide information system; revising the requirement for an analysis of early learning activities throughout the state; amending s. 1002.84, F.S.; conforming a cross-reference; amending s. 1002.85, F.S.; revising the required contents of the school readiness program plan each early learning coalition must submit; amending s. 1002.87, F.S.; revising the priority criteria for participation in the school readiness program; amending s. 1002.88, F.S.; revising school readiness provider requirements for program participation; conforming cross-references; amending s. 1002.89, F.S.; providing for the use of specified funds for a required assessment; amending s. 1002.92, F.S.; conforming a cross-reference; providing an appropriation; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1254** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 1091** was placed on the calendar of Bills on Third Reading.

CS for SB 1224—A bill to be entitled An act relating to the Beverage Law; amending s. 561.42, F.S.; authorizing a malt beverage distributor to give branded glassware to vendors licensed to sell malt beverages for on-premises consumption; requiring that the glassware bear certain branding; providing an annual limit on the amount of glassware a distributor may give to a vendor; prohibiting a vendor from selling the branded glassware or returning it to a distributor for cash, credit, or replacement; requiring manufacturers, importers, distributors, and

vendors to maintain certain records; defining the terms “case” and “glassware”; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 1224**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 961** was withdrawn from the Committees on Regulated Industries; Commerce and Tourism; and Appropriations.

On motion by Senator Bradley—

CS for HB 961—A bill to be entitled An act relating to the Beverage Law; amending s. 561.42, F.S.; authorizing a malt beverage distributor to give branded glassware to vendors licensed to sell malt beverages for on-premises consumption; requiring that the glassware bear certain branding; providing an annual limit on the amount of glassware a distributor may give to a vendor; prohibiting a vendor from selling the branded glassware or returning it to a distributor for cash, credit, or replacement; requiring manufacturers, importers, distributors, and vendors to maintain certain records; defining the terms “case” and “glassware”; providing an effective date.

—a companion measure, was substituted for **CS for SB 1224** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 961** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 732** was deferred.

SB 1184—A bill to be entitled An act relating to the Closing the Gap grant program; amending s. 381.7355, F.S.; requiring a Closing the Gap grant proposal to address racial and ethnic disparities in morbidity and mortality rates relating to Lupus; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 1184**, pursuant to Rule 3.11(3), there being no objection, **HB 1009** was withdrawn from the Committees on Health Policy; Appropriations Subcommittee on Health and Human Services; and Appropriations.

On motion by Senator Gibson—

HB 1009—A bill to be entitled An act relating to the Closing the Gap grant program; amending s. 381.7355, F.S.; providing an additional priority area for Closing the Gap grant proposals that addresses racial and ethnic disparities in morbidity and mortality rates relating to Lupus; providing an effective date.

—a companion measure, was substituted for **SB 1184** and read the second time by title.

Pursuant to Rule 4.19, **HB 1009** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 662** was deferred.

CS for CS for SB 590—A bill to be entitled An act relating to child welfare; creating s. 39.4015, F.S.; providing legislative findings and intent; defining terms; requiring the Department of Children and Families, in collaboration with sheriffs’ offices that conduct child protective investigations and community-based care lead agencies, to develop a statewide family-finding program; specifying that implementation of the family-finding program is contingent upon the appropriation of funds by the Legislature; specifying when a family finding is required; requiring the department and community-based care lead agencies to document strategies taken to engage relatives and kin; providing strategies to engage relatives and kin; requiring the department and community-based care lead agencies to use diligent efforts in family finding; providing that certain actions do not constitute family finding; requiring determinations by the court; requiring the department to adopt rules; amending s. 39.402, F.S.; requiring the court to request that parents consent to providing access to additional records; upon

implementation of the family-finding program, requiring a judge to appoint a surrogate parent for certain children; requiring the court to place on the record its determinations regarding the department's or the community-based lead agency's reasonable engagement in family finding; providing guidelines for determining reasonableness; amending s. 39.506, F.S.; upon implementation of the family-finding program, requiring the court to make a determination regarding the department's or the community-based lead agency's reasonable engagement in family finding; providing guidelines for determining reasonableness; amending s. 39.507, F.S.; upon implementation of the family-finding program, requiring the court to make a determination regarding the department's or the community-based lead agency's reasonable engagement in family finding; providing guidelines for determining reasonableness; requiring the court to advise parents that their parental rights may be terminated and the child's out-of-home placement may become permanent under certain circumstances; creating s. 39.5086, F.S.; providing legislative findings and intent; defining terms; providing the purpose of a kinship navigator program; contingent upon the appropriation of funds by the Legislature, requiring each community-based care lead agency to establish a kinship navigator program; providing requirements for programs; requiring the department to adopt rules; amending s. 39.521, F.S.; upon implementation of the family-finding program, requiring the court to make a determination regarding the department's or the community-based lead agency's reasonable engagement in family finding; providing guidelines for determining reasonableness; conforming provisions to changes made by the act; amending s. 39.6012, F.S.; revising the types of records that must be attached to a case plan and updated throughout the judicial review process; upon implementation of the family-finding program, requiring that documentation of the family-finding efforts of the department and the community-based care lead agency be included in certain case plans; amending s. 39.604, F.S.; revising legislative findings and intent; revising enrollment and attendance requirements for children in an early education or child care program; conforming cross-references; providing requirements and procedures for maintaining the educational stability of a child during the child's placement in out-of-home care, or subsequent changes in out-of-home placement; requiring that a child's transition from a child care or early education program be pursuant to a plan that meets certain requirements; amending s. 39.6251, F.S.; requiring the case manager for a young adult in foster care to consult with the young adult when updating the case plan and the transition plan and arrangements; deleting a provision authorizing case management reviews to be conducted by telephone under certain circumstances; amending s. 39.701, F.S.; requiring the court to appoint a surrogate parent if the child is under the age of school entry; upon implementation of the family-finding program, requiring the court to determine if the department and community-based lead agency have continued to reasonably engage in family finding; providing guidelines for determining the level of reasonableness; amending s. 409.166, F.S.; defining terms; providing conditions for the department to provide adoption assistance payments to adoptive parents of certain children; providing that children and young adults receiving benefits through the adoption assistance program are ineligible for other specified benefits and services; providing additional conditions for eligibility for adoption assistance; contingent upon the appropriation of funds by the Legislature, requiring the department to create a pilot Title IV-E Guardianship Assistance Program; providing definitions; specifying eligibility and limitations; establishing a room and board rate for guardians in certain circuits who are eligible for the program; providing an exception to licensing standards in certain circuits under certain circumstances; providing effective dates.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 590**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 1435** was withdrawn from the Committees on Children, Families, and Elder Affairs; Judiciary; Appropriations Subcommittee on Health and Human Services; and Appropriations.

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

CS for CS for HB 1435—A bill to be entitled An act relating to child welfare; creating s. 39.4015, F.S.; providing legislative findings and intent; providing definitions; requiring the Department of Children and Families, in collaboration with sheriffs' offices that conduct child protective investigations and community-based care lead agencies, to develop a statewide family-finding program; providing strategies to engage relatives and fictive kin; providing for the department and

community-based care lead agencies to use diligent efforts in family finding; providing that certain actions do not constitute family finding; authorizing the department to adopt rules; amending s. 39.402, F.S.; requiring the court to request that parents consent to providing access to additional records; creating s. 39.5086, F.S.; providing the purpose and service components of a kinship navigator program; providing definitions; authorizing each community-based care lead agency to establish a kinship navigator program, subject to available resources; authorizing the department to adopt rules; amending s. 39.521, F.S.; conforming provisions to changes made by the act; amending s. 39.6012, F.S.; revising the types of records that must be attached to a case plan and updated throughout the judicial review process; amending s. 39.604, F.S.; revising enrollment and attendance requirements for children under protective supervision or out-of-home care enrolled in an early education or child care program; providing requirements and procedures for maintaining the educational stability of a child during the child's placement in out-of-home care or subsequent changes in out-of-home placement; requiring that a child's transition from an early education or child care program be pursuant to a plan that meets certain requirements; providing an effective date.

—a companion measure was substituted for **CS for CS for SB 590** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 1435** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 1360—A bill to be entitled An act relating to child welfare; amending s. 39.01, F.S.; revising the definition of the term "abuse"; amending s. 39.0138, F.S.; requiring the Department of Children and Families to establish rules for granting exemptions from criminal history and certain other records checks required for persons being considered for placement of a child; requiring the department or its designee to assess the limitations that justify the exemption and the limitation's effects on the child before granting the exemption; requiring level 1 screening for persons granted such exemption; prohibiting placement of a child with persons convicted of a certain felony; amending s. 39.3065, F.S.; requiring the Sheriff of Walton County to provide all child protective investigations in the county beginning with a specified fiscal year; amending s. 39.6012, F.S.; requiring parents to make proactive contact with the department or contracted case management agency at regular intervals; amending s. 39.6013, F.S.; requiring the court to consider certain case details before amending a case plan; amending s. 39.621, F.S.; requiring the court, during permanency hearings, to determine case plan compliance; amending s. 39.701, F.S.; requiring the court, during judicial review hearings, to determine case plan compliance; amending s. 63.092, F.S.; requiring the department to release specified records to entities conducting preliminary home studies; providing that certain specified training is required only for persons who adopt children from the department; amending s. 402.305, F.S.; revising minimum requirements for child care personnel related to screening and fingerprinting; requiring child care facilities to provide information during specified months to parents intended to prevent children from being left in vehicles; requiring the department to develop a flyer or brochure containing specified information; specifying the minimum standards the department must adopt regarding transportation of children by child care facilities; specifying that a child care facility is not responsible for children when they are transported by a parent or guardian; amending s. 402.30501, F.S.; conforming a cross-reference; amending ss. 402.313 and 402.3131, F.S.; requiring family day care homes and large family child care homes to provide information during specified months to parents intended to prevent children from being left in vehicles; requiring the department to develop a flyer or brochure containing specified information; amending s. 409.175, F.S.; defining the term "severe disability"; providing an exemption from fingerprint requirements for adult household members with severe disabilities; amending s. 409.991, F.S.; revising the definition of the term "proportion of children in care"; revising the equity allocation formula for community-based care lead agencies; amending s. 435.07, F.S.; revising the offenses that disqualify certain child care personnel from specified employment; amending ss. 1002.55, 1002.57, and 1002.59, F.S.; conforming cross-references; providing a directive to the Division of Law Revision and Information; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1360**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 1079** was withdrawn from the Committees on Children, Families, and Elder Affairs; Appropriations Subcommittee on Health and Human Services; and Appropriations.

On motion by Senator Broxson, the rules were waived, and by two-thirds vote—

CS for CS for HB 1079—A bill to be entitled An act relating to child welfare; amending s. 39.01, F.S.; revising and providing definitions; amending s. 39.0138, F.S.; requiring the Department of Children and Families to establish rules for granting exemptions from criminal history and certain other records checks required for persons being considered for placement of a child; requiring level 1 screening for persons granted such exemption; prohibiting placement of a child with persons convicted of a certain felony; amending s. 39.521, F.S.; authorizing the court to make certain determinations regarding placement of a child with a guardian; conforming a cross-reference; amending s. 39.5085, F.S.; authorizing the department to recover financial assistance provided to nonrelative caregivers under certain circumstances; amending s. 39.6012, F.S.; requiring parents to make proactive contact with case managers at regular intervals; conforming a cross-reference; amending s. 39.6013, F.S.; requiring the court to consider certain case details before amending a case plan; amending s. 39.621, F.S.; requiring the court, during permanency hearings, to determine case plan compliance; amending s. 39.6221, F.S.; providing an additional condition for court placement of a child in permanent guardianship; creating s. 39.6225, F.S.; requiring the department to establish and operate a Guardianship Assistance Program to provide guardianship assistance payments to certain guardians beginning on a specified date; providing definitions; providing eligibility requirements; authorizing guardians to receive such payments for certain siblings; requiring the department to annually redetermine eligibility; providing conditions for termination of benefits; requiring the department to provide guardianship non-recurring payments for certain expenses; authorizing the use of certain state and federal funds to operate the program; providing that children receiving assistance under the program are eligible for Medicaid coverage until they reach a certain age; requiring case plans to include certain information; requiring the department to adopt rules; requiring the Florida Institute for Child Welfare to evaluate the implementation of the Guardianship Assistance Program; requiring the institute to submit a report by a certain date; specifying the process for and elements of the evaluation; requiring the department to develop and implement a comprehensive communications strategy in support of relatives and fictive kin who are prospective caregivers; specifying information that shall be provided to such prospective caregivers; amending s. 39.6251, F.S.; requiring the case manager for a young adult in foster care to consult the young adult when updating case or the transition plans and arrangements; deleting a provision authorizing case management reviews to be conducted by telephone under certain circumstances; amending s. 39.701, F.S.; requiring the court, during judicial review hearings, to determine case plan compliance; amending s. 63.092, F.S.; requiring the department to release specified records to entities conducting preliminary home studies; providing that certain specified training is not required for certain home studies; amending s. 322.09, F.S.; providing that a caregiver who signs for a minor's learner's driver license does not assume any obligation or liability for damages under certain circumstances; amending s. 402.305, F.S.; revising minimum requirements for child care personnel related to screening and fingerprinting; requiring child care facilities to provide information to parents intended to prevent children from being left in vehicles; specifying the minimum standards the department must adopt regarding transportation of children by child care facilities; amending ss. 402.313 and 402.3131, F.S.; requiring family day care homes and large family child care homes to provide information to parents intended to prevent children from being left in vehicles; amending s. 409.145, F.S.; revising rates for room and board reimbursement of certain family foster homes; revising provisions relating to supplemental payments by community-based care lead agencies; amending s. 409.166, F.S.; providing definitions; providing conditions for the department to provide adoption assistance payments to adoptive parents of certain children; providing that children and young adults receiving benefits through the adoption assistance program are ineligible for specified other benefits and services; providing additional conditions for eligibility for adoption assistance; amending s. 409.1678, F.S.; eliminating certain requirements for residential treatment centers that provide services to com-

mercially sexually exploited children; amending s. 409.175, F.S.; revising and providing definitions; requiring a guardian to apply for a license with the department to be eligible for the program; classifying family foster homes by licensure type; exempting certain household members from specified fingerprinting requirements; authorizing the department to adopt rules relating to certain summer camps; deleting references to preservice training requirements for emergency shelter parents; providing inservice training requirements for certain foster parents; amending s. 409.991, F.S.; revising the equity allocation formula for community-based care lead agencies; amending s. 435.07, F.S.; revising the offenses that disqualify certain child care personnel from specified employment; amending s. 627.746, F.S.; prohibiting insurers that issue insurance policies for private passenger motor vehicles from charging an additional premium for a minor who operates his or her caregiver's vehicle, during the time that the minor has a learner's driver's license; amending ss. 39.302, 394.495, 402.30501, 409.1676, 960.065, 1002.55, 1002.57, and 1002.59, F.S.; conforming cross-references; providing a directive to the Division of Law Revision and Information; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1360**, and by two-thirds vote, read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 1079** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1316** and **SB 1532** was deferred.

BILLS ON THIRD READING

Consideration of **CS for CS for CS for HB 1059** and **CS for CS for HB 1173** was deferred.

CS for CS for HB 1127—A bill to be entitled An act relating to public records and public meetings; creating s. 627.352, F.S.; providing an exemption from public records requirements for certain records held by the Citizens Property Insurance Corporation which identify detection, investigation, or response practices for suspected or confirmed information technology security incidents; creating an exemption from public records requirements for certain portions of risk assessments, evaluations, audits, and other reports of the corporation's information technology security program; creating an exemption from public meetings requirements for portions of public meetings which would reveal such data and information; providing an exemption from public records requirements for a specified period for the recording and transcript of a closed meeting; authorizing disclosure of confidential and exempt information to certain agencies and officers; providing for future legislative review and repeal; providing a statement of public necessity; providing retroactive application; providing an effective date.

—was read the third time by title.

On motion by Senator Broxson, **CS for CS for HB 1127** was passed by the required constitutional two-thirds vote of the members present and voting and certified to the House. The vote on passage was:

Yeas—36

Baxley	Galvano	Rader
Bean	Garcia	Rodriguez
Benacquisto	Gibson	Rouson
Book	Grimsley	Simmons
Bradley	Hukill	Simpson
Brandes	Hutson	Stargel
Braynon	Lee	Steube
Broxson	Mayfield	Stewart
Campbell	Montford	Taddeo
Farmer	Passidomo	Thurston
Flores	Perry	Torres
Gainer	Powell	Young

Nays—None

Consideration of **CS for HB 135** was deferred.

CS for CS for CS for HB 1059—A bill to be entitled An act relating to exploitation of a vulnerable adult; amending s. 825.101, F.S.; defining terms; creating s. 825.1035, F.S.; creating a cause of action for an injunction for protection against the exploitation of a vulnerable adult; providing for standing to bring a cause of action for an injunction; providing that an injunction may be sought regardless of any other action that may be pending between specified parties; specifying that the right to petition for an injunction is not affected by a person temporarily or permanently vacating a residence or household to avoid exploitation; providing that parties to an injunction may not be required to be represented by an attorney; providing for venue; providing that exploitation already having occurred is not required as a prerequisite for filing for or issuance of an injunction; requiring that a petition be filed in certain proceedings under ch. 744, F.S.; requiring that certain proceedings be recorded; requiring a sworn petition to contain certain allegations and statements; requiring the court to set a hearing within a certain time; requiring the clerk of the circuit court to assist the petitioner in filing an injunction or petition by providing certain forms and instructions; requiring the clerk of the court to ensure the petitioner's privacy; requiring the clerk of the court to provide the petitioner with certified copies of the injunction order; requiring that the clerks of the court and appropriate staff receive certain training; requiring that the clerk of the circuit court make available certain informational brochures and create and distribute a specified brochure containing specified information to the petitioner at the time of filing for an injunction; prohibiting the clerk of the circuit court from assessing an initial filing fee; authorizing the clerk of the circuit court to request a reimbursement for such petitions, subject to the appropriation of funds for that purpose; requiring the clerk of the circuit court to pay from such reimbursement certain fees to a law enforcement agency; authorizing the court to grant a temporary injunction ex parte under certain circumstances; prohibiting the use of evidence other than verified pleadings or affidavits in an ex parte hearing; providing an exception; authorizing the court to grant specified relief under certain circumstances; requiring the court to follow certain procedures when issuing an order denying a petition for an ex parte injunction; prohibiting an ex parte temporary injunction from having a duration longer than a specified number of days; requiring that a full hearing be set for a date no later than the date the temporary injunction expires; authorizing the court to grant a continuance of the hearing for good cause; providing factors that a court must consider when determining whether petitioners have reasonable cause; requiring the respondent to be personally served with certain documents before the hearing; providing for the relief a court may grant after a final hearing on a petition; requiring that the court allow certain advocates to be present under certain circumstances; requiring that the terms of certain injunctions remain in effect until modified or dissolved; requiring that a temporary or final judgment on an injunction meet certain requirements; providing requirements and options for service of process; authorizing the court to waive the service of process requirement for a financial institution; requiring that the clerk of the circuit court deliver a certified copy of certain orders meeting certain criteria to the parties under certain circumstances; providing options for noting the service was effective; requiring form of process upon a financial institution; requiring that the clerk of the circuit court place a written certification in the court file and notify the sheriff under certain circumstances; authorizing the clerk of the circuit court to serve certain respondents by certified mail; requiring that the clerk of the circuit court, law enforcement officers, and sheriffs follow certain procedures within a certain timeframe after an injunction has been issued or an injunction becomes ineffective; requiring the clerk of the circuit court to provide copies of certain petitions and orders to the adult protective services program; requiring the adult protective services program to treat petitions in a certain manner; requiring the adult protective services program to submit to the court the results of any previous investigations relating to the vulnerable adult within a specified timeframe; providing options for enforcing and prosecuting a violation of an injunction; requiring that the clerk of the circuit court collect any assessment or fine; providing for deposit of funds; requiring that a respondent held in custody after an arrest for violating an injunction be brought before the court as expeditiously as possible; specifying that the petitioner is liable for actual damages under certain circumstances; authorizing either party to move at any time to modify or dissolve an injunction; providing construction; creating s. 825.1036, F.S.; requiring that a clerk of the circuit court assist the petitioner in preparing an affidavit or direct the petitioner to a certain office, under certain circumstances; requiring the clerk of the circuit court or the office assisting the petitioner to immediately forward the affidavit to certain people and places depending on certain circumstances; requiring a law enforcement agency to complete its investigation and forward the affidavit along

with a report of any information obtained through its investigation to the state attorney within a specified timeframe; requiring the state attorney to determine how it will proceed within a specified timeframe; authorizing the court to immediately issue an order of appointment of the state attorney in certain circumstances; requiring the court to immediately notify the state attorney that the court is proceeding to enforce the violation through a ruling of criminal contempt if the court does not issue an order of appointment; providing a penalty for a willful violation of an injunction; providing an exception; providing for how an injunction may be violated; providing that a person with two or more prior convictions for violation of an injunction or foreign protection order against the same victim who commits a subsequent violation against the same victim commits a third degree felony; defining the term "conviction"; authorizing the court to award economic damages to a person who suffers an injury or loss as a result of a violation of an injunction; limiting liability of a financial institution related to an injunction freezing assets or a credit line; amending s. 901.15, F.S.; conforming provisions to changes made by the act; amending s. 415.107, F.S.; granting the court access to records in protective injunction proceedings; providing an effective date.

—as amended March 6, was read the third time by title.

On motion by Senator Passidomo, **CS for CS for CS for HB 1059**, as amended, was passed and certified to the House. The vote on passage was:

Yeas—35

Baxley	Galvano	Rader
Bean	Garcia	Rodriguez
Benacquisto	Gibson	Rouson
Book	Grimsley	Simmons
Bradley	Hukill	Stargel
Brandes	Hutson	Steube
Braynon	Lee	Stewart
Broxson	Mayfield	Taddeo
Campbell	Montford	Thurston
Farmer	Passidomo	Torres
Flores	Perry	Young
Gainer	Powell	

Nays—None

HB 155—A bill to be entitled An act relating to state symbols; amending s. 15.0386, F.S.; abrogating the scheduled repeal of the state saltwater reptile designation; amending s. 15.0526, F.S.; abrogating the scheduled repeal of the state horse designation; creating s. 15.0527, F.S.; designating the Florida Cracker Cattle as the official state heritage cattle breed; providing an effective date.

—was read the third time by title.

On motion by Senator Grimsley, **HB 155** was passed and certified to the House. The vote on passage was:

Yeas—35

Baxley	Garcia	Rodriguez
Bean	Gibson	Rouson
Benacquisto	Grimsley	Simmons
Book	Hukill	Simpson
Bradley	Hutson	Stargel
Brandes	Lee	Steube
Braynon	Mayfield	Stewart
Broxson	Montford	Taddeo
Campbell	Passidomo	Thurston
Farmer	Perry	Torres
Gainer	Powell	Young
Galvano	Rader	

Nays—None

CS for HB 135—A bill to be entitled An act relating to motor vehicle registration applications; amending s. 320.02, F.S.; requiring the ap-

plication for motor vehicle registration to include language indicating an applicant is deaf or hard of hearing; requiring such information to be included in certain databases; providing for distribution of a voluntary contribution to Preserve Vision Florida; amending s. 320.27, F.S.; conforming a cross-reference; providing an effective date.

—was read the third time by title.

On motion by Senator Rouson, **CS for HB 135** was passed and certified to the House. The vote on passage was:

Yeas—36

Baxley	Galvano	Rader
Bean	Garcia	Rodriguez
Benacquisto	Gibson	Rouson
Book	Grimsley	Simmons
Bradley	Hukill	Simpson
Brandes	Hutson	Stargel
Braynon	Lee	Steube
Broxson	Mayfield	Stewart
Campbell	Montford	Taddeo
Farmer	Passidomo	Thurston
Flores	Perry	Torres
Gainer	Powell	Young

Nays—None

CS for HB 539—A bill to be entitled An act relating to alarm confirmation; amending s. 489.529, F.S.; revising requirements for alarm confirmation to include additional methods by which an alarm monitoring company may confirm a residential or commercial intrusion/burglary alarm signal and to require that two attempts be made to confirm an alarm signal; providing an effective date.

—was read the third time by title.

On motion by Senator Bean, **CS for HB 539** was passed and certified to the House. The vote on passage was:

Yeas—36

Baxley	Galvano	Rader
Bean	Garcia	Rodriguez
Benacquisto	Gibson	Rouson
Book	Grimsley	Simmons
Bradley	Hukill	Simpson
Brandes	Hutson	Stargel
Braynon	Lee	Steube
Broxson	Mayfield	Stewart
Campbell	Montford	Taddeo
Farmer	Passidomo	Thurston
Flores	Perry	Torres
Gainer	Powell	Young

Nays—None

CS for CS for HB 551—A bill to be entitled An act relating to public records; amending s. 119.071, F.S.; providing an exemption from public records requirements for building plans, blueprints, schematic drawings, diagrams, and other construction documents received and held by certain agencies which depict the internal layout or structural elements of certain health care facilities; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

—was read the third time by title.

On motion by Senator Young, **CS for CS for HB 551** was passed by the required constitutional two-thirds vote of the members present and voting and certified to the House. The vote on passage was:

Yeas—36

Baxley	Galvano	Rader
Bean	Garcia	Rodriguez
Benacquisto	Gibson	Rouson
Book	Grimsley	Simmons
Bradley	Hukill	Simpson
Brandes	Hutson	Stargel
Braynon	Lee	Steube
Broxson	Mayfield	Stewart
Campbell	Montford	Taddeo
Farmer	Passidomo	Thurston
Flores	Perry	Torres
Gainer	Powell	Young

Nays—None

CS for CS for HB 1217—A bill to be entitled An act relating to deployed parent custody and visitation; creating part IV of ch. 61, F.S., entitled “Uniform Deployed Parents Custody and Visitation Act”; providing definitions; providing remedies for noncompliance; authorizing a court to issue certain custodial orders only under certain jurisdiction; providing notice requirements; providing requirements for a proceeding for custodial responsibility of a child of a servicemember; providing requirements for agreement forms, termination, modification, power of attorney, and filing; providing requirements for temporary orders granting custodial responsibility; authorizing telephonic, electronic, and web-based appearance, testimony, and evidence in a proceeding for temporary custody; requiring certain witnesses to be sworn in by specified officers; providing for the effect of any prior judicial order or agreement; authorizing a court to grant temporary caretaking authority or limited contact to certain nonparents under certain conditions; providing for the termination of a grant of authority; providing requirements for a temporary custody order; authorizing a court to enter a temporary order for child support and modify or terminate a temporary grant of custodial responsibility under certain circumstances; providing procedures for terminating a temporary custodial responsibility agreement; providing for visitation before such termination; providing construction; providing applicability; repealing s. 61.13002, F.S., relating to temporary time-sharing modification and child support modification due to military service; providing an effective date.

—was read the third time by title.

On motion by Senator Passidomo, **CS for CS for HB 1217** was passed and certified to the House. The vote on passage was:

Yeas—36

Baxley	Galvano	Rader
Bean	Garcia	Rodriguez
Benacquisto	Gibson	Rouson
Book	Grimsley	Simmons
Bradley	Hukill	Simpson
Brandes	Hutson	Stargel
Braynon	Lee	Steube
Broxson	Mayfield	Stewart
Campbell	Montford	Taddeo
Farmer	Passidomo	Thurston
Flores	Perry	Torres
Gainer	Powell	Young

Nays—None

HB 617—A bill to be entitled An act relating to covenants and restrictions; creating s. 712.001, F.S.; providing a short title; amending s. 712.01, F.S.; defining and redefining terms; amending s. 712.05, F.S.; revising the notice filing requirements for a person claiming an interest in land and other rights; authorizing a property owners’ association to preserve and protect certain covenants or restrictions from extinguishment, subject to specified requirements; providing that a failure in indexing does not affect the validity of the notice; extending the length of time certain covenants or restrictions are preserved; deleting a pro-

vision requiring a two-thirds vote by members of an incorporated homeowners' association to file certain notices; providing that a property owners' association or clerk of the circuit court is not required to provide certain additional notice for a specified notice that is filed; conforming provisions to changes made by the act; amending s. 712.06, F.S.; exempting a specified summary notice and amendment from certain notice content requirements; revising the contents required to be specified by certain notices; conforming provisions to changes made by the act; amending s. 712.11, F.S.; conforming provisions to changes made by the act; creating s. 712.12, F.S.; defining terms; authorizing the parcel owners of a community not subject to a homeowners' association to use specified procedures to revive certain covenants or restrictions, subject to certain exceptions and requirements; authorizing a parcel owner to commence an action by a specified date under certain circumstances for a judicial determination that the covenants or restrictions did not govern that parcel as of a specified date and that any revitalization of such covenants or restrictions as to that parcel would unconstitutionally deprive the parcel owner of rights or property; providing applicability; amending s. 720.303, F.S.; requiring a board to take up certain procedures relating to notice filings at the first board meeting; creating s. 720.3032, F.S.; requiring any property owners' association desiring to preserve covenants from potential termination after a specified period by certain operation to record in the official records of each county in which the community is located a notice subject to certain requirements; providing a document form for recording by an association to preserve certain covenants or restrictions; requiring a copy of the filed notice to be sent to all members; requiring the original signed notice to be recorded with the clerk of the circuit court or other recorder; amending ss. 702.09 and 702.10, F.S.; conforming provisions to changes made by the act; amending s. 712.095, F.S.; conforming a cross-reference; amending ss. 720.403, 720.404, 720.405, and 720.407, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was read the third time by title.

On motion by Senator Passidomo, **HB 617** was passed and certified to the House. The vote on passage was:

Yeas—36

Baxley	Galvano	Rader
Bean	Garcia	Rodriguez
Benacquisto	Gibson	Rouson
Book	Grimsley	Simmons
Bradley	Hukill	Simpson
Brandes	Hutson	Stargel
Braynon	Lee	Steube
Broxson	Mayfield	Stewart
Campbell	Montford	Taddeo
Farmer	Passidomo	Thurston
Flores	Perry	Torres
Gainer	Powell	Young

Nays—None

HB 491—A bill to be entitled An act relating to theft; amending s. 812.014, F.S.; increasing the fine for the theft of a commercially farmed animal or a bee colony of a registered beekeeper; reenacting s. 932.701(1)(a), F.S., relating to the definition of the term “contraband article,” to incorporate the amendment made to s. 812.014, F.S., in a reference thereto; providing an effective date.

—was read the third time by title.

On motion by Senator Grimsley, **HB 491** was passed and certified to the House. The vote on passage was:

Yeas—36

Baxley	Brandes	Flores
Bean	Braynon	Gainer
Benacquisto	Broxson	Galvano
Book	Campbell	Garcia
Bradley	Farmer	Gibson

Grimsley	Perry	Stargel
Hukill	Powell	Steube
Hutson	Rader	Stewart
Lee	Rodriguez	Taddeo
Mayfield	Rouson	Thurston
Montford	Simmons	Torres
Passidomo	Simpson	Young

Nays—None

CS for CS for HB 1361—A bill to be entitled An act relating to clerks of court; repealing s. 43.19, F.S., relating to the disposition of certain money paid into a court which is unclaimed; amending s. 45.031, F.S.; revising the time periods within which certain persons must file claims for certain unclaimed surplus funds; amending s. 45.032, F.S.; deleting provisions defining and specifying the powers of a “surplus trustee”; authorizing specified entities to claim surplus funds that remain after a judicial sale; specifying procedures for those entities to receive such funds; specifying procedures for the clerk to use in handling surpluses that remain unclaimed; specifying the entities eligible for the surplus once the funds have been remitted to the Department of Financial Services; conforming provisions to changes made by the act; amending s. 45.033, F.S.; conforming a provision to changes made by the act; repealing s. 45.034, F.S., relating to qualifications and appointment of a surplus trustee in foreclosure actions; amending s. 45.035, F.S.; revising service charges that a clerk may receive and deduct from surplus amounts; amending s. 318.1451, F.S.; requiring a driver improvement course provider to transmit, within a specified time period, the individual completion certificate and citation number through the Florida Courts E-Filing Portal to the clerk of the circuit court in the county where the citation was issued; amending s. 717.113, F.S.; exempting certain funds remaining after a judicial sale and held in a court registry from becoming payable or distributable and subject to certain reporting requirements; amending ss. 717.124, 717.138, and 717.1401, F.S.; conforming cross-references; providing an effective date.

—was read the third time by title.

On motion by Senator Grimsley, **CS for CS for HB 1361** was passed and certified to the House. The vote on passage was:

Yeas—36

Baxley	Galvano	Rader
Bean	Garcia	Rodriguez
Benacquisto	Gibson	Rouson
Book	Grimsley	Simmons
Bradley	Hukill	Simpson
Brandes	Hutson	Stargel
Braynon	Lee	Steube
Broxson	Mayfield	Stewart
Campbell	Montford	Taddeo
Farmer	Passidomo	Thurston
Flores	Perry	Torres
Gainer	Powell	Young

Nays—None

CS for HB 1177—A bill to be entitled An act relating to the Joint Task Force on State Agency Law Enforcement Communications; amending s. 282.709, F.S.; providing that a representative of the Florida Sheriffs Association shall be an appointed member of the Joint Task Force on State Agency Law Enforcement Communications; providing that the sheriff's office that employs the representative must pay the per diem and travel expenses incurred by the representative; providing an effective date.

—was read the third time by title.

On motion by Senator Montford, **CS for HB 1177** was passed and certified to the House. The vote on passage was:

Yeas—36

Baxley	Galvano	Rader
Bean	Garcia	Rodriguez
Benacquisto	Gibson	Rouson
Book	Grimsley	Simmons
Bradley	Hukill	Simpson
Brandes	Hutson	Stargel
Braynon	Lee	Steube
Broxson	Mayfield	Stewart
Campbell	Montford	Taddeo
Farmer	Passidomo	Thurston
Flores	Perry	Torres
Gainer	Powell	Young

Nays—None

Consideration of **HB 6059** was deferred.

CS for HB 1055—A bill to be entitled An act relating to public records; amending s. 119.071, F.S.; providing an exemption from public records requirements for certain identifying and location information of current or former directors, managers, supervisors, nurses, and clinical employees of an addiction treatment facility, and the spouses and children thereof; providing a definition; providing for future legislative review and repeal of the exemption; requiring such personnel to submit a specified written request to a custodial agency to maintain the exempt status of such information in certain circumstances; providing for retroactive application; providing a statement of public necessity; providing an effective date.

—was read the third time by title.

On motion by Senator Rader, **CS for HB 1055** was passed by the required constitutional two-thirds vote of the members present and voting and certified to the House. The vote on passage was:

Yeas—36

Baxley	Galvano	Rader
Bean	Garcia	Rodriguez
Benacquisto	Gibson	Rouson
Book	Grimsley	Simmons
Bradley	Hukill	Simpson
Brandes	Hutson	Stargel
Braynon	Lee	Steube
Broxson	Mayfield	Stewart
Campbell	Montford	Taddeo
Farmer	Passidomo	Thurston
Flores	Perry	Torres
Gainer	Powell	Young

Nays—None

HB 651—A bill to be entitled An act relating to state employment; repealing s. 110.181, F.S., relating to Florida State Employees' Charitable Campaign; creating s. 110.182, F.S.; prohibiting an organization, entity, or person from intentionally soliciting state employees for fundraising or business purposes within specified areas during specified times; providing exceptions; providing an effective date.

—was read the third time by title.

On motion by Senator Mayfield, **HB 651** was passed and certified to the House. The vote on passage was:

Yeas—36

Baxley	Bradley	Campbell
Bean	Brandes	Farmer
Benacquisto	Braynon	Flores
Book	Broxson	Gainer

Galvano	Montford	Simpson
Garcia	Passidomo	Stargel
Gibson	Perry	Steube
Grimsley	Powell	Stewart
Hukill	Rader	Taddeo
Hutson	Rodriguez	Thurston
Lee	Rouson	Torres
Mayfield	Simmons	Young

Nays—None

HB 953—A bill to be entitled An act relating to consumer report security freezes; amending s. 501.005, F.S.; prohibiting a consumer reporting agency from charging any fee to a consumer for placing, removing, or temporarily lifting a security freeze on his or her consumer report; amending s. 501.0051, F.S.; prohibiting a consumer reporting agency from charging any fee to the representative of a protected consumer for placing, removing, or temporarily lifting a security freeze on the protected consumer's consumer report; providing an effective date.

—was read the third time by title.

On motion by Senator Brandes, **HB 953** was passed and certified to the House. The vote on passage was:

Yeas—36

Baxley	Galvano	Rader
Bean	Garcia	Rodriguez
Benacquisto	Gibson	Rouson
Book	Grimsley	Simmons
Bradley	Hukill	Simpson
Brandes	Hutson	Stargel
Braynon	Lee	Steube
Broxson	Mayfield	Stewart
Campbell	Montford	Taddeo
Farmer	Passidomo	Thurston
Flores	Perry	Torres
Gainer	Powell	Young

Nays—None

CS for SB 1042—A bill to be entitled An act relating to notaries public; providing directives to the Division of Law Revision and Information; amending s. 117.01, F.S.; revising provisions relating to use of the office of notary public; amending s. 117.021, F.S.; requiring electronic signatures to include access protection; prohibiting a person from requiring a notary public to perform a notarial act with certain technology; requiring the Department of State, in collaboration with the Agency for State Technology, to adopt rules for certain purposes; amending s. 117.05, F.S.; revising limitations on notary fees to conform to changes made by the act; providing for inclusion of certain information in a jurat or notarial certificate; providing for compliance with online notarization requirements; providing for notarial certification of a printed electronic record; revising statutory forms for jurats and notarial certificates; amending s. 117.107, F.S.; providing applicability; revising prohibited acts; creating s. 117.201, F.S.; providing definitions; creating s. 117.209, F.S.; authorizing online notarizations; providing an exception; creating s. 117.215, F.S.; specifying the application of other laws in relation to online notarizations; creating s. 117.225, F.S.; specifying registration and qualification requirements for online notaries public; creating s. 117.235, F.S.; authorizing the performance of certain notarial acts; creating s. 117.245, F.S.; requiring a notary public to keep an electronic journal of online notarizations and certain audio-video communication recordings; specifying the information that must be included for each online notarization; requiring an online notary public to take certain steps regarding the maintenance and security of the electronic journal; specifying that the Executive Office of the Governor maintains jurisdiction for a specified period of time for purposes of investigating notarial misconduct; providing for construction; creating s. 117.255, F.S.; specifying requirements for the use of electronic journals, signatures, and seals; requiring an online notary public to provide notification of the theft, vandalism, or loss of an electronic journal, signature, or seal; authorizing an online notary public to make copies of electronic journal entries and to provide access to related recordings

under certain circumstances; authorizing an online notary public to charge a fee for making and delivering such copies; providing an exception; creating s. 117.265, F.S.; prescribing online notarization procedures; specifying the manner by which an online notary public must verify the identity of a principal or a witness; requiring an online notary public to take certain measures as to the security of technology used; specifying that an electronic notarial certificate must identify the performance of an online notarization; specifying that noncompliance does not impair the validity of a notarial act or the notarized electronic record; providing for construction; creating s. 117.275, F.S.; providing fees for online notarizations; creating s. 117.285, F.S.; specifying the manner by which an online notary public may supervise the witnessing of electronic records of online notarizations; creating s. 117.295, F.S.; providing standards for electronic and online notarizations; authorizing the Department of State to approve and periodically review companies that offer online notarization services; authorizing the department to adopt certain rules; prescribing minimum standards for companies that offer online notarization services; creating s. 117.305, F.S.; superseding certain provisions of federal law regulating electronic signatures; amending s. 28.222, F.S.; requiring the clerk of the circuit court to record certain instruments; amending s. 95.231, F.S.; providing a limitation period for certain recorded instruments; amending s. 689.01, F.S.; providing for witnessing of documents in connection with real estate conveyances; providing for validation of certain recorded documents; amending s. 694.08, F.S.; providing for validation of certain recorded documents; amending s. 695.03, F.S.; providing and revising requirements for making acknowledgments, proofs, and other documents; amending ss. 695.04 and 695.05, F.S.; conforming provisions to changes made by the act; amending s. 695.28, F.S.; providing for validity of recorded documents; conforming provisions to changes made by the act; amending s. 709.2202, F.S.; specifying that certain authority granted through a power of attorney requiring separate signed enumeration may not be executed by online notarization or witnessed electronically; amending s. 731.201, F.S.; redefining the term “will” to conform to changes made by the act; amending s. 732.506, F.S.; exempting electronic wills from provisions governing the revocation of wills and codicils; prescribing the manner by which an electronic will or codicil may be revoked; creating s. 740.10, F.S.; specifying that any act taken pursuant to ch. 740, F.S., does not affect the requirement that a will be deposited within a certain timeframe; creating s. 732.521, F.S.; providing definitions; creating s. 732.522, F.S.; prescribing the manner by which an electronic will must be executed; creating s. 732.524, F.S.; specifying requirements for the self-proof of an electronic will; creating s. 732.525, F.S.; specifying conditions by which an electronic will is deemed to be an original will; providing effective dates.

—as amended March 6, was read the third time by title.

On motion by Senator Brandes, **CS for SB 1042**, as amended, was passed and certified to the House. The vote on passage was:

Yeas—28

Baxley	Gibson	Rodriguez
Bean	Grimsley	Rouson
Benacquisto	Hukill	Simmons
Book	Hutson	Simpson
Bradley	Lee	Stargel
Brandes	Mayfield	Thurston
Braynon	Montford	Torres
Broxson	Passidomo	Young
Gainer	Perry	
Garcia	Powell	

Nays—6

Campbell	Rader	Stewart
Farmer	Steube	Taddeo

Vote after roll call:

Yea—Galvano

Yea to Nay—Hukill

CS for CS for CS for SB 1256—A bill to be entitled An act relating to the search of the content, information, and communications of cellular phones, portable electronic communication devices, and micro-

phone-enabled household devices; amending s. 934.01, F.S.; revising and providing legislative findings; amending s. 934.02, F.S.; redefining the term “oral communication”; defining the terms “microphone-enabled household device” and “portable electronic communication device”; amending s. 934.21, F.S.; revising the exceptions to conduct that constitute unlawful access to stored communications; conforming a provision to changes made by the act; amending s. 934.42, F.S.; defining the terms “mobile tracking device,” “real-time location tracking,” and “historical location data”; authorizing an investigative or law enforcement officer to apply to a judge of competent jurisdiction for a warrant, rather than an order, authorizing real-time location tracking or acquisition of historical location data; requiring an application for a warrant to include a statement of a reasonable period of time that the mobile tracking device may be used or the location data may be obtained in real-time, not to exceed a specified limit; authorizing a court to grant extensions that do not individually exceed a specified limit, for good cause; deleting a provision requiring a certification to be included in the application; providing that the court, if it finds probable cause and finds the required statements in the application, must grant a warrant; specifying the warrant may authorize real-time location tracking or acquisition of historical location data; providing the warrant may authorize the use of the mobile tracking device as specified; requiring the warrant to command the officer to complete any installation authorized by the warrant within a certain timeframe; providing requirements for the return of the warrant to the judge and service of a copy of the warrant on the person who was tracked or whose property was tracked; specifying how a warrant authorizing historical location data must be returned and served; authorizing a court, for good cause, to postpone the notice requirement for a specified time period; deleting the definition of “tracking device”; requiring that the standards established by Florida courts for the installation, use, or monitoring of mobile tracking devices and the acquisition of location data apply to the installation, use, or monitoring of any devices and the acquisition of location data as authorized; authorizing any investigative or law enforcement officer who is specially designated by certain persons and who makes specified determinations to engage in real-time location tracking if a warrant is later obtained as specified; provides requirements for engaging in real-time location tracking; specifying when real-time location tracking must terminate; providing an effective date.

—as amended March 6, was read the third time by title.

On motion by Senator Brandes, **CS for CS for CS for SB 1256**, as amended, was passed and certified to the House. The vote on passage was:

Yeas—36

Baxley	Galvano	Rader
Bean	Garcia	Rodriguez
Benacquisto	Gibson	Rouson
Book	Grimsley	Simmons
Bradley	Hukill	Simpson
Brandes	Hutson	Stargel
Braynon	Lee	Steube
Broxson	Mayfield	Stewart
Campbell	Montford	Taddeo
Farmer	Passidomo	Thurston
Flores	Perry	Torres
Gainer	Powell	Young

Nays—None

CS for HB 417—A bill to be entitled An act relating to public records; amending s. 119.071, F.S.; providing an exemption from public records requirements for certain identifying and location information of child advocacy center personnel or child protection team members, and their spouses and children; providing for retroactive application; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

—as amended March 6, was read the third time by title.

On motion by Senator Book, **CS for HB 417**, as amended, was passed by the required constitutional two-thirds vote of the members present and voting and certified to the House. The vote on passage was:

Yeas—36

Baxley	Galvano	Rader
Bean	Garcia	Rodriguez
Benacquisto	Gibson	Rouson
Book	Grimsley	Simmons
Bradley	Hukill	Simpson
Brandes	Hutson	Stargel
Braynon	Lee	Steube
Broxson	Mayfield	Stewart
Campbell	Montford	Taddeo
Farmer	Passidomo	Thurston
Flores	Perry	Torres
Gainer	Powell	Young

Nays—None

HB 513—A bill to be entitled An act relating to distributing pharmaceutical drugs and devices; amending s. 465.027, F.S.; revising an exception to pharmacy regulations for certain manufacturers and distributors of dialysis drugs or supplies; providing an effective date.

—was read the third time by title.

On motion by Senator Passidomo, **HB 513** was passed and certified to the House. The vote on passage was:

Yeas—36

Baxley	Galvano	Rader
Bean	Garcia	Rodriguez
Benacquisto	Gibson	Rouson
Book	Grimsley	Simmons
Bradley	Hukill	Simpson
Brandes	Hutson	Stargel
Braynon	Lee	Steube
Broxson	Mayfield	Stewart
Campbell	Montford	Taddeo
Farmer	Passidomo	Thurston
Flores	Perry	Torres
Gainer	Powell	Young

Nays—None

Consideration of **CS for HB 333**, **CS for HB 365**, **CS for SB 502**, **CS for HB 55**, and **CS for SB 1048** was deferred.

SPECIAL ORDER CALENDAR, continued

CS for SB 840—A bill to be entitled An act relating to gaming; amending s. 285.710, F.S.; authorizing and directing the Governor, in cooperation with the Seminole Tribe of Florida, to execute a new compact in the form provided; signifying the Legislature’s approval and ratification of such compact that does not materially alter from the approved form; providing terms and conditions for the gaming compact; defining terms; authorizing the Tribe to operate covered games on its lands in accordance with the compact and at specified facilities; prohibiting specified games; providing requirements for resolution of patron disputes involving gaming, tort claims, and employee disputes; providing requirements for regulation and enforcement of the compact; requiring the state to conduct random inspections of tribal facilities; authorizing the state to conduct an independent audit; requiring the Tribe and commission to comply with specified licensing and hearing requirements; requiring the Tribe to make specified revenue share payments to the state, with reductions authorized under certain circumstances; requiring the Tribe to pay an annual oversight assessment and annual donation to the Florida Council on Compulsive Gaming; specifying that certain events do not trigger any remedy under the

compact or affect the exclusivity provisions of the compact; providing for dispute resolution between the Tribe and the state; providing construction; providing requirements for notice under the compact; providing an effective date and termination of the compact; providing for execution of the compact; amending s. 285.712, F.S.; requiring the Governor to provide a copy of the executed compact to specified parties and direct the Secretary of State to forward a copy to the Secretary of the Interior; creating s. 546.13, F.S.; defining terms; exempting a fantasy contest from certain regulations; amending s. 550.01215, F.S.; revising application requirements for a pari-mutuel operating license; authorizing certain greyhound racing permitholders elect not to conduct live racing if such election is made within a specified period of time; providing that a greyhound racing permitholder that has been issued a slot machine license remains an eligible facility, continues to be eligible for a slot machine license, is exempt from certain provisions of ch. 551, F.S., is eligible to be a guest track for certain purposes, and remains eligible for a cardroom license; authorizing a greyhound racing permitholder to receive an operating license to conduct pari-mutuel wagering activities at another permitholder’s greyhound racing facility; authorizing certain jai alai permitholders, harness horse racing permitholders, and quarter horse racing permitholders to elect not to conduct live racing or games if the election is made by a specified date; specifying that such permitholder may retain its permit and remains a pari-mutuel facility; specifying that, if such permitholder has been issued a slot machine license, the permitholder’s facility remains an eligible facility, continues to be eligible for a slot machine license, is exempt from certain provisions of chs. 550 and 551, F.S., is eligible to be a guest track, and if the permitholder is a harness horse racing permitholder, a host track for intertrack wagering and simulcasting, and remains eligible for a cardroom license; authorizing a harness horse racing permitholder to be a host track for purposes of intertrack wagering and simulcasting; authorizing the division to approve a change in racing dates for a permitholder if the request for a change is received before a specified date and under certain circumstances; amending s. 550.054, F.S.; requiring the Division of Pari-Mutuel Wagering to revoke a permit to conduct pari-mutuel wagering for a permitholder that fails to make specified payments or obtain an operating license; prohibiting the issuance of new permits; deleting provisions related to the conversion of permits; repealing s. 550.0745, F.S., relating to conversion of a pari-mutuel permit to a summer jai alai permit; amending ss. 550.09512 and 550.09515, F.S.; requiring the division to revoke the permit of a harness horse or thoroughbred racing permitholder, respectively, who does not pay tax on handle for a specified period of time; deleting provisions relating to the reissuance of escheated permits; amending s. 550.3345, F.S.; revising provisions relating to a limited thoroughbred racing permit previously converted from a quarter horse racing permit; amending s. 550.6308, F.S.; revising the number of days of thoroughbred horse sales required for an applicant to obtain a limited intertrack wagering license; revising eligibility requirements for such licenses; revising requirements for such wagering; deleting provisions requiring a licensee to make certain payments to the daily pari-mutuel pool; amending s. 551.102, F.S.; revising definitions; amending s. 551.104, F.S.; revising conditions of licensure and conditions for maintaining authority to conduct slot machine gaming; requiring certain permitholders to remit certain revenues to qualified thoroughbred permitholders; requiring qualified thoroughbred permitholders to use such payments for certain purposes; defining the term “qualified thoroughbred permitholder”; providing a process for remitting such payments; requiring qualified thoroughbred permitholders receiving such funds to remit a specified percentage of the funds to a specified association; amending s. 551.106, F.S.; deleting obsolete provisions; revising the tax rate on slot machine revenue effective on specified dates; providing a formula to calculate a surcharge amount; prohibiting the surcharge from exceeding a certain amount; revising where slot machine revenue tax payments must be deposited; requiring that certain funds be used for specific purposes; requiring certain permitholders and licensees to pay a slot machine guarantee fee if certain taxes and fees paid to the state during certain periods fall below a specified amount; amending s. 551.114, F.S.; revising the maximum number of slot machines slot machine licensees may make available for play; revising the areas where a designated slot machine gaming area may be located; amending s. 551.116, F.S.; deleting a restriction on the number of hours per day that slot machine gaming areas may be open; amending s. 849.086, F.S.; revising legislative intent; revising definitions; authorizing the division to establish a reasonable period to respond to certain requests from a licensed cardroom; providing that the division must approve certain requests within 45 days; requiring the division to re-

view and approve or reject certain revised internal controls or revised rules within 10 days after submission; deleting provisions relating to the renewal of a cardroom license; deleting provisions relating to restrictions on hours of operation; making technical changes; authorizing certain cardroom operators to offer a certain number of certain designated player games; requiring the designated player and employees of the designated player to be licensed; requiring the designated player to pay certain fees; prohibiting a cardroom operator from serving as the designated player in a game and from having a financial interest in a designated player; authorizing a cardroom operator to collect a rake, subject to certain requirements; requiring the dealer button to be rotated under certain circumstances; prohibiting a cardroom operator from allowing a designated player to pay an opposing player under certain circumstances; prohibiting the rules of the game or of the cardroom to require a designated player to cover more than 10 times the maximum wager for players participating in any one game; prohibiting a cardroom or cardroom licensee from contracting with or receiving certain compensation from a player to allow that player to participate in any game as a designated player; requiring certain permitholders with a cardroom license to remit a certain amount of its monthly gross receipts to qualified thoroughbred permitholders; requiring qualified thoroughbred holders to use such payments for certain purposes; defining the term “qualified thoroughbred permitholder”; providing a process for remitting such payments; requiring qualified thoroughbred permitholders receiving such funds to remit a specified percentage of the funds to a specified association; deleting a provision relating to the renewal or issuance of a cardroom license to a quarter horse racing permitholder; conforming a cross-reference; amending s. 849.16, F.S.; revising the definition of the term “slot machine or device”; providing a directive to the Division of Law Revision and Information; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 840**, pursuant to Rule 3.11(3), there being no objection, **HB 7067** was withdrawn from the Committee on Appropriations.

On motion by Senator Hutson—

HB 7067—A bill to be entitled An act relating to gaming; amending s. 285.710, F.S.; authorizing and directing the Governor, in cooperation with the Seminole Tribe of Florida, to execute a new compact in the form provided; signifying the Legislature’s approval and ratification of such compact that does not materially alter from the approved form; providing terms and conditions for the gaming compact; providing definitions; authorizing the Tribe to operate covered games on its lands in accordance with the compact and at specified facilities; prohibiting specified games; providing requirements for resolution of patron disputes involving gaming, tort claims, and employee disputes; providing requirements for regulation and enforcement of the compact; requiring the state to conduct random inspections of tribal facilities; authorizing the state to conduct an independent audit; requiring the Tribe and commission to comply with specified licensing and hearing requirements; requiring the Tribe to make specified revenue share payments to the state, with reductions authorized under certain circumstances; requiring the Tribe to pay an annual oversight assessment and annual donation to the Florida Council on Compulsive Gaming; providing for dispute resolution between the Tribe and the state; providing an effective date and termination of the compact; providing for execution of the compact; amending s. 285.712, F.S.; requiring the Governor to provide a copy of the executed compact to specified parties and direct the Secretary of State to forward a copy to the Secretary of the Interior; amending s. 550.054, F.S.; requiring the Division of Pari-Mutuel Wagering to revoke a permit to conduct pari-mutuel wagering for a permitholder that fails to make specified payments or obtain an operating license; prohibiting the issuance of new permits; deleting provisions related to the conversion of permits; repealing s. 550.0555, F.S., relating to relocation of a greyhound dogracing permit within the same county; repealing s. 550.0745, F.S., relating to conversion of a pari-mutuel permit to a summer jai alai permit; amending ss. 550.09512 and 550.09515, F.S.; requiring the division to revoke the permit of a harness horse or thoroughbred racing permitholder, respectively, who does not pay tax on handle for a specified period of time; deleting provisions relating to the reissuance of escheated permits; amending s. 550.3345, F.S.; revising provisions relating to a limited thoroughbred racing permit previously converted from a quarter horse racing permit; amending s. 551.102, F.S.; revising the definition of the term “eligible facility”;

amending s. 551.104, F.S.; prohibiting the division from issuing a license to conduct or authorizing slot machine gaming after a specified date; amending s. 849.086, F.S.; revising definitions; prohibiting specified cardroom games; authorizing the division to revoke a cardroom license after a certain date for specified actions; correcting a cross-reference; amending s. 849.16, F.S.; revising the definition of the term “slot machine or device”; providing action by the division construed to constitute permission by the state to conduct certain cardroom games is not state action; providing an effective date.

—a companion measure, was substituted for **CS for SB 840** and read the second time by title.

Senator Hutson moved the following amendment which was adopted:

Amendment 1 (294316) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (a) of subsection (1), subsection (3), and paragraphs (b) and (c) of subsection (10) of section 285.710, Florida Statutes, are amended to read:

285.710 Compact authorization.—

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

(a) “Compact” means the Gaming Compact between the Seminole Tribe of Florida and the State of Florida, ~~executed on April 7, 2010.~~

(3)(a) The Gaming Compact between the Seminole Tribe of Florida and the State of Florida, executed by the Governor and the Tribe on April 7, 2010, ~~was is~~ ratified and approved by *chapter 2010-29, Laws of Florida*. ~~The Governor shall cooperate with the Tribe in seeking approval of the compact from the United States Secretary of the Interior.~~

(b) *The Governor, on behalf of this state, is hereby authorized and directed to execute a new compact with the Tribe as set forth in paragraph (c), and the Legislature hereby signifies in advance its approval and ratification of such compact, provided that it is identical to the compact set forth in paragraph (c) and becomes effective on or before January 1, 2019. The Governor shall cooperate with the Tribe in seeking approval of such compact ratified and approved under this paragraph from the Secretary of the Department of the Interior. Upon becoming effective, such compact supersedes the Gaming Compact ratified and approved under paragraph (a), which shall then become null and void.*

(c) *The Legislature hereby approves and ratifies the following Gaming Compact between the State of Florida and the Seminole Tribe of Florida, provided that such compact becomes effective on or before January 1, 2019:*

Gaming Compact Between the Seminole Tribe of Florida

and the State of Florida

This compact is made and entered into by and between the Seminole Tribe of Florida and the State of Florida, with respect to the operation of covered games, as defined herein, on the Tribe’s Indian lands, as defined by the Indian Gaming Regulatory Act, 25 U.S.C. ss. 2701 et seq.

PART I

TITLE.—This document shall be referred to as the “Gaming Compact between the Seminole Tribe of Florida and the State of Florida.”

PART II

LEGISLATIVE FINDINGS.—

(1) *The Seminole Tribe of Florida is a federally recognized tribal government that possesses sovereign powers and rights of self-government.*

(2) *The State of Florida is a state of the United States of America that possesses the sovereign powers and rights of a state.*

(3) *The State of Florida and the Seminole Tribe of Florida maintain a government-to-government relationship.*

(4) *The United States Supreme Court has long recognized the right of an Indian Tribe to regulate activity on lands within its jurisdiction, but the United States Congress, through the Indian Gaming Regulatory Act, has given states a role in the conduct of tribal gaming in accordance with negotiated tribal-state compacts.*

(5) *Pursuant to the Seminole Tribe Amended Gaming Ordinance, adopted by Resolution No. C-195-06, and approved by the Chairman of the National Indian Gaming Commission on July 10, 2006, hereafter referred to as the "Seminole Tribal Gaming Code," the Seminole Tribe of Florida desires to offer the play of covered games, as defined in Part III, as a means of generating revenues for purposes authorized by the Indian Gaming Regulatory Act, including, without limitation, the support of tribal governmental programs, such as health care, housing, sewer and water projects, police, fire suppression, general assistance for tribal elders, day care for children, economic development, educational opportunities, per capita payments to tribal members, and other typical and valuable governmental services and programs for tribal members.*

(6) *This compact is the only gaming compact between the Tribe and the state. This compact supersedes the Gaming Compact between the Tribe and the state executed on or about April 7, 2010, which was subsequently ratified by the Legislature and went into effect on or about July 6, 2010.*

(7) *It is in the best interests of the Seminole Tribe of Florida and the State of Florida for the state to enter into a compact with the Tribe that recognizes the Tribe's right to offer certain Class III gaming and provides substantial exclusivity of such activities in conjunction with a reasonable revenue sharing arrangement between the Tribe and the state that will entitle the state to significant revenue participation.*

PART III

DEFINITIONS.—As used in this compact, the term:

(1) *"Annual oversight assessment" means the amount owed by the Tribe to the state for reimbursement for the actual and reasonable costs incurred by the state compliance agency to perform the monitoring functions set forth under the compact.*

(2) *"Class II video bingo terminals" means any electronic aid to a Class II bingo game that includes a video spinning reel or mechanical spinning reel display.*

(3) *"Class III gaming" means the forms of Class III gaming defined in 25 U.S.C. s. 2703(8) and by the regulations of the National Indian Gaming Commission, as of January 1, 2018.*

(4) *"Commission" means the Seminole Tribal Gaming Commission, which is the tribal governmental agency that has the authority to carry out the Tribe's regulatory and oversight responsibilities under this compact.*

(5) *"Compact" means this Gaming Compact between the Seminole Tribe of Florida and the State of Florida.*

(6) *"Covered game" or "covered gaming activity" means the following Class III gaming activities:*

(a) *Slot machines, which may use spinning reels, video displays, or both, and which machines must meet all of the following requirements:*

1. *Any mechanical or electrical contrivance, terminal that may or may not be capable of downloading slot games from a central server system, machine, or other device.*

2. *Require, for play or operation, the insertion of a coin, bill, ticket, token, or similar object, or payment of any consideration whatsoever, including the use of any electronic payment system, except a credit card or debit card, unless state law authorizes the use of an electronic payment system that uses a credit or debit card payment, in which case the Tribe is authorized to use such payment system.*

3. *Are available to play or operate, the play or operation of which, whether by reason of skill or application of the element of chance or both, may deliver or entitle the person or persons playing or operating the contrivance, terminal, machine, or other device to receive cash, billets, tickets, tokens, or electronic credits to be exchanged for cash or to receive*

merchandise or anything of value whatsoever, whether the payoff is made automatically from the machine or manually.

4. *Include associated equipment necessary to conduct the operation of the contrivance, terminal, machine, or other device.*

(b) *Banking or banked card games, such as baccarat, chemin de fer, and blackjack or 21.*

(c) *Raffles and drawings.*

(d) *Live table games.*

(e) *Any new game, if expressly authorized by the Legislature pursuant to legislation enacted subsequent to the effective date of this compact and lawfully conducted by any person for any purpose pursuant to such authorization.*

(7) *"Covered game employee" or "covered employee" means an individual employed and licensed by the Tribe whose responsibilities include the rendering of services with respect to the operation, maintenance, or management of covered games, including, but not limited to, managers and assistant managers; accounting personnel; commission officers; surveillance and security personnel; cashiers, supervisors, and floor personnel; cage personnel; and any other employee whose employment duties require or authorize access to areas of the facility related to the conduct of covered games or the technical support or storage of covered game components. The term does not include the Tribe's elected officials, provided that such individuals are not directly involved in the operation, maintenance, or management of covered games or covered games components.*

(8) *"Documents" means books, records, electronic, magnetic, and computer media documents, and other writings and materials, copies of such documents and writings, and information contained in such documents and writings.*

(9) *"Effective date" means the date on which the compact becomes effective pursuant to subsection (1) of Part XVI.*

(10) *"Electronic bingo machine" means a card minding device, which may only be used in connection with a bingo game as defined in s. 849.0931(1)(a), Florida Statutes, which is certified in advance by an independent testing laboratory approved by the Division of Pari-Mutuel Wagering as a bingo aid device that meets all of the following requirements:*

(a) *Aids a bingo game player by:*

1. *Storing in the memory of the device not more than three bingo faces of tangible bingo cards as defined by s. 849.0931(1)(b), Florida Statutes, purchased by a player.*

2. *Comparing the numbers drawn and individually entered into the device by the player to the bingo faces previously stored in the memory of the device.*

3. *Identifying preannounced winning bingo patterns marked or covered on the stored bingo faces.*

(b) *Is not capable of accepting or dispensing any coins, currency, or tokens.*

(c) *Is not capable of monitoring any bingo card face other than the faces of the tangible bingo card or cards purchased by the player for that game.*

(d) *Is not capable of displaying or representing the game result through any means other than highlighting the winning numbers marked or covered on the bingo card face or giving an audio alert that the player's card has a prize-winning pattern. No casino game graphics, themes, or titles, including, but not limited to, depictions of slot machine-style symbols, cards, craps, roulette, or lottery may be used.*

(e) *Is not capable of determining the outcome of any game.*

(f) *Does not award progressive prizes of more than \$2,500.*

- (g) Does not award prizes exceeding \$1,000, other than progressive prizes not exceeding \$2,500.
- (h) Does not contain more than one player position for playing bingo.
- (i) Does not contain or does not link to more than one video display.
- (j) Awards prizes based solely on the results of the bingo game, with no additional element of chance.
- (11) "Facility" means a building or buildings of the Tribe in which the covered games authorized by this compact are conducted.
- (12) "Guaranteed minimum compact term payment" means a minimum total payment for the guarantee payment period of \$3 billion, which shall include all revenue share payments during the guarantee payment period.
- (13) "Guarantee payment period" means the seven-year period beginning July 1, 2018, and ending June 30, 2025.
- (14) "Guaranteed revenue sharing cycle payment" means the payments as provided in Part XI.
- (15) "Historic racing machine" means an individual historic race terminal linked to a central server as part of a network-based video game, where the terminals allow pari-mutuel wagering by players on the results of previously conducted horse or greyhound races, but only if the game is certified in advance by an independent testing laboratory approved by the Division of Pari-Mutuel Wagering as complying with all of the following requirements:
- (a) Stores all data on previously conducted horse or greyhound races in a secure format on the central server, which is located at the pari-mutuel facility.
- (b) Uses only horse or greyhound races that were recorded at licensed pari-mutuel facilities in the United States after January 1, 2000.
- (c) Offers one or more of the following three bet types on all historic racing machines: win-place-show, quinella, or tri-fecta.
- (d) Offers one or more of the following racing types: thoroughbreds, harness, or greyhounds.
- (e) Does not award progressive prizes of more than \$2,500.
- (f) Does not award prizes exceeding \$1,000, other than progressive prizes not exceeding \$2,500.
- (g) After each wager is placed, displays a video of at least the final eight seconds of the horse or greyhound race before any prize is awarded or indicated on the historic racing machine.
- (h) The display of the video of the horse or greyhound race occupies at least 70 percent of the historic racing machine's video screen and does not contain and is not linked to more than one video display.
- (i) Does not use casino game graphics, themes, or titles, including but not limited to, depictions of slot machine-style symbols, cards, craps, roulette, lottery, or bingo.
- (j) Does not use video or mechanical reel displays.
- (k) Does not contain more than one player position for placing wagers.
- (l) Does not dispense coins, currency, or tokens.
- (m) Awards prizes solely on the results of a previously conducted horse or greyhound race with no additional element of chance.
- (n) Uses a random number generator to select the race from the central server to be displayed to the player and the numbers or other designations of race entrants that will be used in the various bet types for any "Quick Pick" bets. To prevent an astute player from recognizing the race based on the entrants and thus knowing the results before placing a wager, the entrants of the race may not be identified until after all wagers for that race have been placed.
- (16) "Indian Gaming Regulatory Act" means the Indian Gaming Regulatory Act, Pub. L. 100-497, Oct. 17, 1988, 102 Stat. 2467, codified at 25 U.S.C. ss. 2701 et seq. and 18 U.S.C. ss. 1166 to 1168.
- (17) "Indian lands" means the lands defined in 25 U.S.C. s. 2703(4).
- (18) "Initial payment period" means the period beginning on the effective date of the compact and ending on June 30, 2018.
- (19) "Live table games" means dice games, such as craps, sic-bo and any similar variations thereof, and wheel games, such as roulette, big six, and any similar variations thereof, but not including any game that is authorized as a slot machine, banking or banked card game, raffle, or drawing.
- (20) "Lottery vending machine" means any of the following four types of machines:
- (a) A machine that dispenses pre-printed paper instant lottery tickets, but that does not read or reveal the results of the ticket or allow a player to redeem any ticket. The machine, or any machine or device linked to the machine, does not include or make use of video reels or mechanical reels or other video depictions of slot machine or casino game themes or titles for game play, but does not preclude the use of casino game themes or titles on such tickets or signage or advertising displays on the machines.
- (b) A machine that dispenses pre-determined electronic instant lottery tickets and displays an image of the ticket on a video screen on the machine, where the player touches the image of the ticket on the video screen to reveal the outcome of the ticket, provided the machine does not permit a player to redeem winnings, does not make use of video reels or mechanical reels, and does not simulate the play of any casino game, and the lottery retailer is paid the same amount as would be paid for the sale of paper instant lottery tickets.
- (c) A machine that dispenses a paper lottery ticket with numbers selected by the player or randomly by the machine, but does not reveal the winning numbers. Such winning numbers are selected at a subsequent time and different location through a drawing conducted by the state lottery. The machine, or any machine or device linked to the machine, does not include or make use of video reels or mechanical reels or other video depictions of slot machine or casino game themes or titles for game play. The machine is not used to redeem a winning ticket. This does not preclude the use of casino game themes, titles for signage, or advertising displays on the machine.
- (d) A point-of-sale system to sell tickets for draw lottery games at gasoline pumps at retail fuel stations, provided the system dispenses a paper lottery receipt after the purchaser uses a credit card or debit card to purchase the ticket; processes transactions through a platform that is certified or otherwise approved by the Florida Lottery; does not directly dispense money or permit payment of winnings at the point-of-sale terminal; and does not include or make use of video reels or mechanical reels or other slot machine or casino game themes or titles.
- (21) "Monthly payment" means the monthly revenue share payment which the Tribe remits to the state on the 15th day of the month following each month of the revenue sharing cycle.
- (22) "Net revenue base" means the net win for the 12 month period immediately preceding the offering of, for public or private use, Class III or other casino-style gaming at any of the licensed pari-mutuel facilities in Broward and Miami-Dade Counties, except that if the commencement of such new gaming is made during the initial payment period, "net revenue base" means net win for the 12-month period immediately preceding this compact.
- (23) "Net win" means the total receipts from the play of all covered games less all prize payouts and free play or promotional credits issued by the Tribe.
- (24) "Pari-mutuel wagering activities" means those activities authorized on January 1, 2018, by chapter 550, which do not include any casino-style game or device that include video reels or mechanical reels or other slot machine or casino game themes or titles.

(25) “Patron” means any person who is on the premises of a facility, or who enters the Tribe’s Indian lands for the purpose of playing covered games authorized by this compact.

(26) “Regular payment period” means the period beginning on July 1, 2025, and terminating at the end of the term of this compact.

(27) “Revenue share payment” means the periodic payment by the Tribe to the state provided for in Part XI.

(28) “Revenue sharing cycle” means the annual 12-month period of the Tribe’s operation of covered games in its facilities beginning on July 1 of each fiscal year, except for during the initial payment period, when the first revenue sharing cycle begins on July 1 of the previous year, and the Tribe receives a credit for any amount paid to the state under the 2010 Compact for that revenue sharing cycle.

(29) “Rules and regulations” means the rules and regulations promulgated by the commission for implementation of this compact.

(30) “State” means the State of Florida.

(31) “State compliance agency” means the state agency designated by the Florida Legislature that has the authority to carry out the state’s oversight responsibilities under this compact.

(32) “Tribe” means the Seminole Tribe of Florida or any affiliate thereof conducting activities pursuant to this compact under the authority of the Seminole Tribe of Florida.

PART IV

AUTHORIZATION AND LOCATION OF COVERED GAMES.—

(1) The Tribe and state agree that the Tribe is authorized to operate covered games on its Indian lands, as defined in the Indian Gaming Regulatory Act, in accordance with the provisions of this compact. Nothing in the compact is intended to prohibit the Tribe from operating slot machines that employ video or mechanical displays of roulette, wheels, or other table game themes. Except for the provisions in subsection (1) of Part XI, nothing in this compact shall limit the Tribe’s right to operate any Class II gaming under the Indian Gaming Regulatory Act.

(2) The Tribe is authorized to conduct covered games under this compact only at the following seven existing facilities, which may be expanded or replaced as provided in subsection (3) on Indian lands:

- (a) Seminole Indian Casino-Brighton in Okeechobee, FL.
- (b) Seminole Indian Casino-Coconut Creek in Coconut Creek, FL.
- (c) Seminole Indian Casino-Hollywood in Hollywood, FL.
- (d) Seminole Indian Casino-Immokalee in Immokalee, FL.
- (e) Seminole Indian Casino-Big Cypress in Clewiston, FL.
- (f) Seminole Hard Rock Hotel & Casino-Hollywood in Hollywood, FL.
- (g) Seminole Hard Rock Hotel & Casino-Tampa in Tampa, FL.

(3) Any of the facilities existing on Indian lands identified in subsection (2) may be expanded or replaced by another facility on the same Indian lands with at least 60 days’ advance notice to the state.

PART V

RULES AND REGULATIONS; MINIMUM REQUIREMENTS FOR OPERATIONS.—

(1) At all times during the term of this compact, the Tribe shall be responsible for all duties that are assigned to it and the commission under this compact. The Tribe shall promulgate any rules necessary to implement this compact, which, at a minimum, shall expressly include or incorporate by reference all provisions of Parts V, VI, VII, and VIII. Nothing in this compact shall be construed to affect the Tribe’s right to amend its rules, provided that any such amendment is in conformity with this compact. The state compliance agency may propose additional

rules consistent with and related to the implementation of this compact to the commission at any time, and the commission shall give good faith consideration to such proposed rules and shall notify the state compliance agency of its response or action with respect to such rules.

(2) All facilities shall comply with, and all covered games approved under this compact shall be operated in accordance with, the requirements set forth in this compact, including, but not limited to, the requirements set forth in subsections (3) and (4) and the Tribe’s Internal Control Policies and Procedures. In addition, all facilities and all covered games shall be operated in strict compliance with tribal internal control standards that provide a level of control that equals or exceeds those set forth in the National Indian Gaming Commission’s Minimum Internal Control Standards, 25 C.F.R. part 542 (2015), even if the 2015 regulations are determined to be invalid or are subsequently withdrawn by the National Indian Gaming Commission. The Tribe may amend or supplement its internal control standards from time to time, provided that such changes continue to provide a level of control that equals or exceeds those set forth in 25 C.F.R. part 542 (2015).

(3) The Tribe and the commission shall retain all documents in compliance with the requirements set forth in the Tribe’s Record Retention Policies and Procedures.

(4) The Tribe shall continue and maintain its program to combat problem gambling and curtail compulsive gambling and work with the Florida Council on Compulsive Gambling or other organizations dedicated to assisting problem gamblers. The Tribe shall continue to maintain the following safeguards against problem gambling:

(a) The Tribe shall provide to every new gaming employee a comprehensive training and education program designed in cooperation with the Florida Council on Compulsive Gambling or other organization dedicated to assisting problem gamblers.

(b) The Tribe shall make printed materials available to patrons, which include contact information for the Florida Council on Compulsive Gambling 24-hour helpline or other hotline dedicated to assisting problem gamblers, and will work with the Florida Council on Compulsive Gambling or other organization dedicated to assisting problem gamblers to provide contact information for the Florida Council on Compulsive Gambling or other organization dedicated to assisting problem gamblers, and to provide such information on the facility’s website. The Tribe shall continue to display within the facilities all literature from the Florida Council on Compulsive Gambling or other organization dedicated to assisting problem gamblers.

(c)1. The commission shall establish a list of patrons voluntarily excluded from the Tribe’s facilities, pursuant to subparagraph 3.

2. The Tribe shall employ its best efforts to exclude patrons on such list from entry into its facilities; provided that nothing in this compact shall create for patrons who are excluded but gain access to the facilities, or any other person, a cause of action or claim against the state, the Tribe or the commission, or any other person, entity, or agency for failing to enforce such exclusion.

3. Patrons who believe they may be compulsively playing covered games may request that their names be placed on the list of patrons voluntarily excluded from the Tribe’s facilities.

(d) All covered game employees shall receive training on identifying compulsive gamblers and shall be instructed to ask such persons to leave. The facility shall make available signs bearing a toll-free help-line number and educational and informational materials at conspicuous locations and automated teller machines in each facility, which materials aim at the prevention of problem gaming and which specify where patrons may receive counseling or assistance for gambling problems. All covered games employees shall also be screened by the Tribe for compulsive gambling habits. Nothing in this subsection shall create for patrons, or any other person, a cause of action or claim against the state, the Tribe or the commission, or any other person, entity, or agency for failing to identify a patron or person who is a compulsive gambler or ask that person to leave.

(e) The Tribe shall follow the rules for exclusion of patrons set forth in the Seminole Tribal Gaming Code.

(f) The Tribe shall make diligent efforts to prevent underage individuals from loitering in the area of each facility where the covered games take place.

(g) The Tribe shall ensure that any advertising and marketing of covered games at the facilities contains a responsible gambling message and a toll-free help-line number for problem gamblers, where practical, and that such advertising and marketing make no false or misleading claims.

(5) The state may secure an annual independent audit of the conduct of covered games subject to this compact, as set forth in Part VIII.

(6) The facility shall visibly display summaries of the rules for playing covered games and promotional contests and shall make available complete sets of rules upon request. The Tribe shall provide copies of all such rules to the state compliance agency within 30 calendar days after issuance or amendment.

(7) The Tribe shall provide the commission and state compliance agency with a chart of the supervisory lines of authority with respect to those directly responsible for the conduct of covered games, and shall promptly notify those agencies of any material changes to the chart.

(8) The Tribe shall continue to maintain proactive approaches to prevent improper alcohol sales, drunk driving, underage drinking, and underage gambling. These approaches shall involve intensive staff training, screening and certification, patron education, and the use of security personnel and surveillance equipment in order to enhance patrons' enjoyment of the facilities and provide for patron safety.

(a) Staff training includes specialized employee training in non-violent crisis intervention, driver license verification, and detection of intoxication.

(b) Patron education shall be carried out through notices transmitted on valet parking stubs, posted signs in the facilities, and in brochures.

(c) Roving and fixed security officers, along with surveillance cameras, shall assist in the detection of intoxicated patrons, investigate problems, and engage with patrons to deescalate volatile situations.

(d) To help prevent alcohol-related crashes, the Tribe will continue to operate the "Safe Ride Home Program," a free taxi service.

(e) The Tribe shall maintain these programs and policies in its Alcohol Beverage Control Act for the duration of the compact but may replace such programs and policies with stricter or more extensive programs and policies. The Tribe shall provide the state with written notice of any changes to the Tribe's Alcohol Beverage Control Act, which notice shall include a copy of such changes and shall be sent on or before the effective date of the change. Nothing in this subsection shall create for patrons, or any other person, a cause of action or claim against the state, the Tribe or the commission, or any other person, entity, or agency for failing to fulfill the requirements of this subsection.

(9) A person under 21 years of age may not play covered games, unless otherwise permitted by state law.

(10) The Tribe may establish and operate facilities that operate covered games only on its Indian lands as defined by the Indian Gaming Regulatory Act and as specified in Part IV.

(11) The commission shall keep a record of, and shall report at least quarterly to the state compliance agency, the number of covered games in each facility, by the name or type of each game and its identifying number.

(12) The Tribe and the commission shall make available, to any member of the public upon request, within 10 business days, a copy of the National Indian Gaming Commission's Minimum Internal Control Standards, 25 C.F.R. part 542 (2015), the Seminole Tribal Gaming Code, this compact, the rules of each covered game operated by the Tribe, and the administrative procedures for addressing patron tort claims under Part VI.

PART VI

PATRON DISPUTES, WORKERS' COMPENSATION, TORT CLAIMS; PRIZE CLAIMS; LIMITED CONSENT TO SUIT.—

(1) All patron disputes involving gaming shall be resolved in accordance with the procedures established in the Seminole Tribal Gaming Code.

(2) Tort claims by employees of the Tribe's facilities will be handled pursuant to the provisions of the Tribe's Workers' Compensation Ordinance, which shall provide workers the same or better protections as provided in state workers' compensation laws.

(3) Disputes involving employees of the Tribe's facilities will be handled pursuant to the provisions of the Tribe's policy for gaming employees, as set forth in the Employee Fair Treatment and Dispute Resolution Policy.

(4) A patron who claims to have been injured after the effective date of the compact at one of the Tribe's facilities in which covered games are played is required to provide written notice to the Tribe's Risk Management Department or the facility, in a reasonable and timely manner, but no longer than three years after the date of the incident giving rise to the claimed injury, or the claim shall be forever barred.

(5) The Tribe shall have 30 days to respond to a claim made by a patron. If the Tribe fails to respond within 30 days, the patron may file suit against the Tribe. When the Tribe responds to an incident alleged to have caused a patron's injury or illness, the Tribe shall provide a claim form to the patron. The form must include the address for the Tribe's Risk Management Department and provide notice of the Tribe's administrative procedures for addressing patron tort claims, including notice of the relevant deadlines that may bar such claims if the Tribe's administrative procedures are not followed. It is the patron's responsibility to complete the form and forward the form to the Tribe's Risk Management Department within a reasonable period of time, and in a reasonable and timely manner. Nothing herein shall interfere with any claim a patron might have arising under the Federal Tort Claim Act.

(6) Upon receiving written notification of the claim, the Tribe's Risk Management Department shall forward the notification to the Tribe's insurance carrier. The Tribe shall use its best efforts to ensure that the insurance carrier contacts the patron within a reasonable period of time after receipt of the claim.

(7) The insurance carrier shall handle the claim to conclusion. If the patron, Tribe, and insurance carrier are not able to resolve the claim in good faith within one year after the patron provided written notice to the Tribe's Risk Management Department or the facility, the patron may bring a tort claim against the Tribe in any court of competent jurisdiction in the county in which the incident alleged to have caused injury occurred, as provided in this compact, and subject to a four-year statute of limitations, which shall begin to run from the date of the incident of the injury alleged in the claim. A patron's notice of injury to the Tribe pursuant to subsection (4) and the fulfillment of the good faith attempt at resolution pursuant to this part are conditions precedent to filing suit.

(8) For tort claims of patrons made pursuant to subsection (4), the Tribe agrees to waive its tribal sovereign immunity to the same extent as the state waives its sovereign immunity, as specified in s. 768.28(1) and (5), Florida Statutes, as such provision may be amended from time to time by the Legislature. In no event shall the Tribe be deemed to have waived its tribal immunity from suit beyond the limits set forth in s. 768.28(5), Florida Statutes. These limitations are intended to include liability for compensatory damages, costs, pre-judgment interest, and attorney fees if otherwise allowable under state law arising out of any claim brought or asserted against the Tribe, its subordinate governmental and economic units, any Tribal officials, employees, servants, or agents in their official capacities and any entity which is owned, directly or indirectly, by the Tribe. All patron tort claims brought pursuant to this provision shall be brought solely against the Tribe, as the sole party in interest.

(9) Notices explaining the procedures and time limitations with respect to making a tort claim shall be prominently displayed in the facilities, posted on the Tribe's website, and provided to any patron for

whom the Tribe has notice of the injury or property damage giving rise to the tort claim. Such notices shall explain:

(a) The method and places for making a tort claim, including where the patron must submit the claim.

(b) That the process is the exclusive method for asserting a tort claim arising under this section against the Tribe.

(c) That the Tribe and its insurance carrier have one year from the date the patron gives notice of the claim to resolve the matter, and that after that time, the patron may file suit in a court of competent jurisdiction.

(d) That the exhaustion of the process is a prerequisite to filing a claim in state court.

(e) That claims that fail to follow this process shall be forever barred.

(10) The Tribe shall maintain an insurance policy that shall:

(a) Prohibit the insurer or the Tribe from invoking tribal sovereign immunity for claims up to the limits to which the state has waived sovereign immunity as set forth in s. 768.28(5), Florida Statutes, or its successor statute.

(b) Include covered claims made by a patron or invitee for personal injury or property damage.

(c) Permit the insurer or the Tribe to assert any statutory or common law defense other than sovereign immunity.

(d) Provide that any award or judgment rendered in favor of a patron or invitee shall be satisfied solely from insurance proceeds.

(11) The Tribal Council of the Seminole Tribe of Florida may, in its discretion, consider claims for compensation in excess of the limits of the Tribe's waiver of its sovereign immunity.

PART VII

ENFORCEMENT OF COMPACT PROVISIONS.—

(1) The Tribe, the commission, and the state compliance agency, to the extent authorized by this compact, shall be responsible for regulating activities pursuant to this compact. As part of its responsibilities, the Tribe shall adopt or issue standards designed to ensure that the facilities are constructed, operated, and maintained in a manner that adequately protects the environment and public health and safety. Additionally, the Tribe and the commission shall ensure that:

(a) Operation of the conduct of covered games is in strict compliance with:

1. The Seminole Tribal Gaming Code.
2. All rules, regulations, procedures, specifications, and standards lawfully adopted by the National Indian Gaming Commission and the commission.
3. The provisions of this compact, including, but not limited to, the Tribe's standards and rules.

(b) Reasonable measures are taken to:

1. Ensure the physical safety of facility patrons, employees, and any other person while in the facility.
2. Prevent illegal activity at the facilities or with regard to the operation of covered games, including, but not limited to, the maintenance of employee procedures and a surveillance system.
3. Ensure prompt notification is given, in accordance with applicable law, to appropriate law enforcement authorities of persons who may be involved in illegal acts.
4. Ensure that the construction and maintenance of the facilities complies with the standards of the Florida Building Code, the provisions of which the Tribe has adopted as the Seminole Tribal Building Code.

5. Ensure adequate emergency access plans have been prepared to ensure the health and safety of all covered game patrons.

(2) All licenses for members and employees of the commission shall be issued according to the same standards and terms applicable to facility employees. The commission's officers shall be independent of the Tribal gaming operations, and shall be supervised by and accountable only to the commission. A commission officer shall be available to the facility during all hours of operation upon reasonable notice, and shall have immediate access to any and all areas of the facility for the purpose of ensuring compliance with the provisions of this compact. The commission shall investigate any suspected or reported violation of this part and shall officially enter into its files timely written reports of investigations and any action taken thereon, and shall forward copies of such investigative reports to the state compliance agency within 30 calendar days after such filing. The scope of such reporting shall be determined by the commission and the state compliance agency as soon as practicable after the effective date of this compact. Any such violations shall be reported immediately to the commission, and the commission shall immediately forward such reports to the state compliance agency. In addition, the commission shall promptly report to the state compliance agency any such violations which it independently discovers.

(3) In order to develop and foster a positive and effective relationship in the enforcement of the provisions of this compact, representatives of the commission and the state compliance agency shall meet at least annually to review past practices and examine methods to improve the regulatory scheme created by this compact. The meetings shall take place at a location mutually agreed upon by the commission and the state compliance agency. The state compliance agency, before or during such meetings, shall disclose to the commission any concerns, suspected activities, or pending matters reasonably believed to constitute violations of the compact by any person, organization, or entity, if such disclosure will not compromise the interest sought to be protected.

PART VIII

STATE MONITORING OF COMPACT.—

(1) It is the express intent of the Tribe and the state for the Tribe to regulate its own gaming activities. Notwithstanding, the state shall conduct random inspections as provided for in this part to ensure that the Tribe is operating in accordance with the terms of the compact. The state may secure an annual independent audit of the conduct of covered games subject to this compact and the Tribe shall cooperate with such audit. The audit shall:

(a) Examine the covered games operated by the Tribe to ensure compliance with the Tribe's Internal Control Policies and Procedures and any other standards, policies, or procedures adopted by the Tribe, the commission, or the National Indian Gaming Commission which govern the play of covered games.

(b) Examine revenues in connection with the conduct of covered games and include only those matters necessary to verify the determination of net win and the basis and amount of the payments the Tribe is required to make to the state pursuant to Part XI and as defined by this compact.

(2) A copy of the audit report for the conduct of covered games shall be submitted to the commission and the state compliance agency within 30 calendar days after completion. Representatives of the state compliance agency may, upon request, meet with the Tribe and its auditors to discuss the audit or any matters in connection therewith; provided that such discussions are limited to covered games information. The annual independent audit shall be performed by an independent firm selected by the state which has experience in auditing casino operations, subject to the consent of the Tribe, which shall not be unreasonably withheld. The Tribe shall pay for the cost of the annual independent audit.

(3) As provided herein, the state compliance agency may monitor the conduct of covered games to ensure that the covered games are conducted in compliance with the provisions of this compact. In order to properly monitor the conduct of covered games, agents of the state compliance agency shall have reasonable access, without prior notice, to all public areas of the facilities related to the conduct of covered games.

(a) The state compliance agency may review whether the Tribe's facilities are in compliance with the provisions of this compact and the Tribe's rules and regulations applicable to covered games and may advise on such issues as it deems appropriate. In the event of a dispute or disagreement between Tribal and state compliance agency regulators, the dispute or disagreement shall be resolved in accordance with the dispute resolution provisions of Part XIII.

(b) In order to fulfill its oversight responsibilities, the state compliance agency may perform on a routine basis specific oversight testing procedures as set forth in paragraph (c).

(c)1. The state compliance agency may inspect any covered games in operation at the facilities on a random basis, provided that such inspections may not exceed one inspection per facility per calendar month and the inspection may not exceed 16 hours spread over those two consecutive days, unless the state compliance agency determines that additional inspection hours are needed to address the issues of substantial noncompliance, provided that the state compliance agency provides the Tribe with written notification of the need for additional inspection hours and a written summary of the substantial noncompliance issues that need to be addressed during the additional inspection hours. The total number of hours of random inspections and audit reviews per year may not exceed 1,600 hours. Inspection hours shall be calculated on the basis of the actual amount of time spent by the state compliance agency conducting the inspections at a facility, without accounting for a multiple for the number of state compliance agency inspectors or agents engaged in the inspection activities. The purpose of the random inspections is to confirm that the covered games function properly pursuant to the manufacturer's technical standards and are conducted in compliance with the Tribe's Internal Control Policies and Procedures and any other standards, policies, or procedures adopted by the Tribe, the commission, or the National Indian Gaming Commission which govern the play of covered games. The state compliance agency shall provide notice to the commission of such inspection at or before the commencement of a random inspection and a commission agent may accompany the inspection.

2. For each facility, the state compliance agency may perform one annual review of the Tribe's slot machine compliance audit.

3. At least annually, the state compliance agency may meet with the Tribe's Internal Audit Department for Gaming to review internal controls and the record of violations for each facility.

(d) The state compliance agency shall cooperate with and obtain the assistance of the commission in the resolution of any conflicts in the management of the facilities, and the state and the Tribe shall make their best efforts to resolve disputes through negotiation whenever possible. Therefore, to foster a spirit of cooperation and efficiency, the state compliance agency and Tribe shall resolve disputes between the state compliance agency staff and commission regulators about the day-to-day regulation of the facilities through meeting and conferring in good faith. Notwithstanding, the parties may seek other relief that may be available when circumstances require such relief. In the event of a dispute or disagreement between tribal and state compliance agency regulators, the dispute or disagreement shall be resolved in accordance with the dispute resolution provisions of Part XIII.

(e) The state compliance agency shall have access to each facility during the facility's operating hours only. No advance notice is required when the state compliance agency inspection is limited to public areas of the facility; however, representatives of the state compliance agency shall provide notice and photographic identification to the commission of their presence before beginning any such inspections.

(f) The state compliance agency agents, to ensure that a commission officer is available to accompany the state compliance agency agents at all times, shall provide one hour notice and photographic identification to the commission before entering any nonpublic area of a facility. Agents of the state compliance agency shall be accompanied in nonpublic areas of the facility by a commission officer.

(g) Any suspected or claimed violations of this compact or law shall be directed in writing to the commission. The state compliance agency, in conducting the functions assigned them under this compact, shall not unreasonably interfere with the functioning of any facility.

(4) Subject to the provisions herein, the state compliance agency may review and request copies of documents of the facility related to its conduct of covered games during normal business hours unless otherwise allowed by the Tribe. The Tribe may not refuse said inspection and copying of such documents, provided that the inspectors do not require copies of documents in such volume that it unreasonably interferes with the normal functioning of the facilities or covered games. To the extent that the Tribe provides the state with information that the Tribe claims to be confidential and proprietary, or a trade secret, the Tribe shall clearly mark such information with the following designation: "Trade Secret, Confidential, and Proprietary." If the state receives a request under chapter 119 that would include such designated information, the state shall promptly notify the Tribe of such a request and the Tribe shall promptly notify the state about its intent to seek judicial protection from disclosure. Upon such notice from the Tribe, the state may not release the requested information until a judicial determination is made. This designation and notification procedure does not excuse the state from complying with the requirements of the state's public records law, but is intended to provide the Tribe the opportunity to seek whatever judicial remedy it deems appropriate. Notwithstanding the foregoing procedure, the state compliance agency may provide copies of tribal documents to federal law enforcement and other state agencies or state consultants that the state deems reasonably necessary in order to conduct or complete any investigation of suspected criminal activity in connection with the Tribe's covered games or the operation of the facilities or in order to assure the Tribe's compliance with this compact.

(5) At the completion of any state compliance agency inspection or investigation, the state compliance agency shall forward any written report thereof to the commission, containing all pertinent, non-confidential, nonproprietary information regarding any violation of applicable laws or this compact which was discovered during the inspection or investigation unless disclosure thereof would adversely impact an investigation of suspected criminal activity. Nothing herein prevents the state compliance agency from contacting tribal or federal law enforcement authorities for suspected criminal wrongdoing involving the commission.

(6) Except as expressly provided in this compact, nothing in this compact shall be deemed to authorize the state to regulate the Tribe's government, including the commission, or to interfere in any way with the Tribe's selection of its governmental officers, including members of the commission.

PART IX

JURISDICTION.—The obligations and rights of the state and the Tribe under this compact are contractual in nature and are to be construed in accordance with the laws of the state. This compact does not alter tribal, federal, or state civil adjudicatory or criminal jurisdiction in any way.

PART X

LICENSING.—The Tribe and the commission shall comply with the licensing and hearing requirements set forth in 25 C.F.R. parts 556 and 558, as well as the applicable licensing and hearing requirements set forth in Articles IV, V, and VI of the Seminole Tribal Gaming Code. The commission shall notify the state compliance agency of any disciplinary hearings or revocation or suspension of licenses.

PART XI

PAYMENTS TO THE STATE OF FLORIDA.—

(1) The parties acknowledge and recognize that this compact provides the Tribe with partial but substantial exclusivity and other valuable consideration consistent with the goals of the Indian Gaming Regulatory Act, including special opportunities for tribal economic development through gaming within the external boundaries of the state with respect to the play of covered games. In consideration thereof, the Tribe covenants and agrees, subject to the conditions agreed upon in Part XII, to make payments to the state derived from net win as set forth in subsections (2) and (7). The Tribe further agrees that it will not purchase or lease any new Class II video bingo terminals or their equivalents for use at its facilities after the effective date of this compact.

(2) The Tribe shall make periodic revenue share payments to the state derived from net win as set forth in this subsection, and any such payments shall be made to the state via electronic funds transfer. Of the amounts paid by the Tribe to the state, three percent shall be distributed to local governments, including both counties and municipalities, in the state affected by the Tribe's operation of covered games. Revenue share payments by the Tribe to the state shall be calculated as follows:

(a) During the initial payment period, the Tribe agrees to pay the state a revenue share payment in accordance with this subparagraph.

1. 13 percent of all amounts up to \$2 billion of net win received by the Tribe from the operation and play of covered games during each revenue sharing cycle;

2. 17.5 percent of all amounts greater than \$2 billion up to and including \$3.5 billion of net win received by the Tribe from the operation and play of covered games during each revenue sharing cycle;

3. 20 percent of all amounts greater than \$3.5 billion up to and including \$4 billion of net win received by the Tribe from the operation and play of covered games during each revenue sharing cycle;

4. 22.5 percent of all amounts greater than \$4 billion up to and including \$4.5 billion of net win received by the Tribe from the operation and play of covered games during each revenue sharing cycle; or

5. 25 percent of all amounts greater than \$4.5 billion of net win received by the Tribe from the operation and play of covered games during each revenue sharing cycle.

(b) During the guarantee payment period, the Tribe agrees to make fixed payments in accordance with this paragraph. In addition, within 90 days after the end of the guarantee payment period, the Tribe shall make an additional payment to the state equal to the amount above \$3 billion, if any, that would have been owed by the Tribe to the state had the percentages set forth in paragraph (c) been applicable during the guarantee payment period.

1. A payment of \$325 million during the first revenue sharing cycle;

2. A payment of \$350 million during the second revenue sharing cycle;

3. A payment of \$375 million during the third revenue sharing cycle;

4. A payment of \$425 million during the fourth revenue sharing cycle;

5. A payment of \$475 million during the fifth revenue sharing cycle;

6. A payment of \$500 million during the sixth revenue sharing cycle; and

7. A payment of \$550 million during the seventh revenue sharing cycle.

(c) During the regular payment period, the Tribe agrees to pay a revenue share payment, for each revenue sharing cycle, to the state equal to the amount calculated in accordance with this paragraph.

1. 13 percent of all amounts up to \$2 billion of net win received by the Tribe from the operation and play of covered games during each revenue sharing cycle;

2. 17.5 percent of all amounts greater than \$2 billion up to and including \$3.5 billion of net win received by the Tribe from the operation and play of covered games during each revenue sharing cycle;

3. 20 percent of all amounts greater than \$3.5 billion up to and including \$4 billion of net win received by the Tribe from the operation and play of covered games during each revenue sharing cycle;

4. 22.5 percent of all amounts greater than \$4 billion up to and including \$4.5 billion of net win received by the Tribe from the operation and play of covered games during each revenue sharing cycle; or

5. 25 percent of all amounts greater than \$4.5 billion of net win received by the Tribe from the operation and play of covered games during each revenue sharing cycle.

(3) The Tribe shall remit monthly payments as follows:

(a) On or before the 15th day of the month following each month of the revenue sharing cycle, the Tribe will remit to the state or its assignee the monthly payment. For purposes of this section, the monthly payment shall be 8.3333 percent of the estimated revenue share payment to be paid by the Tribe during such revenue sharing cycle.

(b) The Tribe shall make available to the state at the time of the monthly payment the basis for the calculation of the payment.

(c) The Tribe shall, on a monthly basis, reconcile the calculation of the estimated revenue share payment based on the Tribe's unaudited financial statements related to covered games.

(4) The Tribe shall have an audit conducted as follows:

(a) On or before the 45th day after the third month, sixth month, ninth month, and twelfth month of each revenue sharing cycle, provided that the 12-month period does not coincide with the Tribe's fiscal year end date as indicated in paragraph (c), the Tribe shall provide the state with an audit report by its independent auditors as to the annual revenue share calculation.

(b) For each quarter within revenue sharing cycle, the Tribe shall engage its independent auditors to conduct a review of the unaudited net revenue from covered games. On or before the 120th day after the end of the Tribe's fiscal year, the Tribe shall require its independent auditors to provide an audit report with respect to net win for covered games and the related payment of the annual revenue share.

(c) If the twelfth month of the revenue sharing cycle does not coincide with the Tribe's fiscal year, the Tribe shall deduct net win from covered games for any of the months outside of the revenue sharing cycle and include net win from covered games for those months outside of the Tribe's audit period but within the revenue sharing cycle, before issuing the audit report.

(d) No later than 30 calendar days after the day the audit report is issued, the Tribe shall remit to the state any underpayment of the annual revenue share, and the state shall either reimburse to the Tribe any overpayment of the annual revenue share or authorize the overpayment to be deducted from the next successive monthly payment or payments.

(5) If, after any change in state law to affirmatively allow internet or online gaming, or any functionally equivalent remote gaming system that permits a person to play from home or any other location that is remote from a casino or other commercial gaming facility, but excluding any fantasy contest conducted pursuant to s. 546.13, the Tribe's net win from the operation of covered games at all of its facilities combined drops more than five percent below its net win from the previous 12-month period, the Tribe shall no longer be required to make payments to the state based on the guaranteed minimum compact term payment and shall not be required to make the guaranteed minimum compact term payment. However, the Tribe shall continue to make payments based on the percentage revenue share amount. The Tribe shall resume making the guaranteed minimum compact term payment for any subsequent revenue sharing cycle in which its net win rises above the level described in this subsection. This subsection does not apply if:

(a) The decline in net win is due to acts of God, war, terrorism, fires, floods, or accidents causing damage to or destruction of one or more of its facilities or property necessary to operate the facility of facilities; or

(b) The Tribe offers internet or online gaming or any functionally equivalent remote gaming system that permits a person to game from home or any other location that is remote from any of the Tribe's facilities, as authorized by law.

(6) The annual oversight assessment, which shall not exceed \$250,000 per year, indexed for inflation as determined by the Consumer Price Index, shall be determined and paid in quarterly installments within 30 calendar days after receipt by the Tribe of an invoice from the state compliance agency. The Tribe reserves the right to audit the invoices on an annual basis, a copy of which will be provided to the state

compliance agency, and any discrepancies found therein shall be reconciled within 45 calendar days after receipt of the audit by the state compliance agency.

(7) The Tribe shall make an annual donation to the Florida Council on Compulsive Gaming as an assignee of the state in an amount not less than \$250,000 per facility.

(8) Except as expressly provided in this part, nothing in this compact shall be deemed to require the Tribe to make payments of any kind to the state or any of its agencies.

PART XII

REDUCTION OF TRIBAL PAYMENTS BECAUSE OF LOSS OF EXCLUSIVITY OR OTHER CHANGES IN STATE LAW.—The intent of this compact is to provide the Tribe with the right to operate covered games on an exclusive basis throughout the state, subject to the exceptions and provisions in this part.

(1) For purposes of this part, the terms “Class III gaming” or “other casino-style gaming” include, but are not limited to, slot machines, electronically assisted bingo, electronically assisted pull-tab games, noncard table games, video lottery terminals, or any similar games, whether or not such games are determined through the use of a random number generator. For the purposes of this part, the terms “Class III gaming” and “other casino-style gaming” do not include fantasy contests conducted pursuant to s. 546.13 or designated player games of poker authorized pursuant to s. 849.086, as those statutes are in effect on January 1, 2019.

(a) If, after January 1, 2019, state law is amended, implemented, or interpreted to allow the operation of Class III gaming or other casino-style gaming at any location under the jurisdiction of the state that was not in operation as of January 1, 2019, or a new form of Class III gaming or other casino-style gaming that was not in operation as of January 1, 2019, and such gaming is offered to the public as a result of the amendment, implementation, or interpretation, the Tribe, no fewer than 30 days after the commencement of such new gaming or 90 days after the state’s receipt of written notice from the Tribe pursuant to paragraph (b), whichever occurs later, may elect to begin making the affected portion of its payments due to the state pursuant to subsections (2) and (7) of Part XI, into an escrow account.

(b) In order to exercise the provisions of paragraph (a), the Tribe must first notify the state, within 90 days after such amendment, implementation, or interpretation of state law, of the Tribe’s objections to such action or interpretation and further specify the basis for the Tribe’s contention that such action or interpretation infringes upon the substantial exclusivity afforded under this compact. As part of its written notice, the Tribe must also indicate, if applicable, its intention to begin making the affected portion of its payments due to the state into an escrow account.

(c) Upon receipt of written notice from the Tribe, the state may elect to:

1. Invoke the dispute resolution provisions of Part XIII to determine whether the Tribe’s contention is well-founded. In such proceeding, the Tribe carries the burden of proof and persuasion. The pendency of such proceeding tolls the time periods set forth in paragraph (1)(a) of Part XII for the duration of the dispute or litigation; or

2. Seek through enforcement action, legislation, or other means to stop the conduct of such new games.

(d)1. If, within 15 months following the state’s receipt of written notice from the Tribe, the Tribe’s contention is deemed not to be well-founded at the conclusion of dispute resolution or new gaming is made illegal and is halted, then all funds being held in the escrow account shall be released to the state and all further payments due to the state pursuant to subsections (2) and (7) of Part XI shall promptly resume.

2. If, after 15 months following the state’s receipt of written notice from the Tribe, the Tribe’s contention is deemed to be well-founded at the conclusion of dispute resolution and such gaming is not made illegal and halted, then all funds being held in escrow shall be returned to the Tribe and all further payments due to the state pursuant to subsections (2) and (7) of Part XI shall cease or be reduced as provided in subsection (2) until

such gaming is no longer operated, in which event the payments shall promptly resume.

(2) The following are exceptions to the exclusivity provisions of subsection (1):

(a) Any Class III gaming authorized by a compact between the state and any other federally recognized tribe pursuant to Indian Gaming Regulatory Act, provided that the tribe has land in federal trust in the state as of January 1, 2018.

(b) The operation of slot machines, which does not include any game played with tangible playing cards, at:

1. Each of the four currently operating licensed pari-mutuel facilities in Broward County and the four currently operating licensed pari-mutuel facilities in Miami-Dade County, whether or not currently operating slot machines, provided that such licenses are not transferred or otherwise used to move or operate such slot machines at any other location; or

2. Licensed pari-mutuel facilities in counties, other than Broward County or Miami-Dade County, which have been authorized by referendum in each of those counties after January 1, 2012, and on or before September 1, 2018, pursuant to state law as of January 1, 2019.

(c)1. If state law is amended to allow for the play of any additional type of Class III or other casino-style gaming at any of the presently operating licensed pari-mutuel facilities in Broward and Miami-Dade Counties, the Tribe may be entitled to a reduction in the revenue sharing payment as described in subparagraph 2.

2. If the Tribe’s annual net win from its facilities located in Broward County for the 12 month period after the gaming specified in subparagraph 1. begins to be offered for public or private use is less than the net revenue base, the revenue share payments due to the state, pursuant to paragraph (2)(b) of Part XI, for the next revenue sharing cycle and future revenue sharing cycles shall be calculated by reducing the Tribe’s payment on revenue generated from its facilities in Broward County by 50 percent of that reduction in annual net win from its facilities in Broward County. This paragraph does not apply if the decline in net win is due to acts of God, war, terrorism, fires, floods, or accidents causing damage to or destruction of one or more of its facilities or property necessary to operate the facility or facilities.

3. If the Tribe’s annual net win from its facilities located in Broward County subsequently equals or exceeds the net revenue base, then the Tribe’s payments due to the state pursuant to paragraph (2)(b) of Part XI shall again be calculated without any reduction, but may be reduced again under the provisions set forth in subparagraph 2.

(d) If state law is amended to allow the play of Class III gaming or other casino-style gaming, as defined in this part, at any location in Miami-Dade County or Broward County under the jurisdiction of the state that is not presently licensed for the play of such games at such locations, other than those facilities set forth in paragraph (c) and this paragraph, and such games were not in play as of January 1, 2018, and such gaming begins to be offered for public or private use, the payments due the state pursuant to subparagraph (c)2., shall be calculated by excluding the net win from the Tribe’s facilities in Broward County.

(e) The operation of a combined total of not more than 350 historic racing machines, connected to a central server at that facility, and electronic bingo machines at each pari-mutuel facility licensed as of January 1, 2018, and not located in either Broward County or Miami-Dade County.

(f) The operation of pari-mutuel wagering activities at pari-mutuel facilities licensed by the state.

(g) The operation by the Department of the Lottery of those types of lottery games authorized under chapter 24 as of January 1, 2018, but not including any player-activated or operated machine or device other than a lottery vending machine or any banked or banking card or table game. However, not more than ten lottery vending machines may be installed at any facility or location and no lottery vending machine that dispenses electronic instant tickets may be installed at any licensed pari-mutuel facility.

(h) The operation of games of poker, including designated player games of poker, as authorized by chapter 849 as of January 1, 2019.

(i) The operation of games permitted by chapters 546 and 849, Florida Statutes, as of January 1, 2019.

(j) The following events shall not trigger any remedy under this compact and do not affect the exclusivity provisions of this compact:

1. Any change to the tax rate paid to the state by the licensed pari-mutuel permitholders for the operation of slot machines, provided the effective tax rate is not less than 25 percent. If the effective tax rate is less than 25 percent, then the Tribe shall be relieved of its obligations to make the guaranteed minimum compact term payment and any further guaranteed revenue sharing cycle payment, but instead shall make payments to the state for all future revenue sharing cycles based on the percentage payments set forth in paragraph (2)(c) of Part XI, but shall be permitted to exclude all revenue generated by slot machines at its facilities in Broward County; and

2. Any change in state law that removes the requirement for pari-mutuel permitholders to conduct performances of live races or games in order to operate other authorized gaming activities.

(3) To the extent that the exclusivity provisions of this part are breached or otherwise violated and the Tribe's ongoing payment obligations to the state pursuant to subsections (2) and (7) of Part XI cease, any outstanding payments that would have been due the state from the Tribe's facilities before the breach or violation shall be made within 30 business days after the breach or violation.

(4) The breach of this part's exclusivity provisions and the cessation of payments pursuant to subsections (2) and (7) of Part XI shall not excuse the Tribe from continuing to comply with all other provisions of this compact, including continuing to pay the state the annual oversight assessment as set forth in subsection (6) of Part XI.

PART XIII

DISPUTE RESOLUTION.—In the event that the Tribe or State believes that the other party has failed to comply with any requirements of this compact, or in the event of any dispute hereunder, including, but not limited to, a dispute over the proper interpretation of the terms and conditions of this compact, the goal of the parties is to resolve all disputes amicably and voluntarily whenever possible. In pursuit of this goal, the following procedures may be invoked:

(1) A party asserting noncompliance or seeking an interpretation of this compact first shall serve written notice on the other party. The notice shall identify the specific compact provision alleged to have been violated or in dispute and shall specify in detail the asserting party's contention and any factual basis for the claim. Representatives of the Tribe and state shall meet within 30 calendar days after receipt of notice in an effort to resolve the dispute, unless they mutually agree to extend this period.

(2) A party asserting noncompliance or seeking an interpretation of this compact under this part shall be deemed to have certified that to the best of the party's knowledge, information, and belief formed after reasonable inquiry, the claim of noncompliance or the request for interpretation of this compact is warranted and made in good faith and not for any improper purpose, such as to harass or to cause unnecessary delay or the needless incurring of the cost of resolving the dispute.

(3) If the parties are unable to resolve a dispute through the process specified in subsections (1) and (2), either party may call for mediation under the Commercial Mediation Procedures of the American Arbitration Association or any successor procedures, provided that such mediation does not last more than 60 calendar days, unless an extension to this time limit is negotiated by the parties. Only matters arising under the terms of this compact may be available for resolution through mediation. If the parties are unable to resolve a dispute through the process specified in this part, notwithstanding any other provision of law, either party may bring an action in a United States District Court having venue regarding a dispute arising under this compact. If the court declines to exercise jurisdiction, or federal precedent exists that holds that the court would not have jurisdiction over such a dispute, either party may bring the action in the appropriate court of the Seventeenth Judicial

Circuit in Broward County, Florida. The parties are entitled to all rights of appeal permitted by law in the court system in which the action is brought.

(4) For purposes of actions based on disputes between the state and the Tribe that arise under this compact and the enforcement of any judgment resulting from such action, the Tribe and the state each expressly waive the right to assert sovereign immunity from suit and from enforcement of any ensuing judgment, and further consent to be sued in federal or state court, including the right of appeal specified above, as the case may be, provided that:

(a) The dispute is limited solely to issues arising under this compact.

(b) There is no claim for monetary damages, except that payment of any money required by the terms of this compact, as well as injunctive relief or specific performance enforcing a provision of this compact requiring the payment of money to the state may be sought.

(c) Nothing herein shall be construed to constitute a waiver of the sovereign immunity of the Tribe with respect to any third party that is made a party or intervenes as a party to the action. In the event that intervention, joinder, or other participation by any additional party in any action between the state and the Tribe would result in the waiver of the Tribe's sovereign immunity as to that additional party, the waiver of the Tribe may be revoked.

(5) The state may not be precluded from pursuing any mediation or judicial remedy against the Tribe on the grounds that the state has failed to exhaust its Tribal administrative remedies.

(6) Notwithstanding any other provision of this part, any failure of the Tribe to remit the payments pursuant to the terms of Part XI entitles the state to seek injunctive relief in federal or state court, at the state's election, to compel the payments after the dispute resolution process in subsections (1) and (2) is exhausted.

PART XIV

CONSTRUCTION OF COMPACT; SEVERANCE; FEDERAL APPROVAL.—

(1) Each provision of this compact shall stand separate and independent of every other provision. In the event that a federal district court in Florida or other court of competent jurisdiction shall find any provision of this compact to be invalid, the remaining provisions shall remain in full force and effect, provided that severing the invalidated provision does not undermine the overall intent of the parties in entering into this compact. However, if subsection (6) of Part III, Part XI, or Part XII are held by a court of competent jurisdiction to be invalid, this compact will become null and void.

(2) It is understood that Part XII, which provides for a cessation of the payments to the state under Part XI, does not create any duty on the state but only a remedy for the Tribe if gaming under state jurisdiction is expanded.

(3) This compact is intended to meet the requirements of the Indian Gaming Regulatory Act as it reads on the effective date of this compact, and where reference is made to the Indian Gaming Regulatory Act, or to an implementing regulation thereof, the reference is deemed to have been incorporated into this document. Subsequent changes to the Indian Gaming Regulatory Act that diminish the rights of the state or Tribe may not be applied retroactively to alter the terms of this compact, except to the extent that federal law validly mandates that retroactive application without the respective consent of the state or the Tribe. In the event that a subsequent change in the Indian Gaming Regulatory Act, or to an implementing regulation thereof, mandates retroactive application without the respective consent of the state or the Tribe, the parties agree that this compact is voidable by either party if the subsequent change materially alters the provisions in the compact relating to the play of covered games, revenue sharing payments, suspension or reduction of payments, or exclusivity.

(4) Neither the presence of language that is not included in this compact, nor the absence in this compact of language that is present in another state-tribal compact shall be a factor in construing the terms of this compact.

(5) *The Tribe and the state shall defend the validity of this compact.*

(6) *The parties shall cooperate in seeking approval of this compact from the Secretary of the Department of the Interior.*

PART XV

NOTICES.—All notices required under this compact shall be given by certified mail, return receipt requested, commercial overnight courier service, or personal delivery, to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chairman and General Counsel of the Seminole Tribe of Florida.

PART XVI

EFFECTIVE DATE AND TERM.—

(1) *This compact, if identical to the version ratified by the Legislature in s. 285.710(3)(c), Florida Statutes, in 2018, shall become effective upon its approval as a tribal-state compact within the meaning of the Indian Gaming Regulatory Act either by action of the Secretary of the Department of the Interior or by operation of law under 25 U.S.C. s. 2710(d)(8) upon publication of a notice of approval in the Federal Register under 25 U.S.C. s. 2710(d)(8)(D).*

(2) *This compact shall have a term of twenty-two years beginning on the first day of the month following the month in which the compact becomes effective under subsection (1).*

(3) *The Tribe's authorization to offer covered games under this compact shall automatically terminate twenty-two years after the effective date unless renewed by an affirmative act of the Legislature.*

PART XVII

AMENDMENT OF COMPACT AND REFERENCES.—

(1) *Amendment of this compact may only be made by written agreement of the parties, subject to approval by the Secretary of the Department of the Interior, either by publication of the notice of approval in the Federal Register or by operation of law under 25 U.S.C. s. 2710(d)(8).*

(2) *Legislative ratification is required for any amendment to the compact that alters the provisions relating to covered games, the amount of revenue sharing payments, suspension or reduction in payments, or exclusivity.*

(3) *Changes in the provisions of tribal ordinances, regulations, and procedures referenced in this compact may be made by the Tribe with 30 days' advance notice to the state. If the state has an objection to any change to the tribal ordinance, regulation, or procedure which is the subject of the notice on the ground that its adoption would be a violation of the Tribe's obligations under this compact, the state may invoke the dispute resolution provisions provided in Part XIII.*

PART XVIII

MISCELLANEOUS.—

(1) *Except to the extent expressly provided in this compact, this compact is not intended to, and shall not be construed to, create any right on the part of a third party to bring an action to enforce any of its terms.*

(2) *If, after the effective date of this compact, the state enters into a compact with any other Tribe that contains more favorable terms with respect to the provisions of this Compact and the Secretary of the Department of the Interior approves such compact, either by publication of the notice of approval in the Federal Register or by operation of law under 25 U.S.C. s. 2710(d)(8), upon tribal notice to the state and the Secretary, this compact shall be deemed amended to contain the more favorable terms, unless the state objects to the change and can demonstrate, in a proceeding commenced under Part XIII, that the terms in question are not more favorable.*

(3) *Upon the occurrence of certain events beyond the Tribe's control, including acts of God, war, terrorism, fires, floods, or accidents causing damage to or destruction of one or more of its facilities or property necessary to operate the facility or facilities, the Tribe's obligation to pay the guaranteed minimum compact term payment described in Part XI*

shall be reduced pro rata to reflect the percentage of the total net win lost to the Tribe from the impacted facility or facilities and the net win specified under subsection (2) of Part XII for purposes of determining whether the Tribe's payments described in Part XI shall cease, shall be reduced pro rata to reflect the percentage of the total net win lost to the Tribe from the impacted facility or facilities. The foregoing shall not excuse any obligations of the Tribe to make payments to the state as and when required hereunder or in any related document or agreement.

(4) *The Tribe and the state recognize that opportunities to engage in gaming in smoke-free or reduced-smoke environments provides both health and other benefits to patrons, and the Tribe has instituted a nonsmoking section at its Seminole Hard Rock Hotel & Casino-Hollywood Facility. As part of its continuing commitment to this issue, the Tribe shall:*

(a) *Install and utilize a ventilation system at all new construction at its facilities, which system exhausts tobacco smoke to the extent reasonably feasible under existing state-of-the-art technology.*

(b) *Designate a smoke-free area for slot machines at all new construction at its facilities.*

(c) *Install nonsmoking, vented tables for table games installed in its facilities sufficient to reasonably respond to demand for such tables.*

(d) *Designate a nonsmoking area for gaming within all of its facilities within five years after the effective date of the compact.*

(5) *The annual average minimum pay-out of all slot machines in each facility may not be less than 85 percent.*

(6) *Nothing in this compact shall alter any of the existing memoranda of understanding, contracts, or other agreements entered into between the Tribe and any other federal, state, or local governmental entity.*

(7) *The Tribe currently has, as set forth in its Employee Fair Treatment and Dispute Resolution Policy, and agrees to maintain, standards that are comparable to the standards provided in federal laws and state laws forbidding employers from discrimination in connection with the employment of persons working at the facilities on the basis of race, color, religion, national origin, gender, age, disability, or marital status. Nothing herein shall preclude the Tribe from giving preference in employment, promotion, seniority, lay-offs, or retention to members of the Tribe and other federally recognized tribes.*

(8) *The Tribe shall, with respect to any facility where covered games are played, adopt and comply with tribal requirements that meet the same minimum state requirements applicable to businesses in the state with respect to environmental and building standards.*

PART XIX

EXECUTION.—The Governor of the State of Florida affirms that he has authority to act for the state in this matter and that, provided that this compact is identical to the compact ratified by the Legislature pursuant to s. 285.710(3)(c), Florida Statutes, no further action by the state or any state official is necessary for this compact to take effect upon federal approval by action of the Secretary of the Department of the Interior or by operation of law under 25 U.S.C. s. 2710(d)(8) by publication of the notice of approval in the Federal Register. The Governor affirms that he will proceed with obtaining such federal approval and take all other appropriate action to effectuate the purposes and intent of this Compact. The undersigned Chairman of the Tribal Council of the Seminole Tribe of Florida affirms that he is duly authorized and has the authority to execute this Compact on behalf of the Tribe. The Chairman also affirms that he will assist in obtaining federal approval and take all other appropriate action to effectuate the purposes and intent of this Compact.

(10) *The calculations necessary to determine the local government share distributions shall be made by the state compliance agency based upon the net win per facility as provided by the Tribe. The local government share attributable to each casino shall be distributed as follows:*

(b) *Broward County shall receive 25 percent, the City of Hollywood shall receive 45 ~~55~~ percent, the Town of Davie shall receive 20 ~~40~~ per-*

cent, and the City of Dania Beach shall receive 10 percent of the local government share derived from the Seminole Indian Casino-Hollywood.

(c) Broward County shall receive 25 percent, the City of Hollywood shall receive ~~45~~ ~~55~~ percent, the Town of Davie shall receive ~~20~~ ~~40~~ percent, and the City of Dania Beach shall receive 10 percent of the local government share derived from the Seminole Hard Rock Hotel & Casino-Hollywood.

Section 2. Subsection (4) of section 285.712, Florida Statutes, is amended to read:

285.712 Tribal-state gaming compacts.—

(4) Upon ~~execution receipt of an act ratifying~~ a tribal-state compact entered pursuant to s. 285.710(3)(b), the Governor shall provide a copy to the Secretary of State who shall forward a copy of the executed compact and the ratifying act to the United States Secretary of the Interior for his or her review and approval, in accordance with 25 U.S.C. s. 2710(d)(8) ~~2710(8)(d)~~.

Section 3. Section 546.13, Florida Statutes, is created to read:

546.13 Fantasy contests and fantasy contest operators.—

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

(a) “Entry fee” means cash or a cash equivalent that is required to be paid by a participant in order to participate in a fantasy contest.

(b) “Fantasy contest” means a fantasy or simulated game or contest in which:

1. The value of all prizes and awards offered to winning participants is established and made known to the participants in advance of the contest and is unrelated to the number of participants in the contest;

2. All winning outcomes reflect the relative knowledge and skill of the participants and are determined predominantly by accumulated statistical results of the performance of individuals, including athletes in the case of sporting events;

3. No winning outcome is based on the score, point spread, or any performance or performances of any single actual team or combination of such teams, solely on any single performance of an individual athlete or player in any single actual event, or on the performances of participants in collegiate, high school, or youth sporting events; and

4. No casino graphics, themes, or titles, including, but not limited to, depictions of slot machine-style symbols, cards, craps, roulette, or lotto, are displayed or depicted.

(c) “Fantasy contest operator” means a person or an entity, including any employee or agent, that offers or conducts a fantasy contest with an entry fee for a cash prize or award and that is not a participant in the fantasy contest.

(2) EXEMPTIONS.—The Department of Business and Professional Regulation may not regulate and the offenses established in ss. 849.01, 849.08, 849.09, 849.11, 849.14, and 849.25 do not include or apply to a fantasy contest operated or conducted by a:

(a) Fantasy contest operator.

(b) Natural person who is a participant in the fantasy contest, serves as the commissioner of not more than 10 fantasy contests in a calendar year, and distributes all entry fees for the fantasy contest as prizes or awards to the participants in that fantasy contest.

Section 4. Subsections (1) and (3) of section 550.01215, Florida Statutes, are amended to read:

550.01215 License application; periods of operation; bond, conversion of permit.—

(1) Each permitholder shall annually, during the period between December 15 and January 4, file in writing with the division its application for an operating a license to conduct pari-mutuel wagering during the next state fiscal year, including intertrack and simulcast race wa-

gering for greyhound racing permitholders, jai alai permitholders, thoroughbred horse racing permitholders, harness horse racing permitholders, and quarter horse racing permitholders that do not to conduct live performances during the next state fiscal year. Each application for live performances must ~~shall~~ specify the number, dates, and starting times of all live performances that which the permitholder intends to conduct. It must ~~shall~~ also specify which performances will be conducted as charity or scholarship performances.

(a) ~~In addition,~~ Each application for an operating a license also must ~~shall~~ include;

1. For each permitholder, whether the permitholder intends to accept wagers on intertrack or simulcast events.

2. For each permitholder that elects ~~which elects~~ to operate a cardroom, the dates and periods of operation the permitholder intends to operate the cardroom. ~~or,~~

3. For each thoroughbred racing permitholder that ~~which~~ elects to receive or rebroadcast out-of-state races after 7 p.m., the dates for all performances which the permitholder intends to conduct.

(b) A greyhound racing permitholder that conducted a full schedule of live racing for a period of at least 10 consecutive state fiscal years after the 1996-1997 state fiscal year, or that converted its permit to a permit to conduct greyhound racing after the 1996-1997 state fiscal year, irrevocably may elect not to conduct live racing if the election is made within 36 months after the effective date of this act. A greyhound racing permitholder that makes such election retains its permit; is a pari-mutuel facility as defined in s. 550.002(23); if such permitholder has been issued a slot machine license, the facility where such permit is located remains an eligible facility as defined in s. 551.102(4), continues to be eligible for a slot machine license, and is exempt from ss. 551.104(3) and (4)(c)1. and 551.114(2) and (4); is eligible, but not required, to be a guest track for purposes of intertrack wagering and simulcasting pursuant to ss. 550.3551, 550.615, and 550.6305; and remains eligible for a cardroom license notwithstanding any requirement in s. 849.086 for the conduct of live performances. A greyhound racing permitholder may receive an operating license to conduct pari-mutuel wagering activities at another permitholder’s greyhound racing facility pursuant to s. 550.475.

(c)1. A thoroughbred horse racing permitholder that has conducted live racing for at least 5 years irrevocably may elect not to conduct live racing if the election is made within 30 days after the effective date of this act. A thoroughbred horse racing permitholder that makes such election may retain such permit, must specify in future applications for an operating license that it does not intend to conduct live racing, and is a pari-mutuel facility as defined in s. 550.002(23).

2. A thoroughbred horse racing permitholder that makes such election:

a. If such permitholder has been issued a slot machine license, the facility where such permit is located remains an eligible facility as defined in s. 551.102(4), continues to be eligible for a slot machine license, and is exempt from ss. 550.5251, 551.104(3) and (4)(c)1. and 551.114(2) and (4);

b. Is eligible, but not required, to be a guest track for purposes of intertrack wagering and simulcasting pursuant to ss. 550.3551, 550.615, and 550.6305; and

c. Remains eligible for a cardroom license notwithstanding any requirement in s. 849.086 for the conduct of live racing.

3. A thoroughbred horse racing permitholder that makes such election shall comply with all contracts regarding contributions by such permitholder to thoroughbred horse purse supplements or breeders’ awards entered into before the effective date of this act pursuant to s. 551.104(10)(a). At the time of such election, such permitholder shall file with the division an irrevocable consent that such contributions shall be allowed to be used for purses and awards on live races at other thoroughbred horse racing facilities in this state. Such permitholder may offset its contributions to thoroughbred horse purse supplements and breeders’ awards under such a contract entered before the effective date of this act against the payments required pursuant to s. 551.104(4)(c)2.a. This subparagraph and s. 551.104(10)(a) do not apply after December

31, 2020, to a thoroughbred horse racing permitholder that made such election.

(d) A jai alai permitholder, harness horse racing permitholder or a quarter horse racing permitholder that has conducted live racing or games for at least 5 years irrevocably may elect not to conduct live racing or games if the election is made within 36 months after the effective date of this act. A permitholder that makes such election retains its permit; is a pari-mutuel facility as defined in s. 550.002(23); if such permitholder has been issued a slot machine license, the facility where such permit is located remains an eligible facility as defined in s. 551.102(4), continues to be eligible for a slot machine license, and is exempt from ss. 551.104(3) and (4)(c)1. and 551.114(2) and (4); is eligible, but not required, to be a guest track and, if the permitholder is a harness horse racing permitholder, to be a host track for purposes of intertrack wagering and simulcasting pursuant to ss. 550.3551, 550.615, 550.625, and 550.6305; and remains eligible for a cardroom license notwithstanding any requirement in s. 849.086 to conduct live performances.

(e) Permitholders may ~~shall be entitled to~~ amend their applications through February 28.

(3) The division shall issue each license no later than March 15. Each permitholder shall operate all performances at the date and time specified on its license. The division shall have the authority to approve minor changes in racing dates after a license has been issued. The division may approve changes in racing dates after a license has been issued when there is no objection from any operating permitholder located within 50 miles of the permitholder requesting the changes in operating dates. In the event of an objection, the division shall approve or disapprove the change in operating dates based upon the impact on operating permitholders located within 50 miles of the permitholder requesting the change in operating dates. In making the determination to change racing dates, the division shall take into consideration the impact of such changes on state revenues. *Notwithstanding any other provision of law, and for the 2018-2019 fiscal year only, the division may approve changes in racing dates for permitholders if the request for such changes is received before May 31, 2018.*

Section 5. Subsections (9), (13), (14), and paragraph (a) of subsection (11) of section 550.054, Florida Statutes, are amended to read:

550.054 Application for permit to conduct pari-mutuel wagering.—

(9)(a) After a permit has been granted by the division and has been ratified and approved by the majority of the electors participating in the election in the county designated in the permit, the division shall grant to the lawful permitholder, subject to the conditions of this chapter, a license to conduct pari-mutuel operations under this chapter; and, ~~except as provided in s. 550.5251,~~ the division shall fix annually the time, place, and number of days during which pari-mutuel operations may be conducted by the permitholder at the location fixed in the permit and ratified in the election. After the first license has been issued to the holder of a ratified permit for racing in any county, all subsequent annual applications for a license by that permitholder must be accompanied by proof, in such form as the division requires, that the ratified permitholder still possesses all the qualifications prescribed by this chapter and that the permit has not been recalled at a later election held in the county.

(b) The division may revoke or suspend any permit or license issued under this chapter upon a ~~the~~ willful violation by the permitholder or licensee ~~of any provision of chapter 551, chapter 849, or this chapter or rules of any rule adopted pursuant to those chapters. With the exception of the revocation of permits required in paragraphs (c) and (e) under this chapter. In lieu of suspending or revoking a permit or license,~~ the division, *in lieu of suspending or revoking a permit or license,* may impose a civil penalty against the permitholder or licensee for a violation of this chapter or *rules adopted pursuant thereto any rule adopted by the division.* The penalty so imposed may not exceed \$1,000 for each count or separate offense. All penalties imposed and collected must be deposited with the Chief Financial Officer to the credit of the General Revenue Fund.

(c)1. *The division shall revoke the permit of any permitholder that fails to make payments due pursuant to chapter 550, chapter 551, or s. 849.086 for more than 24 consecutive months unless such failure was the direct result of fire, strike, war, or other disaster or event beyond the*

permitholder's control. Financial hardship to the permitholder does not, in and of itself, constitute just cause for failure to make payments.

2. *The division shall revoke the permit of any permitholder that has not obtained an operating license in accordance with s. 550.01215 for a period of more than 24 consecutive months after June 30, 2012. The division shall revoke the permit upon adequate notice to the permitholder. Financial hardship to the permitholder does not, in and of itself, constitute just cause for failure to operate.*

(d) *A new permit to conduct pari-mutuel wagering may not be approved or issued after January 1, 2018.*

(e) *A permit revoked under this subsection is void and may not be reissued.*

(11)(a) A permit granted under this chapter may not be transferred or assigned except upon written approval by the division pursuant to s. 550.1815, ~~except that the holder of any permit that has been converted to a jai alai permit may lease or build anywhere within the county in which its permit is located.~~

(13)(a) ~~Notwithstanding any provisions of this chapter or chapter 551, a pari-mutuel no thoroughbred horse racing permit or license issued under this chapter may not shall be transferred, or reissued when such reissuance is in the nature of a transfer so as to permit or authorize a licensee to change the location of a pari-mutuel facility, or a cardroom or slot machine facility, except through the relocation of the pari-mutuel permit pursuant to s. 550.0555 thoroughbred horse race-track except upon proof in such form as the division may prescribe that a referendum election has been held:~~

1. ~~If the proposed new location is within the same county as the already licensed location, in the county where the licensee desires to conduct the race meeting and that a majority of the electors voting on that question in such election voted in favor of the transfer of such license.~~

2. ~~If the proposed new location is not within the same county as the already licensed location, in the county where the licensee desires to conduct the race meeting and in the county where the licensee is already licensed to conduct the race meeting and that a majority of the electors voting on that question in each such election voted in favor of the transfer of such license.~~

(b) ~~Each referendum held under the provisions of this subsection shall be held in accordance with the electoral procedures for ratification of permits, as provided in s. 550.0651. The expense of each such referendum shall be borne by the licensee requesting the transfer.~~

(14)(a) *Notwithstanding any other provision of law, a pari-mutuel permit, cardroom, or slot machine facility may not be relocated, except through the relocation of the pari-mutuel permit pursuant to s. 550.0555, and a pari-mutuel permit may not be converted to another class of permit. Any holder of a permit to conduct jai alai may apply to the division to convert such permit to a permit to conduct greyhound racing in lieu of jai alai if:*

1. ~~Such permit is located in a county in which the division has issued only two pari-mutuel permits pursuant to this section;~~

2. ~~Such permit was not previously converted from any other class of permit; and~~

3. ~~The holder of the permit has not conducted jai alai games during a period of 10 years immediately preceding his or her application for conversion under this subsection.~~

(b) *The division, upon application from the holder of a jai alai permit meeting all conditions of this section, shall convert the permit and shall issue to the permitholder a permit to conduct greyhound racing. A permitholder of a permit converted under this section shall be required to apply for and conduct a full schedule of live racing each fiscal year to be eligible for any tax credit provided by this chapter. The holder of a permit converted pursuant to this subsection or any holder of a permit to conduct greyhound racing located in a county in which it is the only permit issued pursuant to this section who operates at a leased facility pursuant to s. 550.475 may move the location for which the permit has been issued to another location within a 30 mile radius of the location*

fixed in the permit issued in that county, provided the move does not cross the county boundary and such location is approved under the zoning regulations of the county or municipality in which the permit is located, and upon such relocation may use the permit for the conduct of pari-mutuel wagering and the operation of a cardroom. The provisions of s. 550.6305(9)(d) and (f) shall apply to any permit converted under this subsection and shall continue to apply to any permit which was previously included under and subject to such provisions before a conversion pursuant to this section occurred.

Section 6. *Section 550.0745, Florida Statutes, is repealed.*

Section 7. Subsection (3) of section 550.09512, Florida Statutes, is amended to read:

550.09512 Harness horse taxes; abandoned interest in a permit for nonpayment of taxes.—

(3)(a) ~~The division shall revoke the permit of a harness horse racing permitholder who does not pay tax on handle for live harness horse performances for a full schedule of live races for more than 24 consecutive months during any 2 consecutive state fiscal years shall be void and shall escheat to and become the property of the state unless such failure to operate and pay tax on handle was the direct result of fire, strike, war, or other disaster or event beyond the ability of the permitholder to control. Financial hardship to the permitholder does shall not, in and of itself, constitute just cause for failure to operate and pay tax on handle. A permit revoked under this subsection is void and may not be reissued.~~

~~(b) In order to maximize the tax revenues to the state, the division shall reissue an escheated harness horse permit to a qualified applicant pursuant to the provisions of this chapter as for the issuance of an initial permit. However, the provisions of this chapter relating to referendum requirements for a pari-mutuel permit shall not apply to the reissuance of an escheated harness horse permit. As specified in the application and upon approval by the division of an application for the permit, the new permitholder shall be authorized to operate a harness horse facility anywhere in the same county in which the escheated permit was authorized to be operated, notwithstanding the provisions of s. 550.054(2) relating to mileage limitations.~~

Section 8. Subsections (3) and (7) of section 550.09515, Florida Statutes, are amended to read:

550.09515 Thoroughbred horse taxes; abandoned interest in a permit for nonpayment of taxes.—

(3)(a) ~~The division shall revoke the permit of a thoroughbred racing permitholder that who does not pay tax on handle for live thoroughbred horse performances for a full schedule of live races for more than 24 consecutive months during any 2 consecutive state fiscal years shall be void and shall escheat to and become the property of the state unless such failure to operate and pay tax on handle was the direct result of fire, strike, war, or other disaster or event beyond the ability of the permitholder to control. Financial hardship to the permitholder does shall not, in and of itself, constitute just cause for failure to operate and pay tax on handle. A permit revoked under this subsection is void and may not be reissued.~~

~~(b) In order to maximize the tax revenues to the state, the division shall reissue an escheated thoroughbred horse permit to a qualified applicant pursuant to the provisions of this chapter as for the issuance of an initial permit. However, the provisions of this chapter relating to referendum requirements for a pari-mutuel permit shall not apply to the reissuance of an escheated thoroughbred horse permit. As specified in the application and upon approval by the division of an application for the permit, the new permitholder shall be authorized to operate a thoroughbred horse facility anywhere in the same county in which the escheated permit was authorized to be operated, notwithstanding the provisions of s. 550.054(2) relating to mileage limitations.~~

~~(7) If a thoroughbred permitholder fails to operate all performances on its 2001-2002 license, failure to pay tax on handle for a full schedule of live races for those performances in the 2001-2002 fiscal year does not constitute failure to pay taxes on handle for a full schedule of live races in a fiscal year for the purposes of subsection (3). This subsection may not be construed as forgiving a thoroughbred permitholder from paying~~

~~taxes on performances conducted at its facility pursuant to its 2001-2002 license other than for failure to operate all performances on its 2001-2002 license. This subsection expires July 1, 2003.~~

Section 9. Paragraph (a) of subsection (1) of section 550.2415, Florida Statutes, is amended to read:

550.2415 Racing of animals under certain conditions prohibited; penalties; exceptions.—

(1)(a) The racing of an animal that has been impermissibly medicated or determined to have a prohibited substance present is prohibited. It is a violation of this section for a person to impermissibly medicate an animal or for an animal to have a prohibited substance present resulting in a positive test for such medications or substances based on samples taken from the animal before or immediately after the racing of that animal. *It is a violation of this section for a greyhound to have anabolic steroids present resulting in a positive test for such steroids based on samples taken from the greyhound before or immediately after the racing of that greyhound.* Test results and the identities of the animals being tested and of their trainers and owners of record are confidential and exempt from s. 119.07(1) and from s. 24(a), Art. I of the State Constitution for 10 days after testing of all samples collected on a particular day has been completed and any positive test results derived from such samples have been reported to the director of the division or administrative action has been commenced.

Section 10. Section 550.3345, Florida Statutes, is amended to read:

~~550.3345 Conversion of quarter horse permit to a Limited thoroughbred racing permit.—~~

(1) In recognition of the important and long-standing economic contribution of the thoroughbred horse breeding industry to this state and the state's vested interest in promoting the continued viability of this agricultural activity, the state intends to provide a limited opportunity for the conduct of live thoroughbred horse racing with the net revenues from such racing dedicated to the enhancement of thoroughbred purses and breeders', stallion, and special racing awards under this chapter; the general promotion of the thoroughbred horse breeding industry; and the care in this state of thoroughbred horses retired from racing.

~~(2) A limited thoroughbred racing permit previously converted from Notwithstanding any other provision of law, the holder of a quarter horse racing permit pursuant to chapter 2010-29, Laws of Florida, issued under s. 550.334 may only be held by, within 1 year after the effective date of this section, apply to the division for a transfer of the quarter horse racing permit to a not-for-profit corporation formed under state law to serve the purposes of the state as provided in subsection (1). The board of directors of the not-for-profit corporation must be composed comprised of 11 members, 4 of whom shall be designated by the applicant, 4 of whom shall be designated by the Florida Thoroughbred Breeders' Association, and 3 of whom shall be designated by the other 8 directors, with at least 1 of these 3 members being an authorized representative of another thoroughbred racing permitholder in this state. A limited thoroughbred racing The not-for-profit corporation shall submit an application to the division for review and approval of the transfer in accordance with s. 550.054. Upon approval of the transfer by the division, and notwithstanding any other provision of law to the contrary, the not-for-profit corporation may, within 1 year after its receipt of the permit, request that the division convert the quarter horse racing permit to a permit authorizing the holder to conduct pari-mutuel wagering meets of thoroughbred racing. Neither the transfer of the quarter horse racing permit nor its conversion to a limited thoroughbred permit shall be subject to the mileage limitation or the ratification election as set forth under s. 550.054(2) or s. 550.0651. Upon receipt of the request for such conversion, the division shall timely issue a converted permit. The converted permit and the not-for-profit corporation are shall be subject to the following requirements:~~

(a) All net revenues derived by the not-for-profit corporation under the thoroughbred horse racing permit, after the funding of operating expenses and capital improvements, shall be dedicated to the enhancement of thoroughbred purses and breeders', stallion, and special racing awards under this chapter; the general promotion of the thoroughbred horse breeding industry; and the care in this state of thoroughbred horses retired from racing.

(b) From December 1 through April 30, ~~no~~ live thoroughbred racing may *not* be conducted under the permit on any day during which another thoroughbred racing permitholder is conducting live thoroughbred racing within 125 air miles of the not-for-profit corporation's pari-mutuel facility unless the other thoroughbred racing permitholder gives its written consent.

(c) ~~After the conversion of the quarter horse racing permit and the issuance of its initial license to conduct pari-mutuel wagering meets of thoroughbred racing, the not-for-profit corporation shall annually apply to the division for a license pursuant to s. 550.5251.~~

(d) Racing under the permit may take place ~~only~~ at the location for which the original quarter horse racing permit was issued, which may be leased by the not-for-profit corporation for that purpose, *notwithstanding s. 550.475*; however, the not-for-profit corporation may, without the conduct of any ratification election pursuant to s. 550.054(13) or s. 550.0651, move the location of the permit to another location in the same county or counties, *if a permit is situated in such a manner that it is located in more than one county*, provided that such relocation is approved under the zoning and land use regulations of the applicable county or municipality.

(e) ~~A limited thoroughbred racing~~ *No permit may not be transferred converted under this section is eligible for transfer* to another person or entity.

(3) Unless otherwise provided in this section, ~~after conversion~~, the permit and the not-for-profit corporation shall be treated under the laws of this state as a thoroughbred racing permit and as a thoroughbred racing permitholder, respectively, with the exception of *ss. 550.054(9)(c) and 550.09515(3)* ~~s. 550.09515(3)~~.

Section 11. Section 550.5251, Florida Statutes, is amended to read:

550.5251 Florida thoroughbred racing; certain permits; operating days.—

(1) ~~Each thoroughbred permitholder shall annually, during the period commencing December 15 of each year and ending January 4 of the following year, file in writing with the division its application to conduct one or more thoroughbred racing meetings during the thoroughbred racing season commencing on the following July 1. Each application shall specify the number and dates of all performances that the permitholder intends to conduct during that thoroughbred racing season. On or before March 15 of each year, the division shall issue a license authorizing each permitholder to conduct performances on the dates specified in its application. Up to February 28 of each year, each permitholder may request and shall be granted changes in its authorized performances; but thereafter, as a condition precedent to the validity of its license and its right to retain its permit, each permitholder must operate the full number of days authorized on each of the dates set forth in its license.~~

(2) ~~A thoroughbred racing permitholder may not begin any race later than 7 p.m. Any thoroughbred permitholder in a county in which the authority for cardrooms has been approved by the board of county commissioners may operate a cardroom and, when conducting live races during its current race meet, may receive and rebroadcast out of state races after the hour of 7 p.m. on any day during which the permitholder conducts live races.~~

(3)(a) Each licensed thoroughbred permitholder in this state must run an average of one race per racing day in which horses bred in this state and duly registered with the Florida Thoroughbred Breeders' Association have preference as entries over non-Florida-bred horses, unless otherwise agreed to in writing by the permitholder, the Florida Thoroughbred Breeders' Association, and the association representing a majority of the thoroughbred racehorse owners and trainers at that location. All licensed thoroughbred racetracks shall write the conditions for such races in which Florida-bred horses are preferred so as to assure that all Florida-bred horses available for racing at such tracks are given full opportunity to run in the class of races for which they are qualified. The opportunity of running must be afforded to each class of horses in the proportion that the number of horses in this class bears to the total number of Florida-bred horses available. A track is not required to write conditions for a race to accommodate a class of horses for which a race would otherwise not be run at the track during its meet.

(2)(b) Each licensed thoroughbred permitholder in this state may run one additional race per racing day composed exclusively of Arabian horses registered with the Arabian Horse Registry of America. Any licensed thoroughbred permitholder that elects to run one additional race per racing day composed exclusively of Arabian horses registered with the Arabian Horse Registry of America is not required to provide stables for the Arabian horses racing under this ~~subsection~~ ~~paragraph~~.

(3)(e) Each licensed thoroughbred permitholder in this state may run up to three additional races per racing day composed exclusively of quarter horses registered with the American Quarter Horse Association.

Section 12. Subsections (1), (4), and (5) of section 550.6308, Florida Statutes, are amended to read:

550.6308 Limited intertrack wagering license.—In recognition of the economic importance of the thoroughbred breeding industry to this state, its positive impact on tourism, and of the importance of a permanent thoroughbred sales facility as a key focal point for the activities of the industry, a limited license to conduct intertrack wagering is established to ensure the continued viability and public interest in thoroughbred breeding in Florida.

(1) Upon application to the division on or before January 31 of each year, any person that is licensed to conduct public sales of thoroughbred horses pursuant to s. 535.01 ~~and~~, that has conducted at least 8 ~~15~~ days of thoroughbred horse sales at a permanent sales facility in this state for at least 3 consecutive years, ~~and that has conducted at least 1 day of nonwagering thoroughbred racing in this state, with a purse structure of at least \$250,000 per year for 2 consecutive years~~ before such application; shall be issued a license, subject to the conditions set forth in this section, to conduct intertrack wagering at such a permanent sales facility ~~during the following periods:~~

(a) ~~Up to 21 days in connection with thoroughbred sales;~~

(b) ~~Between November 1 and May 8;~~

(c) ~~Between May 9 and October 31 at such times and on such days as any thoroughbred, jai alai, or a greyhound permitholder in the same county is not conducting live performances; provided that any such permitholder may waive this requirement, in whole or in part, and allow the licensee under this section to conduct intertrack wagering during one or more of the permitholder's live performances; and~~

(d) ~~During the weekend of the Kentucky Derby, the Preakness, the Belmont, and a Breeders' Cup Meet that is conducted before November 1 and after May 8.~~

Only ~~No more than~~ one such license may be issued, and no such license may be issued for a facility located within 50 miles of any *for-profit* thoroughbred permitholder's track.

(4) ~~Intertrack wagering under this section may be conducted only on thoroughbred horse racing, except that intertrack wagering may be conducted on any class of pari-mutuel race or game conducted by any class of permitholders licensed under this chapter if all thoroughbred, jai alai, and greyhound permitholders in the same county as the licensee under this section give their consent.~~

(4)(5) The licensee shall be considered a guest track under this chapter. ~~The licensee shall pay 2.5 percent of the total contributions to the daily pari-mutuel pool on wagers accepted at the licensee's facility on greyhound races or jai alai games to the thoroughbred permitholder that is conducting live races for purses to be paid during its current racing meet. If more than one thoroughbred permitholder is conducting live races on a day during which the licensee is conducting intertrack wagering on greyhound races or jai alai games, the licensee shall allocate these funds between the operating thoroughbred permitholders on a pro-rata basis based on the total live handle at the operating permitholders' facilities.~~

Section 13. Subsections (4), (10), and (11) of section 551.102, Florida Statutes, are amended to read:

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

(4) “Eligible facility” means any licensed pari-mutuel facility ~~located in Miami-Dade County or Broward County existing at the time of adoption of s. 23, Art. X of the State Constitution that has conducted live racing or games during calendar years 2002 and 2003 and has been approved by a majority of voters in a countywide referendum to have slot machines at such facility in the respective county; any licensed pari-mutuel facility located within a county as defined in s. 125.011, provided such facility has conducted live racing for 2 consecutive calendar years immediately preceding its application for a slot machine license, pays the required license fee, and meets the other requirements of this chapter; or any licensed pari-mutuel facility in any other county in which a majority of voters have approved slot machines at such facilities in a countywide referendum held pursuant to a statutory or constitutional authorization after the effective date of this section in the respective county, provided such facility has conducted a full schedule of live racing for 2 consecutive calendar years immediately preceding its application for a slot machine license, pays the required license fee, and meets the other requirements of this chapter.~~

(10) “Slot machine license” means a license issued by the division authorizing a pari-mutuel permitholder to place and operate slot machines as provided ~~in by s. 23, Art. X of the State Constitution, the provisions of this chapter, and by division rule rules.~~

(11) “Slot machine licensee” means a pari-mutuel permitholder ~~which who~~ holds a license issued by the division pursuant to this chapter ~~which that~~ authorizes such person to possess a slot machine ~~within facilities specified in s. 23, Art. X of the State Constitution and~~ allows slot machine gaming.

Section 14. Subsections (1) and (2) and paragraph (c) of subsection (4) of section 551.104, Florida Statutes, are amended to read:

551.104 License to conduct slot machine gaming.—

(1) Upon application, ~~and~~ a finding by the division after investigation that the application is complete and that the applicant is qualified, and payment of the initial license fee, the division may issue a license to conduct slot machine gaming in the designated slot machine gaming area of the eligible facility. Once licensed, slot machine gaming may be conducted subject to the requirements of this chapter and rules adopted pursuant thereto. ~~The division may not issue a slot machine license to any pari-mutuel permitholder that includes, or previously included within its ownership group, an ultimate equitable owner that was also an ultimate equitable owner of a pari-mutuel permitholder whose permit was voluntarily or involuntarily surrendered, suspended, or revoked by the division within 10 years before the date of the permitholder’s filing of an application for a slot machine license.~~

(2) An application may be approved by the division only after:

(a) The voters of the county where the applicant’s facility is located have authorized by referendum slot machines within pari-mutuel facilities ~~located in: that county as specified in s. 23, Art. X of the State Constitution~~

1. *Miami-Dade County or Broward County existing at the time of adoption of s. 23, Art. X of the State Constitution which conducted live racing or games during calendar years 2002 and 2003, if such permitholder pays the required license fee and meets the other requirements of this chapter.*

2. *A county as defined in s. 125.011, provided such facility has conducted live racing for 2 consecutive calendar years immediately preceding its application for a slot machine license, pays the required license fee, and meets the other requirements of this chapter.*

3. *Any other county, provided:*

a. *The permitholder of such facility has conducted a full schedule of live racing or games, as defined in s. 550.002(11), for 2 consecutive calendar years immediately preceding its application for a slot machine license, pays the required license fee, and meets the other requirements of this chapter, and such referendum was conducted after January 1, 2012, and on or before September 1, 2018; or*

b. *Such facility is located on or contiguous with property of the qualified project of a public-private partnership between the permitholder and a responsible public entity in accordance with s. 255.065*

and for which a comprehensive agreement has been executed pursuant to s. 255.065 (7), has conducted a full schedule of live racing or games, as defined in s. 550.002(11), for 2 consecutive calendar years immediately preceding its application, pays the required license fee and meets the other requirements of this chapter, and such referendum is conducted after the effective date of this act and on or before September 1, 2018.

(b) *The applicant, for a facility described in subparagraph (a)3., irrevocably surrenders to the division one greyhound racing permit or one jai alai permit issued pursuant to chapter 550 and, after surrendering such permit, continues to hold the permit authorizing pari-mutuel wagering activities at the location at which the applicant intends to operate slot machine gaming. For a permit to be qualified for surrender by an applicant under this paragraph, the holder of such greyhound racing permit or jai alai permit, including any previous owner of such permit, must have conducted a full schedule of live racing or games, as defined in s. 550.002(11), under such permit for not less than the 5 state fiscal years immediately prior to state fiscal year 2018-2019. Upon the surrender of such greyhound racing permit or jai alai permit, the surrendered permit is void and may not be reissued.*

(4) As a condition of licensure and to maintain continued authority for the conduct of slot machine gaming, ~~a the~~ slot machine licensee shall:

(c)1. *Conduct no less fewer than a full schedule of live racing or games as defined in s. 550.002(11), unless conducting less than a full schedule of live racing or games pursuant to s. 550.01215(1)(b), (c), or (d). A permitholder’s responsibility to conduct a full schedule such number of live races or games, as defined in s. 550.002(11), shall be reduced by the number of races or games that could not be conducted due to the direct result of fire, war, hurricane, or other disaster or event beyond the control of the permitholder. A permitholder may conduct live races or games at another pari-mutuel facility pursuant to s. 550.475 if such permitholder has operated its live races or games by lease for at least 5 consecutive years immediately prior to the permitholder’s application for a slot machine license.*

2.a. *If not licensed to conduct a full schedule of live racing or games, as defined in s. 550.002(11), pursuant to s. 550.01215(1)(b), (c), or (d), remit each month to each qualified thoroughbred permitholder, by electronic funds transfer, an amount equal to one-twelfth of the lesser of \$1.5 million or 2.75 percent of its slot machine revenues from the previous state fiscal year, divided by the total number of qualified thoroughbred permitholders for the applicable state fiscal year.*

b. *Notwithstanding sub-subparagraph a., if not licensed to conduct a full schedule of live racing or games, as defined in s. 550.002(11), pursuant to s. 550.01215(1)(c), remit each month after the expiration of a contract entered before the effective date of this act pursuant to s. 551.104(10)(a), to each qualified thoroughbred permitholder, by electronic funds transfer, an amount equal to one-twelfth of \$3.5 million during calendar year 2021, \$3 million during calendar year 2022, \$2.5 million during calendar year 2023, and \$2 million during calendar year 2024. This sub-subparagraph does not apply in calendar year 2025 and thereafter.*

c. *Qualified thoroughbred permitholders shall use such payments exclusively for purses and awards for live thoroughbred horse races held at the qualified thoroughbred permitholder’s racing facility. For the purposes of this subparagraph, the term “qualified thoroughbred permitholder” means a thoroughbred permitholder conducting, in the applicable state fiscal year, no less than a full schedule of live racing or games, as defined in s. 550.002(11), and no fewer live thoroughbred horse racing performances than such permitholder conducted in state fiscal year 2017-2018. The term does not include a permitholder whose permit was issued pursuant to s. 550.3345 or a permitholder leasing at another thoroughbred permitholder’s facility pursuant to s. 550.475.*

d. *The division shall notify each slot machine licensee required to remit such payments, not later than 15 days after issuing the slot machine license, of the qualified thoroughbred permitholders to which such payments must be paid. Each qualified thoroughbred permitholder shall provide each slot machine licensee required to remit payments pursuant to this subparagraph with written instructions for transmitting such electronic payments. Such payments shall be remitted to each qualified thoroughbred permitholder on the fifth day of each calendar month. If*

the fifth day of the calendar month falls on a weekend, such payment shall be remitted on the first Monday following the weekend.

e. A qualified thoroughbred permitholder receiving funds under this subparagraph shall remit, within 10 days after receipt, 10 percent of those funds to the Florida Thoroughbred Breeders' Association, Inc., for the payment of breeders', stallion, and special racing awards, subject to the fee authorized in s. 550.2625(3).

f. A slot machine licensee that conducts no live racing pursuant to s. 550.01215(1)(c) and has made payments pursuant to sub-subparagraph 2.b. may offset the total amount paid in calendar years 2021, 2022, 2023, and 2024, that is in excess of the total amount that would have been paid pursuant to sub-subparagraph 2.a. in those calendar years, against the amount required to be paid under sub-subparagraph 2.a., beginning in calendar year 2026. Provided, however, the total amount that may be offset each month against the total of the monthly amounts remitted pursuant to sub-subparagraph 2.a. may not exceed one-twelfth of \$500,000 in calendar years 2026, 2027, and 2028; \$600,000 in calendar years 2029, 2030, and 2031; and \$700,000 in each subsequent calendar year, until the total amount authorized to be offset under this sub-subparagraph in all calendar years equals \$5 million.

Section 15. Subsections (3) and (5) of section 551.106, Florida Statutes, are redesignated as subsections (4) and (6), respectively, a new subsection (3) is added to that section, and subsections (1), (2), and present subsection (4) of that section are amended, to read:

551.106 License fee; tax rate; penalties.—

(1) LICENSE FEE.—

~~(a)~~ Upon submission of the initial application for a slot machine license, and annually thereafter, on the anniversary date of the issuance of the initial license, the licensee must pay to the division a non-refundable license fee of ~~\$3 million for the succeeding 12 months of licensure. In the 2010-2011 fiscal year, the licensee must pay the division a non-refundable license fee of \$2.5 million for the succeeding 12 months of licensure. In the 2011-2012 fiscal year and for every fiscal year thereafter, the licensee must pay the division a non-refundable license fee of \$2 million for the succeeding 12 months of licensure.~~ The license fee ~~must~~ shall be deposited into the Pari-mutuel Wagering Trust Fund of the Department of Business and Professional Regulation to be used by the division and the Department of Law Enforcement for investigations, regulation of slot machine gaming, and enforcement of slot machine gaming provisions under this chapter. These payments ~~must~~ shall be accounted for separately from taxes or fees paid pursuant to ~~the provisions of chapter 550.~~

~~(b) Prior to January 1, 2007, the division shall evaluate the license fee and shall make recommendations to the President of the Senate and the Speaker of the House of Representatives regarding the optimum level of slot machine license fees in order to adequately support the slot machine regulatory program.~~

(2) TAX ON SLOT MACHINE REVENUES.—

(a)1. The tax rate on slot machine revenues at each facility is ~~shall~~ be 35 percent. Effective January 1, 2019, the tax rate on slot machine revenues at each facility is 30 percent. Effective July 1, 2020, the tax rate on slot machine revenues at each facility is 25 percent.

2.a. If, during any state fiscal year, the aggregate amount of tax paid to the state by ~~all~~ slot machine licensees in Broward and Miami-Dade Counties is less than the aggregate amount of tax paid to the state by ~~all slot machine licensees in those counties in the 2017-2018 2008-2009~~ fiscal year, each slot machine licensee shall pay to the state within 45 days after the end of the state fiscal year a surcharge ~~equal to its pro rata share of an amount equal to the difference between the aggregate amount of tax paid to the state by all slot machine licensees in the 2008-2009 fiscal year and the amount of tax paid during the fiscal year.~~

b. The amount of the surcharge to be paid by each such licensee must be calculated by dividing the aggregate amount of slot machine taxes paid to the state by all such slot machine licensees in the 2017-2018 fiscal year by the aggregate amount of slot machine taxes paid by all such licensees during the applicable state fiscal year, multiplying the result by the amount of slot machine taxes paid by the licensee during the ap-

licable state fiscal year, and then subtracting from that product the amount of slot machine taxes paid by the licensee during the applicable state fiscal year. However, the sum of the taxes paid by a licensee pursuant to subparagraph 1. and any surcharge due from the licensee may not exceed 35 percent of the slot machine revenue of that licensee in the applicable state fiscal year. ~~Each licensee's pro rata share shall be an amount determined by dividing the number 1 by the number of facilities licensed to operate slot machines during the applicable fiscal year, regardless of whether the facility is operating such machines.~~

(b) The slot machine revenue tax imposed by this section on facilities licensed pursuant to s. 551.104(2)(a)1., 2., or 3.a. ~~shall~~ be paid to the division for deposit into the Pari-mutuel Wagering Trust Fund for immediate transfer by the Chief Financial Officer for deposit into the Educational Enhancement Trust Fund of the Department of Education. Any interest earnings on the tax revenues ~~must~~ shall also be transferred to the Educational Enhancement Trust Fund. The slot machine revenue tax imposed by this section on facilities licensed pursuant to s. 551.104(2)(a)3.b. ~~must~~ shall be paid to the division for deposit into the Pari-mutuel Wagering Trust Fund. The division ~~must~~ shall transfer 90 percent of such funds to be deposited by the Chief Financial Officer into the Educational Enhancement Trust Fund of the Department of Education and ~~must~~ shall transfer 10 percent of such funds to the responsible public entity for the public-private partnership of the slot machine licensee pursuant to ss. 551.104(2)(a)3.b. and 255.065.

(c)1. Funds transferred to the Educational Enhancement Trust Fund under paragraph (b) ~~must~~ shall be used to supplement public education funding statewide. Funds transferred to a responsible public entity pursuant to paragraph (b) ~~must~~ shall be used in accordance with s. 255.065 to finance the qualifying project of such entity and the slot machine licensee, which established the licensee's eligibility for initial licensure pursuant to s. 551.104(2)(a)3.b.

2. If necessary to comply with any covenant established pursuant to s. 1013.68(4), s. 1013.70(1), or s. 1013.737(3), funds transferred to the Educational Enhancement Trust Fund under paragraph (b) ~~must~~ shall first be available to pay debt service on lottery bonds issued to fund school construction in the event lottery revenues are insufficient for such purpose or to satisfy debt service reserve requirements established in connection with lottery bonds. Moneys available pursuant to this subparagraph are subject to annual appropriation by the Legislature.

(3) SLOT MACHINE GUARANTEE FEE; SURCHARGE.—

(a) If a permitholder located within a county that has conducted a successful slot machine referendum after January 1, 2012, does not pay at least \$10 million in total slot machine taxes and license fees to the state in state fiscal year 2018-2019, the permitholder shall pay to the state within 45 days after the end of the state fiscal year a surcharge equal to the difference between the aggregate amount of slot machine taxes and license fees paid to the state in the fiscal year and \$10 million, regardless of whether the permitholder or licensee operated slot machines during the fiscal year.

(b) If a permitholder located within a county that has conducted a successful slot machine referendum after January 1, 2012, does not pay at least \$20 million in total slot machine taxes and license fees to the state in state fiscal year 2019-2020 and any subsequent state fiscal year, the permitholder shall pay to the state within 45 days after the end of the state fiscal year a surcharge equal to the difference between the aggregate amount of slot machine taxes and license fees paid to the state in the fiscal year and \$20 million, regardless of whether the permitholder or licensee operated slot machines during the fiscal year.

(5)~~(4)~~ TO PAY TAX; PENALTIES.—A slot machine licensee who fails to make tax and any applicable surcharge payments as required under this section is subject to an administrative penalty of up to \$10,000 for each day the tax payment is not remitted. All administrative penalties imposed and collected ~~must~~ shall be deposited into the Pari-mutuel Wagering Trust Fund of the Department of Business and Professional Regulation. If any slot machine licensee fails to pay penalties imposed by order of the division under this subsection, the division may deny, suspend, revoke, or refuse to renew the license of the permitholder or slot machine licensee.

Section 16. Subsections (1), (2), and (4) of section 551.114, Florida Statutes, are amended to read:

551.114 Slot machine gaming areas.—

(1)(a) A slot machine licensee whose initial license was issued before January 1, 2018, may make available for play up to:

1. 1,600 ~~2,000~~ slot machines within the property of the facilities of the slot machine licensee, if the licensee made available for play 1,250 or more slot machines during state fiscal year 2016-2017.

2. 1,200 slot machines within the property of the facilities of the slot machine licensee, if the licensee made available for play 1,000 or more slot machines, but less than 1,250 slot machines, during state fiscal year 2016-2017.

3. 1,000 slot machines within the property of the facilities of the slot machine licensee, if the licensee made available for play less than 1,000 slot machines during state fiscal year 2016-2017.

(b)1. A slot machine licensee whose initial license was issued on or after January 1, 2018, may make available for play up to 750 slot machines within the property of the facilities of the slot machine licensee; provided however, the total number of slot machines which may be made available for play by all slot machine licensees whose initial license was issued after January 1, 2018, may not exceed 6,000 slot machines.

2. If the total number of slot machines which all licensees whose initial license was issued on or after January 1, 2018, would exceed 6,000 slot machines if each such licensee were to operate 750 slot machines, the maximum number of slot machines each such licensee may make available for play may not exceed 6,000 divided by the number of licensees whose initial license was issued after January 1, 2018.

(2) If such races or games are available to the slot machine licensee, the slot machine licensee shall display pari-mutuel races or games within the designated slot machine gaming areas and offer patrons within the designated slot machine gaming areas the ability to engage in pari-mutuel wagering on any live, intertrack, and simulcast races conducted or offered to patrons of the licensed facility.

(4) Designated slot machine gaming areas shall ~~may~~ be located anywhere within the property described in a slot machine licensee's pari-mutuel permit ~~within the current live gaming facility or in an existing building that must be contiguous and connected to the live gaming facility. If a designated slot machine gaming area is to be located in a building that is to be constructed, that new building must be contiguous and connected to the live gaming facility.~~

Section 17. Section 551.116, Florida Statutes, is amended to read:

551.116 Days and hours of operation.—Slot machine gaming areas may be open 24 hours per day, 7 days a week ~~daily~~ throughout the year. ~~The slot machine gaming areas may be open a cumulative amount of 18 hours per day on Monday through Friday and 24 hours per day on Saturday and Sunday and on those holidays specified in s. 110.117(1).~~

Section 18. Present subsections (9) through (17) of section 849.086, Florida Statutes, are redesignated as subsections (10) through (18), respectively, a new subsection (9) is added to that section, subsections (1) and (2) of that section are amended, paragraph (g) is added to subsection (4) of that section, and paragraph (b) of subsection (5), paragraphs (a), (b), and (c) of subsection (7), paragraph (a) of subsection (8), present subsection (12), and paragraphs (d) and (h) of present subsection (13) are amended, to read:

849.086 Cardrooms authorized.—

(1) LEGISLATIVE INTENT.—It is the intent of the Legislature to provide additional entertainment choices for the residents of and visitors to the state, promote tourism in the state, *provide revenues to support the continuation of live pari-mutuel activity*, and provide additional state revenues through the authorization of the playing of certain games in the state at facilities known as cardrooms which are to be located at licensed pari-mutuel facilities. To ensure the public confidence in the integrity of authorized cardroom operations, this act is designed to strictly regulate the facilities, persons, and procedures related to cardroom operations. Furthermore, the Legislature finds that authorized games of *poker and dominoes as herein defined* are considered to be pari-mutuel style games and not casino gaming because the participants play against each other instead of against the house.

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

(a) “Authorized game” means a game or series of games of poker, including designated player games, played in conformance with this section and in a manner consistent with the rules and requirements specified in the 1974 edition of Hoyle’s *Modern Encyclopedia of Card Games: Rules of All the Basic Games and Popular Variations* and including three card poker, or dominoes played in conformance with this section ~~or dominoes which are played in a nonbanking manner.~~

(b) “Banking game” means a game in which the house is a participant in the game, taking on players, paying winners, and collecting from losers ~~or in which the cardroom establishes a bank against which participants play.~~ A designated player game is not a banking game.

(c) “Cardroom” means a facility where authorized games are played for money or anything of value and to which the public is invited to participate in such games and charged a fee for participation by the operator of such facility. Authorized games and cardrooms do not constitute casino gaming operations if conducted at an eligible facility.

(d) “Cardroom management company” means any individual not an employee of the cardroom operator, any proprietorship, partnership, corporation, or other entity that enters into an agreement with a cardroom operator to manage, operate, or otherwise control the daily operation of a cardroom.

(e) “Cardroom distributor” means any business that distributes cardroom paraphernalia such as card tables, betting chips, chip holders, dominoes, dominoes tables, drop boxes, banking supplies, playing cards, card shufflers, and other associated equipment to authorized cardrooms.

(f) “Cardroom operator” means a licensed pari-mutuel permitholder ~~that which~~ holds a valid permit and license issued by the division pursuant to chapter 550 and which also holds a valid cardroom license issued by the division pursuant to this section which authorizes such person to operate a cardroom and to conduct authorized games in such cardroom.

(g) “Designated player” means the player identified for each game by a button that rotates clockwise before each hand begins as the player in the dealer position and seated at a traditional player position in a designated player game who pays winning players and collects from losing players.

(h) “Designated player game” means a game in which the players compare their cards only to the cards of the designated player or to a combination of cards held by the designated player and cards common and available for play by all players.

(i)(g) “Division” means the Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation.

(j)(h) “Dominoes” means a game of dominoes typically played with a set of 28 flat rectangular blocks, called “bones,” which are marked on one side and divided into two equal parts, with zero to six dots, called “pips,” in each part. The term also includes larger sets of blocks that contain a correspondingly higher number of pips. The term also means the set of blocks used to play the game.

(k)(i) “Gross receipts” means the total amount of money received by a cardroom from any person for participation in authorized games.

(l)(j) “House” means the cardroom operator and all employees of the cardroom operator.

(m)(k) “Net proceeds” means the total amount of gross receipts received by a cardroom operator from cardroom operations less direct operating expenses related to cardroom operations, including labor costs, admission taxes only if a separate admission fee is charged for entry to the cardroom facility, gross receipts taxes imposed on cardroom operators by this section, the annual cardroom license fees imposed by this section on each table operated at a cardroom, and reasonable promotional costs excluding officer and director compensation, interest on capital debt, legal fees, real estate taxes, bad debts, contributions or donations, or overhead and depreciation expenses not directly related to the operation of the cardrooms.

(n)(4) “*Rake*” means a set fee or percentage of the pot assessed by a cardroom operator for providing the services of a dealer, table, or location for playing the authorized game.

(o)(1) “*Tournament*” means a series of games that have more than one betting round involving one or more tables and where the winners or others receive a prize or cash award.

(4) **AUTHORITY OF DIVISION.**—The Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation shall administer this section and regulate the operation of cardrooms under this section and the rules adopted pursuant thereto, and is hereby authorized to:

(g) *Establish a reasonable period to respond to requests from a licensed cardroom; provided however, the division has a maximum of 45 days to approve:*

1. *A cardroom’s internal controls or provide the cardroom with a list of deficiencies as to the internal controls.*

2. *Rules for a new authorized game submitted by a licensed cardroom or provide the cardroom with a list of deficiencies as to those rules.*

No later than 10 days after the submission of revised internal controls or revised rules addressing the deficiencies identified by the division, the division must review and approve or reject the revised internal controls or revised rules.

(5) **LICENSE REQUIRED; APPLICATION; FEES.**—No person may operate a cardroom in this state unless such person holds a valid cardroom license issued pursuant to this section.

(b) After the initial cardroom license is granted, the application for the annual license renewal shall be made in conjunction with the applicant’s annual application for its pari-mutuel license. If a permitholder has operated a cardroom during any of the 3 previous fiscal years and fails to include a renewal request for the operation of the cardroom in its annual application for license renewal, the permitholder may amend its annual application to include operation of the cardroom. ~~In order for a cardroom license to be renewed the applicant must have requested, as part of its pari-mutuel annual license application, to conduct at least 90 percent of the total number of live performances conducted by such permitholder during either the state fiscal year in which its initial cardroom license was issued or the state fiscal year immediately prior thereto if the permitholder ran at least a full schedule of live racing or games in the prior year. If the application is for a harness permitholder cardroom, the applicant must have requested authorization to conduct a minimum of 140 live performances during the state fiscal year immediately prior thereto. If more than one permitholder is operating at a facility, each permitholder must have applied for a license to conduct a full schedule of live racing.~~

(7) **CONDITIONS FOR OPERATING A CARDROOM.**—

(a) A cardroom may be operated only at the location specified on the cardroom license issued by the division, and such location may only be the location at which the pari-mutuel permitholder is authorized to conduct pari-mutuel wagering activities pursuant to such permitholder’s valid pari-mutuel permit or as otherwise authorized by law. ~~Cardroom operations may not be allowed beyond the hours provided in paragraph (b) regardless of the number of cardroom licenses issued for permitholders operating at the pari-mutuel facility.~~

(b) Any cardroom operator may operate a cardroom at the pari-mutuel facility daily throughout the year, if the permitholder meets the requirements under paragraph (5)(b). The cardroom may be open a cumulative amount of 18 hours per day on Monday through Friday and 24 hours per day on Saturday and Sunday and on the holidays specified in s. 110.117(1).

(c) A cardroom operator must at all times employ and provide a nonplaying live dealer at for each table on which authorized card games which traditionally use a dealer are conducted at the cardroom. Such dealers may not have a participatory interest in any game other than the dealing of cards and may not have an interest in the outcome of the game. The providing of such dealers by a licensee does not constitute the conducting of a banking game by the cardroom operator.

(8) **METHOD OF WAGERS; LIMITATION.**—

(a) ~~No~~ Wagering may not be conducted using money or other negotiable currency. Games may only be played utilizing a wagering system whereby all players’ money is first converted by the house to tokens or chips that may which shall be used for wagering only at that specific cardroom.

(9) **DESIGNATED PLAYER GAMES AUTHORIZED.**—

(a) *A cardroom operator may offer designated player games consisting of players making wagers against the designated player. However, not more than 50 percent of the total licensed tables in a cardroom may offer designated player games. The designated player must be licensed pursuant to paragraph (6)(b). Employees of a designated player also must be licensed, and the designated player shall pay, in addition to the business occupational fee established pursuant to paragraph (6)(i), an employee occupational license fee that may not exceed \$500 per employee for any 12-month period.*

(b) *A cardroom operator may not serve as a designated player in any game. The cardroom operator may not have a financial interest in a designated player in any game. A cardroom operator may collect a rake in accordance with the rake structure posted at the table.*

(c) *If there are multiple designated players at a table, the dealer button shall be rotated in a clockwise rotation after each hand.*

(d) *A cardroom operator may not allow a designated player to pay an opposing player who holds a lower-ranked hand.*

(e) *A designated player may not be required by the rules of a game or by the rules of a cardroom to cover more than 10 times the maximum wager for players participating in any one game.*

(f) *The cardroom, or any cardroom licensee, may not contract with, or receive compensation other than a posted table rake from, any player to participate in any game to serve as a designated player.*

(13)(12) **PROHIBITED ACTIVITIES.**—

(a) ~~No~~ person licensed to operate a cardroom may not conduct any banking game or any game not specifically authorized by this section.

(b) ~~No~~ person who is younger than under 18 years of age may not be permitted to hold a cardroom or employee license; or to engage in any game conducted therein.

(c) *With the exception of mechanical card shufflers, No* electronic or mechanical devices, ~~except mechanical card shufflers,~~ may not be used to conduct any authorized game in a cardroom.

(d) ~~No~~ Cards, game components, or game implements may not be used in playing an authorized game unless they have such has been furnished or provided to the players by the cardroom operator.

(14)(13) **TAXES AND OTHER PAYMENTS.**—

(d)1. Each ~~greyhound and jai alai~~ permitholder that operates a cardroom facility shall use at least 4 percent of such permitholder’s cardroom monthly gross receipts to supplement ~~greyhound~~ purses and awards or jai alai prize money, respectively, during the permitholder’s next ensuing pari-mutuel meet.

2.a. *Any permitholder with a cardroom license and conducting less than a full schedule of live racing or games, as defined in s. 550.002(11), pursuant to s. 550.01215(1)(b), (c), or (d), shall remit each month to each qualified thoroughbred permitholder, by electronic funds transfer, an amount equal to 4 percent of its monthly cardroom gross receipts divided by the total number of qualified thoroughbred permitholders for a license year. Qualified thoroughbred permitholders shall use such payments exclusively for purses and awards for live thoroughbred horse races held at the qualified thoroughbred permitholder’s racing facility. For the purposes of this subparagraph, the term “qualified thoroughbred permitholder” means a thoroughbred permitholder conducting, in the applicable state fiscal year, no less than a full schedule of live racing or games, as defined in s. 550.002(11), and no fewer live thoroughbred horse racing performances than such permitholder conducted in state fiscal year 2017-2018. The term does not include a permitholder whose*

permit was issued pursuant to s. 550.3345 or a permitholder leasing at another thoroughbred permitholder's facility pursuant to s. 550.475.

b. The division shall notify each cardroom licensee required to remit such payments, not later than 15 days after issuing the cardroom license, of the qualified thoroughbred permitholders to which such payments must be paid. Each qualified thoroughbred permitholder shall provide each cardroom licensee required to remit payments pursuant to this subparagraph with written instructions for transmitting such electronic payments. Such payments shall be remitted to each qualified thoroughbred permitholder on the fifth day of each calendar month and shall be based upon the preceding month's cardroom activities. If the fifth day of the calendar month falls on a weekend, such payment shall be remitted on the first Monday following the weekend.

c. A qualified thoroughbred permitholder receiving funds under this subparagraph shall remit, within 10 days after receipt, 10 percent of those funds to the Florida Thoroughbred Breeders' Association, Inc., for the payment of breeders', stallion, and special racing awards, subject to the fee authorized in s. 550.2625(3).

3. Each thoroughbred and harness horse racing permitholder that operates a cardroom facility shall use at least 50 percent of such permitholder's cardroom monthly net proceeds as follows: 47 percent to supplement purses and 3 percent to supplement breeders' awards during the permitholder's next ensuing racing meet.

~~3. No cardroom license or renewal thereof shall be issued to an applicant holding a permit under chapter 550 to conduct pari-mutuel wagering meets of quarter horse racing unless the applicant has on file with the division a binding written agreement between the applicant and the Florida Quarter Horse Racing Association or the association representing a majority of the horse owners and trainers at the applicant's eligible facility, governing the payment of purses on live quarter horse races conducted at the licensee's pari-mutuel facility. The agreement governing purses may direct the payment of such purses from revenues generated by any wagering or gaming the applicant is authorized to conduct under Florida law. All purses shall be subject to the terms of chapter 550.~~

(h) One-quarter of the moneys deposited into the Pari-mutuel Wagering Trust Fund pursuant to paragraph (g) shall, by October 1 of each year, be distributed to the local government that approved the cardroom under subsection (17) (16); however, if two or more pari-mutuel race-tracks are located within the same incorporated municipality, the cardroom funds shall be distributed to the municipality. If a pari-mutuel facility is situated in such a manner that it is located in more than one county, the site of the cardroom facility shall determine the location for purposes of disbursement of tax revenues under this paragraph. The division shall, by September 1 of each year, determine: the amount of taxes deposited into the Pari-mutuel Wagering Trust Fund pursuant to this section from each cardroom licensee; the location by county of each cardroom; whether the cardroom is located in the unincorporated area of the county or within an incorporated municipality; and, the total amount to be distributed to each eligible county and municipality.

Section 19. *The Division of Law Revision and Information is directed to replace the phrase "the effective date of this act" wherever it appears in this act with the date this act becomes a law.*

Section 20. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to gaming; amending s. 285.710, F.S.; authorizing and directing the Governor, in cooperation with the Seminole Tribe of Florida, to execute a new compact in the form provided; signifying the Legislature's approval and ratification of such compact that does not materially alter from the approved form; providing terms and conditions for the gaming compact; defining terms; authorizing the Tribe to operate covered games on its lands in accordance with the compact and at specified facilities; prohibiting specified games; providing requirements for resolution of patron disputes involving gaming, tort claims, and employee disputes; providing requirements for regulation and enforcement of the compact; requiring the state to conduct random inspections of tribal facilities; authorizing the state to conduct an independent audit; requiring the Tribe and commission to comply with specified licensing and hearing requirements; requiring the Tribe to make specified revenue share payments to the state, with reductions authorized under certain circumstances; requiring the Tribe to pay an

annual oversight assessment and annual donation to the Florida Council on Compulsive Gaming; specifying that certain events do not trigger any remedy under the compact or affect the exclusivity provisions of the compact; providing for dispute resolution between the Tribe and the state; providing construction; providing requirements for notice under the compact; providing an effective date and termination of the compact; providing for execution of the compact; revising the local government share distribution percentages; amending s. 285.712, F.S.; requiring the Governor to provide a copy of the executed compact to specified parties and direct the Secretary of State to forward a copy to the Secretary of the Interior; creating s. 546.13, F.S.; defining terms; exempting a fantasy contest from certain regulations; amending s. 550.01215, F.S.; revising application requirements for a pari-mutuel operating license; authorizing certain greyhound racing permitholders to elect not to conduct live racing if such election is made within a specified period of time; providing that a greyhound racing permitholder that has been issued a slot machine license remains an eligible facility, continues to be eligible for a slot machine license, is exempt from certain provisions of ch. 551, F.S., is eligible to be a guest track for certain purposes, and remains eligible for a cardroom license; authorizing a greyhound racing permitholder to receive an operating license to conduct pari-mutuel wagering activities at another permitholder's greyhound racing facility; authorizing certain thoroughbred horse racing permitholders to elect not to conduct live racing if such election is made within a specified period of time; providing that a thoroughbred horse racing permitholder that has been issued a slot machine license remains an eligible facility, continues to be eligible for a slot machine license, is exempt from certain provisions of ch. 551, F.S., is eligible to be a guest track for certain purposes, and remains eligible for a cardroom license; requiring a thoroughbred horse racing permitholder that makes such election to comply with certain contracts and file a certain irrevocable consent with the division; authorizing such thoroughbred horse racing permitholder to offset its contributions to certain supplements and awards against certain payments; providing applicability; authorizing certain jai alai permitholders, harness horse racing permitholders, and quarter horse racing permitholders to elect not to conduct live racing or games if the election is made by a specified date; specifying that such permitholder may retain its permit and remains a pari-mutuel facility; specifying that, if such permitholder has been issued a slot machine license, the permitholder's facility remains an eligible facility, continues to be eligible for a slot machine license, is exempt from certain provisions of chs. 550 and 551, F.S., is eligible to be a guest track, and if the permitholder is a harness horse racing permitholder, a host track for intertrack wagering and simulcasting, and remains eligible for a cardroom license; authorizing a harness horse racing permitholder to be a host track for purposes of intertrack wagering and simulcasting; authorizing the division to approve a change in racing dates for a permitholder if the request for a change is received before a specified date and under certain circumstances; amending s. 550.054, F.S.; requiring the Division of Pari-Mutuel Wagering to revoke a permit to conduct pari-mutuel wagering for a permitholder that fails to make specified payments or obtain an operating license; prohibiting the issuance of new permits; prohibiting the relocation of a pari-mutuel permit, cardroom, or slot machine facility; providing an exception; deleting provisions related to the conversion of permits; repealing s. 550.0745, F.S., relating to conversion of a pari-mutuel permit to a summer jai alai permit; amending ss. 550.09512 and 550.09515, F.S.; requiring the division to revoke the permit of a harness horse or thoroughbred racing permitholder, respectively, who does not pay tax on handle for a specified period of time; deleting provisions relating to the reissuance of escheated permits; amending s. 550.2415, F.S.; providing that a positive test result for anabolic steroids in certain samples taken from a greyhound violates the prohibition on the racing of animals that are impermissibly medicated or determined to have a prohibited substance present; amending s. 550.3345, F.S.; revising provisions relating to a limited thoroughbred racing permit previously converted from a quarter horse racing permit; amending s. 550.5251, F.S.; deleting provisions relating to thoroughbred racing performances; amending s. 550.6308, F.S.; revising the number of days of thoroughbred horse sales required for an applicant to obtain a limited intertrack wagering license; revising eligibility requirements for such licenses; revising requirements for such wagering; deleting provisions requiring a licensee to make certain payments to the daily pari-mutuel pool; amending s. 551.102, F.S.; revising definitions; amending s. 551.104, F.S.; revising conditions of licensure and conditions for maintaining authority to conduct slot machine gaming; requiring certain permitholders to remit certain revenues to qualified thoroughbred permitholders; requiring qualified thoroughbred permitholders to use such payments for certain purposes; defining the term "qualified thoroughbred permitholder"; providing a process for remitting such payments; requiring qualified thoroughbred permitholders receiving such funds to remit a specified percentage of the funds to a specified association; authorizing certain

licensees to offset certain amounts paid in specified calendar years; prohibiting the offset amount from exceeding a specified amount in certain years; amending s. 551.106, F.S.; deleting obsolete provisions; revising the tax rate on slot machine revenue effective on specified dates; providing a formula to calculate a surcharge amount; prohibiting the surcharge from exceeding a certain amount; revising where slot machine revenue tax payments must be deposited; requiring that certain funds be used for specific purposes; requiring certain permitholders and licensees to pay a slot machine guarantee fee if certain taxes and fees paid to the state during certain periods fall below a specified amount; amending s. 551.114, F.S.; revising the maximum number of slot machines slot machine licensees may make available for play; revising the areas where a designated slot machine gaming area may be located; amending s. 551.116, F.S.; deleting a restriction on the number of hours per day that slot machine gaming areas may be open; amending s. 849.086, F.S.; revising legislative intent; revising definitions; authorizing the division to establish a reasonable period to respond to certain requests from a licensed cardroom; providing that the division must approve certain requests within 45 days; requiring the division to review and approve or reject certain revised internal controls or revised rules within 10 days after submission; deleting provisions relating to the renewal of a cardroom license; deleting provisions relating to restrictions on hours of operation; making technical changes; authorizing certain cardroom operators to offer a certain number of certain designated player games; requiring the designated player and employees of the designated player to be licensed; requiring the designated player to pay certain fees; prohibiting a cardroom operator from serving as the designated player in a game and from having a financial interest in a designated player; authorizing a cardroom operator to collect a rake, subject to certain requirements; requiring the dealer button to be rotated under certain circumstances; prohibiting a cardroom operator from allowing a designated player to pay an opposing player under certain circumstances; prohibiting the rules of the game or of the cardroom to require a designated player to cover more than 10 times the maximum wager for players participating in any one game; prohibiting a cardroom or cardroom licensee from contracting with or receiving certain compensation from a player to allow that player to participate in any game as a designated player; requiring certain permitholders with a cardroom license to remit a certain amount of its monthly gross receipts to qualified thoroughbred permitholders; requiring qualified thoroughbred holders to use such payments for certain purposes; defining the term "qualified thoroughbred permitholder"; providing a process for remitting such payments; requiring qualified thoroughbred permitholders receiving such funds to remit a specified percentage of the funds to a specified association; deleting a provision relating to the renewal or issuance of a cardroom license to a quarter horse racing permitholder; conforming a cross-reference; providing a directive to the Division of Law Revision and Information; providing an effective date.

On motion by Senator Hutson, by two-thirds vote, **HB 7067**, as amended, was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—22

Benacquisto	Garcia	Simmons
Book	Gibson	Simpson
Bradley	Hutson	Stewart
Braynon	Mayfield	Taddeo
Broxson	Montford	Thurston
Campbell	Passidomo	Young
Farmer	Rader	
Galvano	Rouson	

Nays—10

Baxley	Hukill	Steube
Bean	Perry	Torres
Gainer	Rodriguez	
Grimsley	Stargel	

Vote after roll call:

Yea—Brandes

MOTIONS

On motion by Senator Hutson, the Senate requested the House to concur in **Senate Amendment 1 (294316)** and in the event the House refused to concur, a conference committee was requested.

RECESS

On motion by Senator Braynon, the Senate recessed at 2:42 p.m. to reconvene at 3:12 p.m., or upon call of the President.

AFTERNOON SESSION

The Senate was called to order by the President at 3:52 p.m. A quorum present—33:

Mr. President	Galvano	Rader
Baxley	Garcia	Rodriguez
Bean	Gibson	Rouson
Benacquisto	Grimsley	Simmons
Book	Hukill	Stargel
Brandes	Hutson	Steube
Braynon	Lee	Stewart
Broxson	Montford	Taddeo
Campbell	Passidomo	Thurston
Farmer	Perry	Torres
Gainer	Powell	Young

SPECIAL RECOGNITION OF SENATOR GARCIA

SPECIAL PRESENTATION

A video tribute was played honoring Senator Garcia.

REMARKS

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

Senator Farmer: I figure since I am one of the rookies, I will go first and let the people who have served with Senator Garcia go longer. Even though I am new to the Senate, I am not new to a friendship with my good friend, Senator Garcia. We first met in 2005, my first session up here. We have had a lot of good times along the way. So many good times. You see what a natural smile Senator Garcia has, such a great sense of humor.

I am reminded of a story where several years ago we were at a convention. He came down to visit a convention we were attending. It was at the Grand Floridian. We were having some fun at dinner and maybe a few cocktails afterward, and he started teasing me that I must be a big deal because all of the plates, the napkins, all the signs, and the rugs had "G.F." on them. He thought that was so funny, and he was teasing me about me being such a big deal that they would do that for our convention.

But you know, I started thinking about why we run for office and somebody like Senator Garcia, who served for 18 years and before that he served locally. I think you have been serving since you were 19 or 20 years old if I am not mistaken. I started thinking about public service and what it means. One of the quotes I found was from Pope Francis: "Every man, every woman who has to take up the service of government must ask themselves two questions: Do I love my people in order to serve them better? Am I humble and do I listen to everybody, to diverse opinions, in order to choose the best path?" If you don't ask those questions, your governance will not be good. I think that so aptly describes you, Senator Garcia. Somebody who does listen; somebody who has been someone who would vote with both sides, vote on any side, and often surprising people on where your votes come from because of your thoughtfulness and your consideration.

Then I found another quote from Mahatma Gandhi who said, "The best way to find yourself is to lose yourself in the service of others," and I think that also very aptly describes you in your service. You care so much about people. I started thinking then about what characteristics

make for a good public servant: caring, compassion, tolerance, understanding, and empathy, all combined with intelligence. Of these though, I believe that caring and compassion are the most important qualities, and from caring comes courage. Too often we underestimate the power of a touch, a smile, a kind word, a listening ear, an honest compliment, or the smallest act of caring, all of which have the potential to turn a life around. A part of that kindness consists in loving people more than they deserve, and compassion sometimes is the fatal capacity for feeling what it is like to live in somebody else's skin. It is a knowledge that there can never really be any peace or joy for me until there is peace and joy finally for you too. I think those things very much describe you.

Maya Angelou the great poet wrote, "People will forget what you said, people will forget what you did, but people will never forget how you made them feel." You have the ability to light up a room when you walk into it. You bring happiness to so many people just by being around them. She also said, "A mission in life is not merely to survive, but to thrive. To do so with some passion, some compassion, some humor, and some style." Senator Garcia, Maya Angelou was mostly right, but she hadn't met you when she uttered the above words. The people of the State of Florida will never forget what you have said, they will never forget what you have done, and they definitely will not forget how you made them feel. They will remember that you didn't just survive in this process—you thrived. You did it with much compassion, humor, and yes, style. You helped better so many lives and you loved and supported many people more than they deserve.

You are an incredibly special person, and while I have always valued our friendship dearly, the privilege of serving with you and sitting next to you on the floor has been one of the greatest honors of my life. The people of the State of Florida are forever in debt to you, and they have no idea how much they will miss having you here fighting for them. I hope that your career of public service is not over, but regardless, on behalf of all Floridians, I thank you for your caring, compassion, and service. I love you, my friend. I will miss you more than anybody.

Senator Flores: All right, well, I go right up at the beginning. That's great. I am going to try and just be funny because no one wants to see us cry over here, right? You don't want to see me cry, so let's start with this: The budget is going to be late because, in typical Cuban fashion, Rene is making me late to finish the budget, but this is more important than that. I've known Rene for a really long time. Do I have to call you Senator Garcia in this? I do. Mr. Chairman, the ever Honorable Senator Garcia—I've known him longer—you know you're old when you get to the point where you've known someone longer than you haven't known them. We've known each other for a long time. We have had fun, and ups and downs, but not with each other. You know, you've always been a friend. I can't even listen to my own rule for like half a second.

I remember in the House, at the time, your most passionate speech—you lost it by one vote and it was tough. To lose a floor vote in the House by one vote is hard, but it happens, and I know you were really disappointed. But, I just started thinking of all the good public policy that has either passed, or bad public policy that has not passed because of your one vote, and I am proud that almost every time we were on the same side together. What's special is that the times that we weren't, we always told each other and you always had my back. That is hard in the process, guys, because so few people have your back. So, thank you.

I will just end on this: First, is that you always save me a dance because if you have not had the pleasure of having a salsa dance with Rene Garcia in your life, you have, quite frankly, not lived. We tore the floor up in Turkey, remember? We were there with lots of people. My husband was there for the record, but I digress.

You guys have probably heard me say at some point that a lot of what we do up here is just "stuff." You know, we just do "stuff." We pass bills. They're important things, but they're not really that important. They're just "stuff." Every now and then, we do something that will actually change the world. I can tell you that I think almost all of the issues that Rene has championed—for all the little things in the budget, the big things in the budget, the big policy—it's all really important things. You don't get involved in just "stuff." It makes me very, very proud to call you my friend. Thank you.

Senator Bean: Let's see if we can get through this without crying. It's a pleasure to rise today in support of our good friend, Rene Garcia. We came in the class of 2000. Mr. President, you were part of that class,

and there were three other members: Atwater, Haridopolos, and Gardiner. Soon it will be you up there. So many others are in that class and Rene, think about it, 63 new House members in the year 2000 that had no idea. If we'd known better, we could have taken over everything that year. Dennis Baxley, you were part of that class too. I may have missed others; David Simmons, that was an exciting year. It was so soon after that that Rene—he distinguished himself—he had to carry his credentials because as young as he is now, think about it, 18 years ago he got confused with some of the House pages a couple times. Luckily, we fixed that, but the vote that Pro Tempore Flores just talked about, he distinguished himself. Now listen, he lost by a vote, but think about this, it was scripted out that it was supposed to be unanimous the other way. When a member is filled with passion and goes off script, look out, and that is what he did. To me, it was incredible to persuade 56 other House members there. Luckily, I was on the right side of that vote. I think that list is kept somewhere—that list is filled with passion, but you laid it all out there and that was the first of so many speeches that you did. There has never been a question about your passion for kids, for the elderly, and for people that need help. Rene Garcia is first in line to make that happen. Members, I have a thought on a friend level, and that is, if you are in jail in their city, would that be a person to call to get you out? If I am in Miami, or Hialeah, and I'm in trouble, Rene Garcia is my man.

Senator Benacquisto: Thank you, Mr. President. This is the oddest tradition because you have to say goodbye, in a way, to a person who you've grown so attached to in front of so many people. Usually, these things are shared in a closed setting. It is a tradition that is valuable because everyone gets to hear what we think is so special about the people who are leaving. You and I were elected in 2010 together. We called ourselves the "10 in 10," and we thought we were going to change the world. We have made some significant impacts. For somebody like me who was not involved in the process at all beforehand—I didn't serve in the House; I didn't lobby; I didn't know anything—I didn't think I didn't know anything, but I didn't know anything—you were always the welcoming face to say, "Come on, I'll show you how to do it; I'll teach you how to do this; I'll make sure you don't get in trouble." It was from you that I learned that the greatest thing that we can do while we are here is be committed to ourselves, to be committed to the things that we thought we wanted to accomplish when we ran. Senator Flores is right that we focus on some things on a daily basis that are matters of routine and that aren't as substantive. It is the great policy discussions that we've had that you've been such a leader on. Because in all of those discussions, you've focused us back on the really important thing which is: How will this affect your grandmother? Your aunt? That foster child who doesn't have anyone else to look out for them? There are a lot of people that we've served with that are not here anymore, and I miss them, but they don't leave a void like you will leave when you're gone. Not just because we will miss your smiling face that bounds around the corner, into a committee room, and has such energy and excitement. But because you're always thinking through what sometimes isn't as obvious which is: There is a little person back home who isn't getting enough, or isn't being as focused on enough, and you'll be that void. But, also a void for us, because you define what it means to be a Senator—gracious, respectful, determined, and ever focused on doing the right thing. You will be missed. I'm sure we're going to see you and this is the moment where we say, "You better not disappear because you are very valuable, very needed, and you will be very missed."

Senator Galvano: Thank you, Mr. President. I came into the House in the class after the class that Senator Garcia was in. When I went into the House, back in those days, you didn't even look at an upper classman. You had to keep your head down, make sure you didn't make eye contact. There were a whole lot of rules and it has changed a little bit. It is not anything like being a freshman in the Senate. I had other freshmen who were from South Florida and they said, "You know, you need to get to know Senator Garcia. He is a really good guy. He will be a really good resource for you, and you should work together on a lot of issues that you are passionate about that he is also."

The meeting was arranged in Miami, not down the hall somewhere. I remember saying that I can't get there until about 9:30 or 10:00 and he said, "That is great—that is great because then you can just wait and meet me for dinner at 11:30." I finally arrived and I go up on Espanola Way on South Beach. I look and there he is holding court—he has a little fire going, and I am like, "Who is this guy? Don Juan DeMarco?" He is hanging out and I had to wait patiently. He called me back and we then began a friendship. I think I met his approval and he did take me

under his wing. So much so that he almost got me kicked out of the Florida House of Representatives.

I have told this story before a few years back, but at the time I didn't want to implicate my good friend, Senator Garcia. After becoming friends and moving into that next session after that first few years, we ended up having offices right next to each other and they were pretty big offices. You remember? They were like some of the larger ones. The thing is, you still get the same allocation of furniture in the House. Sometimes, it is not that great to have a big office because you walk in and there are like two chairs and a little weak desk in the corner that everybody just stands around. I said to my upperclass mentor, I said, "You know, I did notice there is a big pile of furniture parked outside of the Senate." He goes, "Really?" I said, "As I was walking by, I noticed a couple of loveseats, maybe some end tables, and I am sure, now that we are getting ready for session, that it is just surplus or trash and we should maybe find out." So he said, "I will check it out." He comes back a little later and then says, "Yes, there is some good stuff there, maybe we should get it." I said, "Yes, I think it is good." He said, "Well, let's wait until everybody goes home." I was like, "Yes, that is great—the cover of darkness, that is perfect." Once the sun set and everyone was out on the town, Rene and I walked over in front of the Senate and, piece by piece, we are walking through carrying it to our office, getting it into the elevator, positioning it, and eventually we had these beautiful offices with all of this furniture and it lasted about 18 hours. The next morning I got to the Capitol, and I am going about my business, and Jacqui Sosa was making espresso—which by the way I am addicted to Cuban coffee, thanks to you. I am in my office relaxing and Rene walks in and he is like, "Quick, get out of here." I am like, "What is the matter?" He goes, "It is a raid." I go, "What is going on?" My aide goes, "The Sergeants are all here looking around." I said, "Should I say something?" He said, "No, it is the Sergeants from the Senate." So they had to go past their jurisdiction. We got off campus for a while to make sure. I was like I am out, I am out of the House. I have disgraced my community. Headline: "Galvano teams up with guy from Miami to steal furniture that the taxpayers have paid for." From that moment on, we knew we were partners in a lot of things and we worked on a lot of issues.

I remember one of the most important issues that he was the leader on, that he mentored me on, was KidCare and his desire to make sure that everybody, every child in the State of Florida, had access to health care, and he was a champion for that. He has been a champion for mental health, and he has continued to do that. He has been a leader. When I think about the issues that he works on, they are the issues for the little guy—the underdog. You know you have often heard me talk about the Lincoln premise of doing for those who can't do so well for themselves. Well, he talks that talk, and he walks that walk. It is so true. He also, as you were saying Senator Farmer, has a heart. A heart for the process, the people, and for each other.

I recall when I finished my term in the House, I had a hiatus—as did he—before going to the Senate, and that last session of mine was just very busy as Rules Chair. We had the Seminole Compact and everything and as most of you know, especially this time of year, you are getting texts, your phone is blowing up, and everything. I left the next morning after sine die and about three quarters down the road on I-10, I was like, "Dang, my phone must be broken, I haven't heard it ring once." I am shaking it and then all of a sudden, I got a call. Do you remember that? Senator Garcia said, "Hey, I thought I would give you a call because I am sure no one else is today." And that was very true. So, I hope you will continue to give me a call and you will always be extremely welcome. It has been a real honor, brother, it really has.

Senator Braynon: I got to know Senator Garcia. We spent one year in the House together. In the House, everybody is so separate. He was just one of those guys from Miami that at least I had something in common with because we were from Miami. But then when we got over to the Senate, we had adjoining districts that lined up. There's a complete line all the way down 27th Avenue—that's our district. While we don't have the same sounding last names or look the same, it's so amazing how similar our districts are. There are people who wake up every morning, go to work, and are just trying to make it by. Many times—we sat by each other for four years—we would always turn and say to each other, "How are you voting on this? How are you voting on this?" It wasn't really about parties. It was because we had districts that were so similar and we had come from such a similar background. We just became fast friends. I mean, we worked together and we had a great time. We had a not-so-great time, sometimes, when we worked together.

We even hung out together. We're from Miami, so I can't talk about what we did when we hung out. Really, the best thing about our relationship is we became more than colleagues—we became friends. One of the things that I love about this process is that you make friends. You make friends forever. When I just see Rene's face, I feel calm. It makes me feel like I am in the Senate. I am in a place where people care. I remember the one year that myself, nor Senator Garcia, nor the people on the back row were in good graces with the leadership. We were given committees that we did not enjoy or were not our fancy. I remember getting DCF and Elder Affairs. I thought that was not something I had ever served on and knew nothing about. I seemed to remember that was something Rene did all the time. I thought maybe Rene would be on that with me. He was not because that's something he enjoys and that he wanted to be on. I would have to go to him almost every committee, or when we got on the floor, and ask him about issues, about kids, and about older people. That was his passion, and then it became something that I realized there was no reason I shouldn't have been on this committee. These are the people that need our help the most and these are the people that Senator Garcia cares about. I'm going to miss that voice and I'm going to miss being able to bounce ideas off of you. I am also going to miss being able to get you to do things that maybe I wouldn't do. Thank you very much for the other day. You've been a great friend, a great resource, and the Senate will miss you.

President Negron: As mentioned by Senator Bean, Senator Garcia and I did come in together in the class of 2000 and served six years together in the House. Then we served together for eight years in the Senate. When I think about his legacy of service in the Legislature, I really think about two particular passions of his. The first is a very strong commitment to personal liberty, individual rights, and making sure that—he's always had a skepticism and weariness about the possibility of government intrusion on the rights of the individual—that is something that I think that he will be remembered for. Then, secondly, and probably more notably, is what has been mentioned by everyone here—the commitment that he has to his district—to Hialeah, to Miami-Dade County—in making sure that he's a true voice for his constituents. Senator Garcia came to see me yesterday about a last-minute budget item and I made a mental note—I do have a skill at keeping track of budget items that members give me. I was kind of curious what the last thing would be that Senator Garcia would ask for, and I wrote it down. The last thing he asked me to try to look out for was a program in his community that serves frail seniors with limited means to make sure they have food and housing, and I thought that was so emblematic and so reflective of his entire career in both the House and the Senate. In addition, you will see in the front of the Chamber a framed copy of Senate Bill 12. Every member gets to decide what they think the most important issue is. I will defer to you, but what I was thinking about today and what issue is the legislative accomplishment that was most notable from my point of view, was Senate Bill 12 that was passed in 2016, which was the landmark historic mental health reform. That really moved in the direction of treating our fellow citizens with substance abuse, with challenges, with mental health issues, as if they have a medical issue that needs to be addressed or a law enforcement issue or criminal law issue. Sometimes those issues overlap, but we need to view our citizens who are overcoming those issues with compassion and treat them with dignity. I'll never forget your comment on the floor earlier this week when you said—and I thought a lot about it since you said it—that every person in this room is one situation away from having a breakdown, from being in a position where we're going to need medical assistance, need assistance from our friends, our family, our support group to be able to handle something that life would throw us.

I've really enjoyed serving with you in the House and the Senate, and your community should be proud of the fact that you are here every day fighting for them. I always knew the issues you had at home—you are strong at home.

Senator Flores: What happened is that you called on me too quickly, so I forgot to tell a story. It's a love story, and this is what little sisters do, Rene, we embarrass our big brothers. So this is a love story. It's the tale of Virginia Papalini. How many people know it? Okay, and for those of you that don't know it, get ready. The tale of Virginia Papalini starts with a young man, a young man who just started in the House. Not emotionally attached to anyone at home, very happy, feeling proud, excited that he came to Tallahassee and he was part of the big time. You know when you first get here you think, "Oh, I am extra good looking, extra funny, extra all of this," right? Senator Garcia is one of

those. A young lady came to the chamber and started to admire Rene Garcia, and she sent him a note. I'm not sure what the note said but it was a nice note, and it said, "Virginia Papalini." A couple days go by, Virginia Papalini sends some more notes. These were actual paper notes. No text messaging, these are actual paper notes. She is watching every day. You know, Rene is like, "I've got to find who this girl is because it's a mystery." One day, Virginia Papalini comes to the gallery and she sends him a note and says, "I would really like to meet you. Can you come up to the gallery and meet me?" So, Rene is pretty nervous, "I don't know, I don't know who this person is. She just keeps sending me notes. Hey guys, do you think I should go meet this girl?" "Yeah! Yeah!" This story is so epic that I heard this story when I was an intern. Just for the record. "Yeah, go. Go, go." Off he goes, goes in through the door, goes to meet Virginia Papalini, when all of a sudden from the chamber of the House, Speaker Feeney says, "Sergeant, you must remove Representative Garcia from the gallery. Why is he there?" Members are not supposed to be in the gallery and, alas, Virginia Papalini was no one. Virginia Papalini lived on, for several years, for several freshman classes. Several times there has been lots of love for Virginia Papalini, but Rene Garcia was her first.

Senator Garcia: I have a Flores story I want to tell right now. Let me tell you about... You know I'm going to kill you right? Big brother, little sister. I'm going to kill you. Mr. President, is the budget done? No, I can't kill her. I love you! I love you!

Wow, members, thank you so much. Thank you for your words. Thank you for your comments. I feel a little uncomfortable, honestly, to hear those. For those of you that know me, I don't take well to accolades and saying that I have done some good stuff—and that's good stuff because I really do believe in this institution. I believe in the institution of the Senate. I believe in everything that you all believe in. It's just great to be able to come to work in this chamber—in this majestic chamber—and to know that we are doing the people's work every day. Even though I don't really take myself seriously, as you all know, but I really do take the work that we do up here seriously. I do take my job very seriously. Yes, I always say this, "Government should be the voice for the voiceless." We should always remember who we're fighting for, and that's what I have tried to do for the last 18 years. It feels like I've been here 30 years but, anyway, that's what I feel. That's what I've been trying to do my whole political life, is to make sure that individuals—those people that have been forgotten—have that voice. I hope that I've done a good job in representing them in this chamber.

With all that, I'll tell you this: I could never have done any of this, the work that we've done, without the incredible staff that I've had throughout the last couple of years. Yes, when I say staff, I'll tell you that I have both an internal staff—I think we all have an internal staff—and external staff, who are friends that have dealt with me for all this time. We've had battles and so forth, but I just have to mention my friends who have always been there: Andreina, Albert, Irene, Bob, T.C., Fatima, Mel, Ron, and Pete. These guys and gals have always been there, sometimes even to the detriment of their own clients, they've been there to help support, guide, and give me advice to try to do the right thing. Guys, thank you very much for the years. Thank you for putting up with me, for dealing with me, and for always guiding me in the right direction. You guys are my friends and family.

For my internal staff that I've had since the House—I've been very blessed that we haven't had a lot of turnover, but the ones that have left, have gone onto bigger and better things. To that, Willie, Ovi, Lily, Jacqui—the coffee maker Jacqui. Is she somewhere here? She's pregnant now. Where's Jacqui? Thank you, Jacqui—the best coffee maker. David, Ana, Nelson, Manuel, Miguel, A.J., Chasity, and Lena. Guys, thank you, thank you, thank you. Without your support, there is no way that I could have done these things, because these things are not just things that I have done—it's things we have done. Nothing is ever done in a vacuum, right? I hope I've taught you that. I hope I've taught you that if you have that dedication and drive, you work together with other folks, you can get things done. It's not just about the individual; it's about us, the people, representing and fighting for them every single day.

One of the things I'm most proud of about our team, Mr. President—the team that we've had both internal and external—is that they always remember who they're fighting for. The reality is that everything we do up here is very big and people ask me, "So what's your legacy? What is going to be the legacy of Senator Garcia?" I don't see it as a legacy. I

think the important thing is what you do back home—those little things that you do in your district—the constituent work you do, and the people that you serve. You all have done that every single day. Whenever your life may take you, don't ever forget that. Don't ever forget that, even if it's to translate a letter for someone or to help someone with a DCF case, or with Medicaid eligibility. For us, it becomes very routine. We lose sight for that individual, for that time—it's the biggest problem that they have. That's the biggest problem that they have. We should never lose that touch with our constituents, for the people that we serve, and the humility that you should vow to come with to those individuals that really need that help. So guys, thank you for making our district shine bright. Thank you for making Dade County a rock star, and thank you for getting me to this point and helping our constituents. God bless you all. Thank you very much. Let's give our staff a round of applause.

I know we have the budget, but I want to thank a whole bunch of folks, Mr. President, because without the individuals that have been around me, there's just no way we could have done this. I really do have to start with the great committee staff that I've had throughout the last couple of years. From my sister, Sandra, in Health Regulation. God, those were some tough battles. Senator Young, get ready for them because as you move on through the process, it's going to keep on getting worse. Sandra has been incredible. My girlfriend, Scarlet, in Health Appropriations. Talk about a lady that knows how to hide money, and hide it from me. She would always hide it. That is why we always had money available to get some other projects in for some of our members, but she was a feisty, feisty individual. She has an incredibly compassionate heart and has done nothing but the right thing by us and Claude in Children and Families. Mr. President, honestly, one of the biggest honors that I have had after serving so many years in the House and in the Senate, is to be able to go out as Chairman of the Children, Families, and Elder Affairs Committee. Because that one committee, Senator Braynon, really does change lives. It really does. We can do so much and we should be doing much more, but that honor that you bestowed upon me—I will always be grateful for allowing me that opportunity—and to have Claude Hendon, one of the hardest working men and one of the guys with the biggest heart, standing by me in that committee. So thank you, Mr. President, for that.

I can't say more about the staff that we have had. Allen Brown has been an incredible asset, incredible mind. Carol Gormley is in the House. Tough one to fight with, but she is just an amazing individual who understands health care left and right. The Majority Office: Guys, thank you for the work you do. Senator Simpson, you have a great team in that office—a great team that works for all of us, tries to get us on track. The compassion that they show—at least for me, Allie, sometimes wants to kick me out of her office, but, Allie, don't worry about it—but they just work so hard for our caucus, it is great and I appreciate you all.

The folks in Bill Drafting: We sometimes forget that the bills that we do, there is somebody writing them, typing them up, researching them, and doing the cross-references. Let us not forget that they are there. Go by and visit them once in a while. Say, "What's up? Hey, how are you doing?" Thank you, Bill Drafting, for always, always having our backs and making sure that we get our things in on time.

Appropriations suite: Those men and women down there—the number of hours that they put in and working—Senator Bradley, as you very well know, they are geniuses down there. The level of understanding of the budget and trying to make sure that they get our priorities in, work them out right if it is the proviso, if it is the conforming bills, or whatever it is, it is an amazing talented group of people. I have yet to see a group that compares to the talent that we have down there. Thank you all for that.

Madam Secretary, you rock. Thank you so much for ensuring this chamber continues to run. The operation here is all thanks to you. You are an amazing woman, an amazing leader, and I am sorry for barging in here so many times with different groups. I apologize for that. Having your folks come in and harass me a little bit about that—thank you so much for everything that you have done and continue to do for us.

Sergeant, you must be happy that I am leaving, right? You know how many times I go back here to the Sarge, sit there, and just vent and vent and vent. He will look at me and say, "When is this crazy Cuban guy going to shut up?" Sarge, thank you so much for your friendship; thank you for your ear; and thank you for not kicking me out of your office either. Thank you so much.

To my Senators: You guys are awesome. Senator Braynon, I don't think we look alike. You say we look alike? We don't look alike? What do you mean we don't look alike? I thought we did. Wait a minute, who are you talking to? Senator Galvano, my brother, I feel so confident and comfortable that after so many years and seeing you grow through this political process in the House, and now in the Senate, that as I leave this chamber, I know we leave this chamber in very good hands. Praying for you my friends. I have your back. Whatever I can do to help to ensure that you continue moving this Senate forward, I will do for you.

Senator Flores, I'm going to get you later, don't worry about that. After we're done here, I'm going to get you. But yes, you are my sister and I love you to death. I am so very proud of you and the work you have done and accomplished. I wish you nothing but success. I can't wait until we get back home and have some fun. Let me clarify that: Go out with her family and friends. That's what we mean when we speak.

Senator Simpson, I have to. You told me not to say anything about you, but I have to. You're my guajiro. Guajiro is my country boy, my guajiro. Brother, we've had some tough battles, you and I. You've wanted to kill me more times than not. Just rest assured that you are my friend, my brother, and I too, as I offered to Senator Galvano, will be here for you. Whatever I can do to make sure that we move your agenda and get your folks what they need. Thank you.

Mr. President, we too have had our challenges, but why did you have this guy sit next to me? This is the worst punishment in the world. A Senator that comes to this chamber, and sits next to Gary Farmer, that Senator is in the doghouse. The funny thing is, the other day, whatever debate was going on, I stood there for two hours by the rostrum because I could not have Gary in my ear, trying to switch my vote constantly. So now you know, for you freshman Senators coming in, now you know that if you sit next to Gary Farmer, the leadership is not too fond of you.

I leave you with this: Members, it truly has been an amazing honor to serve in this chamber. Those that have come and left, and those like Alan Bense and Andy Gardiner, were people who inspired me and moved me. Because of Alan Bense, I ended up doing all these things in health care. So Mr. Speaker, thank you. Thank you, thank you, thank you for your belief in me. Senator Gardiner, if you're listening, I could kill you too, and I thank you.

There was a picture up there about Medicaid expansion—you saw that picture. That was me and Senator Richter. We were up in Washington, D.C., dealing with Medicaid expansion. That was one of the most interesting times of our lives in this process and, Senator Lee, you remember that whole battle. I could sometimes kill Senator Gardiner but I did believe in that passion. That's one of the issues that I lost big. I still believe that we should have drilled down all those dollars.

Members, to all of you, thank you. Senator Campbell says, "What about me?" Senator Campbell, I love you. I got you. I got you, Senator Campbell. To all of you, it really has been an honor to get to know you. Those that I've served with a long time, those that I just served with for these two years, I appreciate your friendship and your love. A lot of times in this process, we fail to use the word "love." When I use "love," I mean it. I love you guys. Thank you guys from the bottom of my heart. I know that together, collectively, when we break down these walls that we have of Republican and Democrat, and operate the Senate how it needs to be operated. Us collectively coming together, working on ideas, hammering them out, fighting, we'll do a much better job—not only for our districts and our constituents—for the residents of the State of Florida. God bless you all. You will always make that call if you are in Hialeah or anywhere in this state. Call Rene, I'm your friend from here on out. Thank you guys. I will miss you all.

SENATE CONFEREES APPOINTED

The President appointed the following conferees for **HB 7067** on the part of the Senate: Conference Committee on Gaming: Senator Hutson, Chair; Senators Benacquisto and Powell.

SPECIAL ORDER CALENDAR, continued

CS for SB 18—A bill to be entitled An act for the relief of C.M.H.; providing an appropriation to compensate C.M.H. for injuries and damages sustained as a result of the negligence of the Department of Children and Families, formerly known as the Department of Children and Family Services; requiring certain funds to be placed into an irrevocable trust; providing a limitation on attorney fees; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 18** to **CS for HB 6509**.

Pending further consideration of **CS for SB 18**, as amended, pursuant to Rule 3.11(3), there being no objection, **CS for HB 6509** was withdrawn from the Committees on Judiciary; Appropriations Subcommittee on Health and Human Services; and Appropriations.

On motion by Senator Braynon—

CS for HB 6509—A bill to be entitled An act for the relief of C.M.H.; providing an appropriation to compensate C.M.H. for injuries and damages sustained as a result of the negligence of the Department of Children and Families, formerly known as the Department of Children and Family Services; requiring certain funds to be placed into an irrevocable trust; providing a limitation on fees and costs; providing an effective date.

—a companion measure, was substituted for **CS for SB 18**, as amended, and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 6509** was placed on the calendar of Bills on Third Reading.

BILLS ON THIRD READING, continued

CS for CS for HB 1173—A bill to be entitled An act relating to lands used for governmental purposes; amending s. 253.025, F.S.; providing conditions under which specified appraisal standards are required for the acquisition of lands for the purpose of buffering military installations against encroachment; authorizing such lands to be leased or conveyed for less than appraised value to military installations; providing requirements for such leasing and conveyance; authorizing the use of certain funding sources for the immediate acquisition of lands that prevent or satisfy private property rights claims within areas of critical state concern; providing procedures for estimating the value of such lands under certain conditions; amending s. 259.045, F.S.; authorizing the Department of Environmental Protection to acquire conservation and recreation lands to prevent or satisfy private property rights claims within areas of critical state concern; providing procedures for estimating the value of such lands under certain conditions; amending s. 259.105, F.S.; including natural disaster and flood mitigation as criteria for assessing certain projects and land acquisitions under the Florida Forever Act; amending s. 288.980, F.S.; directing the Department of Economic Opportunity and the Florida Defense Support Task Force to provide an annual list of land acquisitions for the purpose of buffering military installations against encroachment; providing requirements for the annual list; revising the definition of the term "nonconservation lands"; amending s. 380.0555, F.S.; revising the legislative intent of the Apalachicola Bay Area Protection Act; amending s. 380.0666, F.S.; authorizing land authorities to contribute tourist impact tax revenues to counties to pay for project costs relating to the construction, redevelopment, and preservation of certain affordable housing; amending s. 380.508, F.S.; requiring that urban greenways and open space projects undertaken, coordinated, or funded by the Florida Communities Trust meet certain criteria; providing an effective date.

—as amended March 6, was read the third time by title.

On motion by Senator Flores, **CS for CS for HB 1173**, as amended, was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Galvano	Rodriguez
Baxley	Garcia	Rouson
Bean	Gibson	Simmons
Benacquisto	Grimsley	Simpson
Book	Hukill	Stargel
Bradley	Hutson	Steube
Brandes	Lee	Stewart
Braynon	Mayfield	Taddeo
Broxson	Montford	Thurston
Campbell	Passidomo	Torres
Farmer	Perry	Young
Flores	Powell	
Gainer	Rader	

Nays—None

CS for HB 333—A bill to be entitled An act relating to minimum officer qualifications; amending s. 943.10, F.S.; defining the term “special operations forces”; amending s. 943.13, F.S.; exempting certain applicants from completing a basic recruit training program approved by the Criminal Justice Standards and Training Commission under specified conditions; amending s. 943.131, F.S.; requiring an employing agency, training center, or criminal justice selection center to verify and document that certain applicants have served in the special operations forces for a minimum period and completed certain training if they seek an exemption from the commission-approved basic recruit training program; requiring the employing agency, training center, or selection center to submit the documentation to the commission; reenacting ss. 626.989(7), 943.133(1) and (6), and 943.1395(3), (9), and (10), F.S., relating to investigations by the Division of Investigative and Forensic Services, the responsibilities of certain employing entities, and certification for certain employment or appointment, respectively, to incorporate changes made by the act; providing an effective date.

—was read the third time by title.

On motion by Senator Stargel, **CS for HB 333** was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Galvano	Rodriguez
Baxley	Garcia	Rouson
Bean	Gibson	Simmons
Benacquisto	Grimsley	Simpson
Book	Hukill	Stargel
Bradley	Hutson	Steube
Brandes	Lee	Stewart
Braynon	Mayfield	Taddeo
Broxson	Montford	Thurston
Campbell	Passidomo	Torres
Farmer	Perry	Young
Flores	Powell	
Gainer	Rader	

Nays—None

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Benacquisto, by two-thirds vote, **CS for SB 848** and **CS for SB 1274** were withdrawn from the Committee on Rules.

MOTIONS

On motion by Senator Benacquisto, the rules were waived and all bills temporarily postponed and remaining 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 Wednesday, March 7, 2018: CS for SB 7008, SB 7010, SB 7012, SB 7018, SB 538, HB 7045, SR 210, SB 408, CS for SB 18, CS for CS for CS for SB 1134, CS for CS for CS for SB 1292, CS for CS for SB 1678, CS for CS for SB 1788, CS for SB 28, CS for CS for SB 1056, SB 322, CS for SB 46, CS for CS for SB 774, CS for SB 80, SB 870, CS for CS for CS for SB 1494, SB 1402, CS for SJR 792, SB 48, CS for SB 260, SB 922, CS for SB 840, CS for CS for CS for SB 1020, CS for CS for SB 1254, CS for SB 1224, CS for CS for SB 732, SB 1184, SB 1532.

Respectfully submitted,
Lizbeth Benacquisto, Rules Chair
Wilton Simpson, Majority Leader
Oscar Braynon II, Minority Leader

The Committee on Appropriations recommends a committee substitute for the following: CS for SB 354

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

The Committee on Appropriations recommends a committee substitute for the following: SB 422

The bill with committee substitute attached was placed on the Calendar.

COMMITTEE SUBSTITUTES

FIRST READING

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

CS for CS for SB 354—A bill to be entitled An act relating to government accountability; amending s. 11.40, F.S.; requiring, rather than authorizing, the Legislative Auditing Committee to schedule hearings concerning certain governmental entities for failure to comply with certain financial audit requirements; amending s. 11.45, F.S.; defining the terms “abuse,” “fraud,” and “waste”; revising definitions; excluding water management districts from certain audit requirements; removing a cross-reference; authorizing the Auditor General to conduct audits of tourist development councils and county tourism promotion agencies; revising reporting requirements applicable to the Auditor General; amending s. 28.35, F.S.; revising reporting requirements applicable to the Florida Clerks of Court Operations Corporation; amending s. 43.16, F.S.; revising the responsibilities of the Justice Administrative Commission, each state attorney, each public defender, the criminal conflict and civil regional counsel, the capital collateral regional counsel, and the Guardian Ad Litem Program, to include the establishment and maintenance of certain internal controls; amending s. 112.061, F.S.; revising certain lodging rates for the purpose of reimbursement to specified employees; authorizing an employee to expend his or her funds for certain lodging expenses; authorizing the Department of Management Services to adopt rules for specified purposes; providing definitions; requiring executive branch state government agencies and the judicial branch to report certain travel information of public officers and employees in the statewide travel management system; requiring executive branch state government agencies and the judicial branch to use the statewide travel management system for certain purposes; requiring the Department of Management Services to make certain travel reports available to the public by a specified date; prescribing reporting requirements for the statewide travel management system for certain reporting entities; specifying that certain reporting requirements are contingent upon funding by the Legislature; specifying that travel reports may not reveal information confidential and exempt or exempt from public records requirements; providing for the redaction of such information from travel reports; specifying that the Secretary of Management Services or an officer, an employee, or a contractor of the department is not responsible for redacting such portions of travel reports; providing for construction; amending ss. 129.03, 129.06, and 166.241, F.S.; requiring counties and municipalities to maintain certain budget

documents on the entities' websites for a specified period; requiring county and municipality budget officers to submit certain budget information to specified entities within a certain timeframe; amending s. 189.016, F.S.; requiring special district budget officers to submit certain budget information to specified entities within a certain timeframe; amending s. 215.86, F.S.; revising the purposes for which management systems and internal controls must be established and maintained by each state agency and the judicial branch; amending s. 215.97, F.S.; revising certain audit threshold requirements; amending s. 215.985, F.S.; revising the requirements for a monthly financial statement provided by a water management district; amending s. 218.32, F.S.; revising certain reporting deadlines for an audit report and annual financial report of certain local governmental entities; providing an exception for certain charter counties; prescribing duties of an independent certified public accountant in conducting an audit; providing legislative intent regarding the establishment of the Florida Open Financial Statement System; authorizing the Chief Financial Officer to consult with certain stakeholders for input on the design and implementation of the system; specifying requirements and procedures for the Chief Financial Officer in selecting and recruiting contractors for certain purposes; requiring the Chief Financial Officer to require completion of all work by a specified date; providing that if the Chief Financial Officer deems work products adequate, all local governmental financial statements pertaining to fiscal years ending on or after a specified date must meet certain requirements; providing for the suspension of salary payments to the head of a local governmental entity that does not submit certain financial information; authorizing the Department of Financial Services to request additional information from a local governmental entity under certain circumstances; requiring a local governmental entity to comply with such requests within a specified timeframe; requiring the department to notify the Legislative Auditing Committee of noncompliance; authorizing the committee to take certain action; requiring the department to post annual financial reports for certain governmental entities on its website within a specified timeframe; amending s. 218.33, F.S.; requiring local governmental entities to establish and maintain internal controls to achieve specified purposes; amending s. 218.39, F.S.; requiring municipalities and special districts to have a certain audit performed beginning with a specified fiscal year; revising the deadline for an audit report; providing an exception; requiring the governing body of an audited entity to respond to audit recommendations under specified circumstances; amending s. 218.391, F.S.; revising membership for audit committees; prohibiting an employee, a chief executive officer, or a chief financial officer of the respective governmental entity from serving as a voting member of an audit committee; requiring an auditor to include certain information in a management letter; requiring the chair of a governmental entity's governing body to submit an affidavit containing certain information when the entity contracts with an auditor to conduct an audit; providing requirements and procedures for selecting an auditor; requiring the Legislative Auditing Committee to determine whether a governmental entity should be subject to state action under certain circumstances; amending s. 286.0114, F.S.; prohibiting a board or commission from requiring an advance copy of testimony or comments from a member of the public as a precondition to being given the opportunity to be heard at a public meeting; amending s. 373.536, F.S.; deleting obsolete language; requiring water management districts to maintain certain budget documents on the districts' websites for a specified period; requiring district budget officers to submit certain budget information to specified entities within a certain timeframe; providing for the suspension of salary payments of a district executive director if the district does not submit such information; amending s. 1001.42, F.S.; authorizing district school board members to request and receive specified budget information; requiring employment of internal auditors in certain school districts; revising provisions relating to the scope of such internal auditors; amending s. 1002.33, F.S.; revising the responsibilities of the governing board of a charter school to include the establishment and maintenance of internal controls; amending s. 1002.37, F.S.; requiring completion of an annual financial audit of the Florida Virtual School; specifying audit requirements; requiring an audit report to be submitted to the board of trustees of the Florida Virtual School and the Auditor General; deleting obsolete provisions; amending s. 1010.01, F.S.; requiring each school district, Florida College System institution, and state university to establish and maintain certain internal controls; amending s. 1010.30, F.S.; requiring a district school board, Florida College System institution board of trustees, or university board of trustees to respond to audit recommendations under certain circumstances; amending s. 1011.03, F.S.; requiring a district school board's

budget officer to submit certain budget information to specified entities within a certain timeframe; providing for suspension of salary payments for a superintendent of a district that does not submit such information; amending s. 1011.60, F.S.; requiring district school boards that submit an annual financial report to the Department of Education to also electronically submit a copy to the clerk of the court; requiring the Office of Economic and Demographic Research to develop, by a specified date, certain forms for use by local governmental entities in reporting certain budget information; requiring the office to submit a report to the Legislature by a specified date; providing requirements for the report; amending ss. 165.0615, 189.066, 189.069, 189.074, and 218.503, F.S.; conforming provisions and cross-references to changes made by the act; declaring that the act fulfills an important state interest; providing an effective date.

By the Committee on Appropriations; and Senator Gibson—

CS for SB 422—A bill to be entitled An act relating to elder abuse fatality review teams; amending s. 415.101, F.S.; revising legislative intent; creating s. 415.1103, F.S.; authorizing the establishment of elder abuse fatality review teams in each judicial circuit housed, for administrative purposes only, in the Department of Elderly Affairs; providing conditions for team establishment and organization; specifying review team duties; providing review teams with access to and use of records; requiring each review team to submit an annual report by a certain date to the Department of Elderly Affairs containing specified information; requiring the department to prepare an annual report by a certain date with such information to the Governor, the Legislature, and the Department of Children and Families; exempting certain information and records from discovery; providing exceptions; prohibiting a member from testifying about information or records presented during meetings or activities of the team; providing immunity from monetary liability for members under certain conditions; prohibiting review teams and review team members from disclosing confidential information; amending s. 415.107, F.S.; requiring that elder abuse fatality review teams be granted access to certain records; providing an effective date.

EXECUTIVE BUSINESS

EXECUTIVE APPOINTMENTS SUBJECT TO CONFIRMATION BY THE SENATE:

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

	<i>For Term Ending</i>
<i>Office and Appointment</i>	
Florida Commission on Community Service Appointee: SeEVERS, Sarah E., Destin	09/14/2020
Board of Trustees of Miami-Dade College Appointees: Cancio-Johnson, Mariana "Marili," Key Biscayne Navarro, Bernardo, Miami	05/31/2019 05/31/2021
Board of Trustees of St. Johns River State College Appointee: Keith, Brian E., Confidential pursuant to s. 119.071(4), F.S.	05/31/2021

Referred to the Committee on Ethics and Elections.

	<i>For Term Ending</i>
<i>Office and Appointment</i>	
Governing Board of the St. Johns River Water Management District Appointee: Roberts, Allan, St. Augustine	03/01/2020

Referred to the Committees on Environmental Preservation and Conservation; and Ethics and Elections.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/HB 141, as amended, and requests the concurrence of the Senate.

Portia Palmer, Clerk

By Government Accountability Committee, Transportation & Infrastructure Subcommittee and Representative(s) Harrison, McGhee, Rommel, Watson, C.—

CS for CS for HB 141—A bill to be entitled An act relating to transportation; amending s. 338.222, F.S.; revising provisions relating to contracting and negotiation between the Department of Transportation and local governmental entities for acquisition, construction, or operation of turnpike projects; amending s. 338.155, F.S.; exempting a law enforcement officer from paying a toll on a toll facility when operating an official vehicle while on official law enforcement business; amending s. 338.26, F.S.; requiring fees generated from tolls to be used to reimburse, by interlocal agreement, a county or another local governmental entity for the direct actual costs of operating a specified fire station providing services to the public on Alligator Alley; deleting obsolete language; amending s. 348.0003, F.S.; requiring the governing body of an authority to report certain compliance information to the Governor; providing for the formation of a new board under certain circumstances; providing for appointment of new members; providing an effective date.

—was referred to the Committees on Transportation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; and Appropriations.

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/CS/HB 165, as amended, and requests the concurrence of the Senate.

Portia Palmer, Clerk

By Judiciary Committee, Justice Appropriations Subcommittee, Criminal Justice Subcommittee and Representative(s) McClain, Fant, Fine, Metz, Plasencia, Raschein, Spano, Stevenson—

CS for CS for CS for HB 165—A bill to be entitled An act relating to written threats to conduct mass shootings or acts of terrorism; amending s. 836.10, F.S.; prohibiting a person from making threats to conduct a mass shooting or act of terrorism in a writing or other record and transmitting that threat in any manner that would allow another person to view the threat; amending s. 921.0022, F.S.; revising the offense ranking to include written threats to conduct a mass shooting or act of terrorism; reenacting ss. 794.056 and 938.085, F.S., relating to the Rape Crises Program Trust Fund and additional cost to fund rape crises centers, respectively, to incorporate the amendments made by the act; providing an effective date.

—was referred to the Committees on Criminal Justice; and Appropriations.

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/HB 1079, as amended, and requests the concurrence of the Senate.

Portia Palmer, Clerk

By Health & Human Services Committee, Children, Families & Seniors Subcommittee and Representative(s) Burton—

CS for CS for HB 1079—A bill to be entitled An act relating to child welfare; amending s. 39.01, F.S.; revising and providing definitions; amending s. 39.0138, F.S.; requiring the Department of Children and Families to establish rules for granting exemptions from criminal history and certain other records checks required for persons being considered for placement of a child; requiring level 1 screening for persons granted such exemption; prohibiting placement of a child with persons convicted of a certain felony; amending s. 39.521, F.S.; authorizing the court to make certain determinations regarding placement of a child with a guardian; conforming a cross-reference; amending s. 39.5085, F.S.; authorizing the department to recover financial assistance provided to nonrelative caregivers under certain circumstances; amending s. 39.6012, F.S.; requiring parents to make proactive contact with case managers at regular intervals; conforming a cross-reference; amending s. 39.6013, F.S.; requiring the court to consider certain case details before amending a case plan; amending s. 39.621, F.S.; requiring the court, during permanency hearings, to determine case plan compliance; amending s. 39.6221, F.S.; providing an additional condition for court placement of a child in permanent guardianship; creating s. 39.6225, F.S.; requiring the department to establish and operate a Guardianship Assistance Program to provide guardianship assistance payments to certain guardians beginning on a specified date; providing definitions; providing eligibility requirements; authorizing guardians to receive such payments for certain siblings; requiring the department to annually redetermine eligibility; providing conditions for termination of benefits; requiring the department to provide guardianship non-recurring payments for certain expenses; authorizing the use of certain state and federal funds to operate the program; providing that children receiving assistance under the program are eligible for Medicaid coverage until they reach a certain age; requiring case plans to include certain information; requiring the department to adopt rules; requiring the Florida Institute for Child Welfare to evaluate the implementation of the Guardianship Assistance Program; requiring the institute to submit a report by a certain date; specifying the process for and elements of the evaluation; requiring the department to develop and implement a comprehensive communications strategy in support of relatives and fictive kin who are prospective caregivers; specifying information that shall be provided to such prospective caregivers; amending s. 39.6251, F.S.; requiring the case manager for a young adult in foster care to consult the young adult when updating case or the transition plans and arrangements; deleting a provision authorizing case management reviews to be conducted by telephone under certain circumstances; amending s. 39.701, F.S.; requiring the court, during judicial review hearings, to determine case plan compliance; amending s. 63.092, F.S.; requiring the department to release specified records to entities conducting preliminary home studies; providing that certain specified training is not required for certain home studies; amending s. 322.09, F.S.; providing that a caregiver who signs for a minor's learner's driver license does not assume any obligation or liability for damages under certain circumstances; amending s. 402.305, F.S.; revising minimum requirements for child care personnel related to screening and fingerprinting; requiring child care facilities to provide information to parents intended to prevent children from being left in vehicles; specifying the minimum standards the department must adopt regarding transportation of children by child care facilities; amending ss. 402.313 and 402.3131, F.S.; requiring family day care homes and large family child care homes to provide information to parents intended to prevent children from being left in vehicles; amending s. 409.145, F.S.; revising rates for room and board reimbursement of certain family foster homes; revising provisions relating to supplemental payments by community-based care lead agencies; amending s. 409.166, F.S.; providing definitions; providing conditions for the department to provide adoption assistance payments to adoptive parents of certain children; providing that children and young adults receiving benefits through the adoption assistance program are ineligible for specified other benefits and services; providing additional conditions for eligibility for adoption assistance; amending s. 409.1678, F.S.; eliminating certain requirements for residential treatment centers that provide services to commercially sexually exploited children; amending s. 409.175, F.S.; revising and providing definitions; requiring a guardian to apply for a license with the department to be eligible for the program; classifying family foster homes by licensure type; exempting certain household members from specified fingerprinting requirements; authorizing the department to adopt rules relating to certain summer camps; deleting

references to preservice training requirements for emergency shelter parents; providing inservice training requirements for certain foster parents; amending s. 409.991, F.S.; revising the equity allocation formula for community-based care lead agencies; amending s. 435.07, F.S.; revising the offenses that disqualify certain child care personnel from specified employment; amending s. 627.746, F.S.; prohibiting insurers that issue insurance policies for private passenger motor vehicles from charging an additional premium for a minor who operates his or her caregiver's vehicle, during the time that the minor has a learner's driver's license; amending ss. 39.302, 394.495, 402.30501, 409.1676, 960.065, 1002.55, 1002.57, and 1002.59, F.S.; conforming cross-references; providing a directive to the Division of Law Revision and Information; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Appropriations Subcommittee on Health and Human Services; and Appropriations.

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/HB 1151, as amended, and requests the concurrence of the Senate.

Portia Palmer, Clerk

By Commerce Committee, Agriculture & Property Rights Subcommittee and Representative(s) La Rosa—

CS for CS for HB 1151—A bill to be entitled An act relating to developments of regional impact; amending s. 380.06, F.S.; revising the statewide guidelines and standards for developments of regional impact; deleting criteria that the Administration Commission is required to consider in adopting its guidelines and standards; revising provisions relating to the application of guidelines and standards; revising provisions relating to variations and thresholds for such guidelines and standards; deleting provisions relating to the issuance of binding letters; specifying that previously issued letters remain valid unless previously expired; specifying the procedure for amending a binding letter of interpretation; specifying that previously issued clearance letters remain valid unless previously expired; deleting provisions relating to authorizations to develop, applications for approval of development, concurrent plan amendments, preapplication procedures, preliminary development agreements, conceptual agency review, application sufficiency, local notice, regional reports, and criteria for the approval of developments inside and outside areas of critical state concern; revising provisions relating to local government development orders; specifying that amendments to a development order for an approved development may not amend to an earlier date the date before which a development would be subject to downzoning, unit density reduction, or intensity reduction, except under certain conditions; removing a requirement that certain conditions of a development order meet specified criteria; specifying that construction of certain mitigation-of-impact facilities is not subject to competitive bidding or competitive negotiation for selection of a contractor or design professional; removing requirements relating to local government approval of developments of regional impact that do not meet certain requirements; removing a requirement that the Department of Economic Opportunity and other agencies cooperate in preparing certain ordinances; authorizing developers to record notice of certain rescinded development orders; specifying that certain agreements regarding developments that are essentially built out remain valid unless previously expired; deleting requirements for a local government to issue a permit for a development subsequent to the buildout date contained in the development order; specifying that amendments to development orders do not diminish or otherwise alter certain credits for a development order exaction or fee against impact fees, mobility fees, or exactions; deleting a provision relating to the determination of certain credits for impact fees or extractions; deleting a provision exempting a nongovernmental developer from being required to competitively bid or negotiate construction or design of certain facilities except under certain circumstances; specifying that certain capital contribution front-ending agreements remain valid unless previously expired; deleting a provision relating to local monitoring; revising requirements for developers regarding reporting to local governments and specifying that such reports are not required unless required by a local government with jurisdiction over a development; revising the requirements and procedure for proposed changes to a previously approved develop-

ment of regional impact and deleting rulemaking requirements relating to such procedure; revising provisions relating to the approval of such changes; specifying that certain extensions previously granted by statute are still valid and not subject to review or modification; deleting provisions relating to determinations as to whether a proposed change is a substantial deviation; deleting provisions relating to comprehensive development-of-regional-impact applications and master plan development orders; specifying that certain agreements that include two or more developments of regional impact which were the subject of a comprehensive development-of-regional-impact application remain valid unless previously expired; deleting provisions relating to downtown development authorities; deleting provisions relating to adoption of rules by the state land planning agency; deleting statutory exemptions from development-of-regional-impact review; specifying that an approval of an authorized developer for an areawide development of regional impact remains valid unless previously expired; deleting provisions relating to areawide developments of regional impact; deleting an authorization for the state land planning agency to adopt rules relating to abandonment of developments of regional impact; requiring local governments to file a notice of abandonment under certain conditions; deleting an authorization for the state land planning agency to adopt a procedure for filing such notice; requiring a development-of-regional-impact development order to be abandoned by a local government under certain conditions; deleting a provision relating to abandonment of developments of regional impact in certain high-hazard coastal areas; authorizing local governments to approve abandonment of development orders for an approved development under certain conditions; deleting a provision relating to rights, responsibilities, and obligations under a development order; deleting partial exemptions from development-of-regional-impact review; deleting exemptions for dense urban land areas; specifying that proposed developments that exceed the statewide guidelines and standards and that are not otherwise exempt be approved by local governments instead of through specified development-of-regional-impact proceedings; providing an exception; amending s. 380.061, F.S.; specifying that the Florida Quality Developments program only applies to previously approved developments in the program before the effective date of the act; specifying a process for local governments to adopt a local development order to replace and supersede the development order adopted by the state land planning agency for the Florida Quality Developments; deleting program intent, eligibility requirements, rulemaking authorizations, and application and approval requirements and processes; deleting an appeals process and the Quality Developments Review Board; amending s. 380.0651, F.S.; deleting provisions relating to the superseding of guidelines and standards adopted by the Administration Commission and the publishing of guidelines and standards by the Administration Commission; conforming a provision to changes made by the act; specifying exemptions and partial exemptions from development-of-regional-impact review; deleting provisions relating to determining whether there is a unified plan of development; deleting provisions relating to the circumstances where developments should be aggregated; deleting a provision relating to prospective application of certain provisions; deleting a provision authorizing state land planning agencies to enter into agreements for the joint planning, sharing, or use of specified public infrastructure, facilities, or services by developers; deleting an authorization for the state land planning agency to adopt rules; amending s. 380.07, F.S.; deleting an authorization for the Florida Land and Water Adjudicatory Commission to adopt rules regarding the requirements for developments of regional impact; revising when a local government must transmit a development order to the state land planning agency, the regional planning agency, and the owner or developer of the property affected by such order; deleting a process for regional planning agencies to undertake appeals of development-of-regional-impact development orders; revising a process for appealing development orders for consistency with a local comprehensive plan to be available only for developments in areas of critical state concern; deleting a procedure regarding certain challenges to development orders relating to developments of regional impact; amending s. 380.115, F.S.; deleting a provision relating to changes in development-of-regional-impact guidelines and standards and the impact of such changes on vested rights, duties, and obligations pursuant to any development order or agreement; requiring local governments to monitor and enforce development orders and prohibiting local governments from issuing permits, approvals, or extensions of services if a developer does not act in substantial compliance with an order; deleting provisions relating to changes in development of regional impact guidelines and standards and their impact on the development approval process; amending s.

125.68, F.S.; conforming a cross-reference; amending s. 163.3245, F.S.; conforming cross-references; conforming provisions to changes made by the act; revising the circumstances in which applicants who apply for master development approval for an entire planning area must remain subject to a master development order; specifying an exception; deleting a provision relating to the level of review for applications for master development approval; amending s. 163.3246, F.S.; conforming provisions to changes made by the act; conforming cross-references; amending s. 189.08, F.S.; conforming a cross-reference; conforming a provision to changes made by the act; amending s. 190.005, F.S.; conforming cross-references; amending ss. 190.012 and 252.363, F.S.; conforming cross-references; amending s. 369.303, F.S.; conforming a provision to changes made by the act; amending ss. 369.307, 373.236, and 373.414, F.S.; conforming cross-references; amending s. 378.601, F.S.; conforming a provision to changes made by the act; repealing s. 380.065, F.S., relating to a process to allow local governments to request certification to review developments of regional impact that are located within their jurisdictions in lieu of the regional review requirements; amending ss. 380.11 and 403.524, F.S.; conforming cross-references; amending s. 163.3164, F.S.; defining the term "master development plan" or "master plan"; amending s. 212.055, F.S.; conforming a cross-reference; repealing specified rules regarding uniform review of developments of regional impact by the state land planning agency and regional planning agencies; repealing the rules adopted by the Administration Commission regarding whether two or more developments, represented by their owners or developers to be separate developments, shall be aggregated; providing a directive to the Division of Law Revision and Information; providing an effective date.

—was referred to the Committees on Community Affairs; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Appropriations; and Rules.

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/HB 1287, as amended, and requests the concurrence of the Senate.

Portia Palmer, Clerk

By Government Accountability Committee, Transportation & Tourism Appropriations Subcommittee and Representative(s) Drake, Henry—

CS for CS for HB 1287—A bill to be entitled An act relating to transportation; amending s. 316.003, F.S.; revising and providing definitions; amending s. 316.008, F.S.; authorizing a mobile carrier to be operated on sidewalks and crosswalks within a county or municipality under certain circumstances; providing construction; repealing s. 316.0896, F.S., relating to the assistive truck platooning technology pilot project; creating s. 316.0897, F.S.; exempting the operator of a nonlead vehicle in a platoon from provisions relating to following too closely; authorizing a platoon to be operated on a roadway in this state after an operator provides notification to the Department of Transportation and the Department of Highway Safety and Motor Vehicles; amending s. 316.2071, F.S.; authorizing a mobile carrier to operate on sidewalks and crosswalks; providing rights, duties, and requirements; amending s. 316.235, F.S.; authorizing a motor vehicle to be equipped with certain lamps or devices under certain circumstances; amending ss. 316.224 and 316.2397, F.S.; conforming cross-references; amending s. 316.2397, F.S.; authorizing certain vehicles to display red and white lights; amending s. 316.2398, F.S.; authorizing certain vehicles to display red and white warning signals under certain circumstances; providing requirements and penalties; amending s. 316.302, F.S.; revising regulations to which owners and drivers of commercial motor vehicles are subject; delaying the requirement for electronic logging devices and support documents for certain intrastate motor carriers; deleting a limitation on a civil penalty for falsification of certain time records; deleting a requirement that a motor carrier maintain certain documentation of driving times; providing an exemption from specified provisions for a person who operates a commercial motor vehicle with a certain gross vehicle weight, gross vehicle weight rating, and gross combined weight rating; deleting the exemption from such provisions for a person transporting petroleum products; amending s. 316.303, F.S.; exempting an operator in a platoon from the prohibition against active display of television or video; amending s. 316.515, F.S.; revising

length and load extension limitations for stinger-steered automobile transporters; authorizing automobile transporters to backhaul certain cargo or freight under certain circumstances; authorizing an unladen power unit to tow a certain combination of trailers or semitrailers under certain circumstances; amending s. 316.85, F.S.; authorizing the Florida Turnpike Enterprise to fund, construct, and operate test facilities for the advancement of autonomous and connected innovative transportation technology solutions for specified purposes; amending s. 318.14, F.S.; revising the number of times certain persons may elect to attend a basic driver improvement course; amending s. 319.141, F.S.; revising the definition of the term "rebuilt inspection services"; deleting obsolete language; requiring the Department of Highway Safety and Motor Vehicles to ensure that an applicant of the pilot rebuilt motor vehicle inspection program meets certain criteria before the applicant is approved or renewed; requiring the operator of a facility to annually make certain attestations; prohibiting a program participant from conducting an inspection of a vehicle rebuilt before its purchase by the current applicant; requiring that such vehicles be inspected by the department; requiring any applicant that fails an initial rebuilt inspection to have that vehicle reinspected only by the department or the facility that conducted the original inspection; prohibiting any person or business authorized by the department to train, certify, or recertify operators and inspectors of private rebuilt motor vehicle inspection facilities from certifying or recertifying itself or any of its employees; requiring the department to conduct an onsite facility inspection at least twice a year; requiring a current operator to give the department certain notice of a transfer before any transfer of a rebuilt inspection facility; requiring a transferee to meet certain eligibility requirements and execute a new memorandum of understanding with the department before operating the facility; revising the date of repeal; requiring the department to submit a written report to the Governor and Legislature; amending s. 320.01, F.S.; revising definitions; amending s. 320.02, F.S.; requiring the application form for motor vehicle registration and renewal of registration to include an option to make a voluntary contribution to the Alzheimer's Association, Inc.; exempting a mobile carrier from certain registration and insurance requirements; amending s. 320.06, F.S.; providing for future repeal of issuance of a certain annual license plate and cab card to a vehicle that has an apportioned registration; revising information required to appear on the cab card; providing requirements for license plates, cab cards, and validation stickers for vehicles registered in accordance with the International Registration Plan; authorizing a damaged or worn license plate to be replaced at no charge under certain circumstances; providing an exception to the design of dealer license plates; amending s. 320.0605, F.S.; authorizing presentation of an electronic copy of a registration certificate to a law enforcement officer or agent of the department; providing construction; providing for liability; amending s. 320.0607, F.S.; providing an exemption from a certain fee for vehicles registered under the International Registration Plan; amending s. 320.0657, F.S.; providing an exception to the design of fleet license plates; authorizing fleet companies to purchase specialty license plates in lieu of standard fleet license plates; requiring fleet companies to be responsible for certain costs; amending s. 320.08, F.S.; authorizing dealers to purchase specialty license plates in lieu of standard graphic dealer license plates; requiring dealers to be responsible for certain costs; amending s. 320.08053, F.S.; revising presale requirements for issuance of a specialty license plate; amending s. 320.08056, F.S.; allowing the department to authorize dealer and fleet specialty license plates; providing requirements for such plates; deleting certain specialty license plates; establishing an annual use fee for certain specialty license plates; revising provisions for discontinuing issuance of a specialty license plate; revising applicability; prohibiting use fees received by any entity from being used for certain purposes; requiring certain organizations to establish endowments based in this state for providing scholarships to Florida residents and to provide documentation of consent to use certain images; amending s. 320.08058, F.S.; authorizing the department to consult with the University of Central Florida for certain purposes; revising the design of certain specialty license plates; deleting certain specialty license plates; revising the distribution of annual use fees for certain specialty license plates; directing the department to develop certain specialty license plates; providing for distribution and use of fees collected from the sale of the plates; amending s. 320.08062, F.S.; directing the department to audit certain organizations that receive funds from the sale of specialty license plates; amending s. 320.08068, F.S.; requiring distribution of a specified percentage of motorcycle specialty license plate annual use fees to Preserve Vision Florida; amending s. 320.0807, F.S.; repealing provisions relating to special license plates for certain federal and state

legislators; creating s. 320.0875, F.S.; providing for a special motorcycle license plate to be issued to a recipient of the Purple Heart; providing requirements for the plate; amending s. 320.089, F.S.; providing for a special license plate to be issued to a recipient of the Bronze Star; amending s. 320.131, F.S.; authorizing the department to partner with a county tax collector to conduct a Fleet Vehicle Temporary Tag pilot program for certain purposes; providing program requirements; providing for future repeal; amending s. 320.95, F.S.; allowing the department to authorize issuance of an electronic certificate of registration; authorizing such certificate to be presented for inspection; providing construction; providing for liability; providing for distribution of certain annual use fees withheld by the department; amending s. 322.01, F.S.; revising and providing definitions; amending s. 322.032, F.S.; directing the department to implement protocols for issuing an optional electronic credential and procure a related technology solution; providing requirements for qualified entities; requiring the department to maintain certain protocols and national standards; requiring the department to timely review and approve all electronic credential provider requests for authorized access to certain interfaces that meet the department's requirements; providing requirements for an electronic credential provider and the electronic credential and verification solution; requiring the department to procure electronic credential providers and a credential service provider; requiring the department to enter into specified agreements with electronic credential providers; requiring a report to the Legislature and the Governor; requiring that the department provide electronic credential providers access to a standardized digital transaction process that has specified capabilities; requiring that certain revenue be deposited into the Motor Vehicle License Clearing Trust Fund for distribution; authorizing the department to assess a competitive market rate fee structure; prohibiting certain fees; requiring that an electronic credential be in a format that allows certain entities to verify the authenticity of such electronic credential and to validate certain privileges; providing that presenting an electronic device displaying an electronic credential does not constitute consent for a law enforcement officer to access any other information on such device; providing for the assumption of liability; amending s. 322.059, F.S.; conforming a provision to changes made by the act; amending s. 322.09, F.S.; providing that a caregiver who signs a learner's driver license of a minor in foster care does not assume any obligation or liability for damages under certain circumstances; requiring a caseworker to notify the caregiver of his or her intent to sign and verify such application before signing the application; amending s. 322.143, F.S.; revising the definition of the term "swipe"; amending s. 322.15, F.S.; conforming a provision to changes made by the act; amending s. 322.38, F.S.; revising requirements for renting a motor vehicle to another person; amending s. 322.61, F.S.; conforming a cross-reference; amending s. 324.021, F.S.; conforming provisions to changes made by the act; amending s. 339.175, F.S.; revising voting membership requirements for certain metropolitan planning organizations based on population; requiring metropolitan planning organizations to adopt certain bylaws; providing voting membership requirements for certain metropolitan planning organizations designated on or after a specified date; revising provisions relating to the reapportionment of members; requiring metropolitan planning organizations to comply with certain provisions by a specified date; amending s. 328.80, F.S.; authorizing the department to issue an electronic certificate of registration for a vessel, to collect electronic mail addresses, and to use electronic mail for certain purposes; amending s. 328.48, F.S.; authorizing a vessel operator to present such electronic certificate for inspection under certain circumstances; providing construction; providing that the person presenting the device assumes the liability for any resulting damage to the device; amending s. 338.166, F.S.; establishing toll amounts charged on segments of an express lane when the average travel speed falls below a certain speed; defining the term "segment"; amending s. 338.2216, F.S.; revising requirements for variable pricing in certain express lanes; defining the term "segment"; deleting provisions relating to toll amounts to be charged after a certain date; creating s. 334.352, F.S.; prohibiting a local governmental entity from preventing motor vehicle access to a transportation facility or transportation corridor under certain circumstances; amending s. 338.222, F.S.; revising provisions relating to contracting and negotiation between the Department of Transportation and local governmental entities for acquisition, construction, or operation of turnpike projects; amending s. 655.960, F.S.; conforming a cross-reference; amending s. 812.014, F.S.; providing a criminal penalty for an offender committing grand theft who uses a device to interfere with a global positioning or similar system; requiring the Department of Highway Safety and Motor Vehicles to review the

registration period of certain heavy trucks; requiring a report to the Governor and Legislature; providing review requirements; providing effective dates.

—was referred to the Committees on Transportation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; and Appropriations.

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/HB 1391 and requests the concurrence of the Senate.

Portia Palmer, Clerk

By Judiciary Committee, Education Committee and Representative(s) Rodrigues, Harrell—

CS for CS for HB 1391—A bill to be entitled An act relating to student safety; creating s. 800.101, F.S.; providing definitions; prohibiting certain conduct with students by authority figures; providing penalties; providing exceptions; amending s. 810.097, F.S.; adding school bus to the definition of the term "school" for purposes of trespass upon grounds or facilities of a school; amending s. 1001.42, F.S.; requiring school districts to adopt certain standards of ethical conduct; requiring the district school superintendent to report certain misconduct to law enforcement agencies; amending s. 1001.51, F.S.; providing for the forfeiture of a district school superintendent's salary for a specified period for failure to report certain misconduct to law enforcement agencies; amending s. 1011.62, F.S.; prohibiting the award of certain bonuses to teachers who fail to maintain the security of certain examinations or violate certain protocols; authorizing the state board to adopt rules for specified purposes; amending s. 1012.27, F.S.; requiring the district school superintendent to notify a parent of specified information relating to allegations of misconduct by instructional personnel or school administrators; amending s. 1012.31, F.S.; requiring a resignation or termination before an investigation of certain misconduct is concluded to be indicated in a personnel file; specifying that legally sufficient complaints of certain misconduct must be reported to the Department of Education; amending 1012.315, F.S.; expanding the scope of provisions requiring the disqualification of persons convicted of certain offenses to apply to all persons who are required to have contact with students; providing an additional offense that disqualifies such persons from employment; amending s. 1012.56, F.S.; authorizing the Department of Education to deny applicants for certification if the applicant could be disciplined by the Education Practices Commission; authorizing the commission to approve an application with certain conditions; amending s. 1012.795, F.S.; authorizing the commission to take certain actions against persons who meet specified criteria; revising reporting requirements concerning specified misconduct by certified personnel; amending s. 1012.796, F.S.; requiring a school district and certain investigators to file certain complaints with the Department of Education even if the subject of the complaint is no longer employed by the district; requiring certain information be included on an educator's certificate file; requiring certified educators who are placed on probation to immediately notify a specified office upon separation from, rather than termination of, employment; providing an effective date.

—was referred to the Committees on Education; Criminal Justice; and Appropriations.

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed CS/HB 7061, as amended, and requests the concurrence of the Senate.

Portia Palmer, Clerk

By Judiciary Committee, Civil Justice & Claims Subcommittee and Representative(s) Perez, Leek—

CS for HB 7061—A bill to be entitled An act relating to the jurisdiction of county courts; amending s. 28.241, F.S.; requiring specified filing fees for appeals from certain county courts; amending s. 34.01, F.S.; increasing the jurisdictional limit for actions at law by county

courts; amending s. 34.041, F.S.; providing county court civil filing fees for claims of a specified value; providing for distribution of said fees; amending s. 44.108, F.S.; providing that a certain mediation fee is not applicable to certain appeals; providing applicability; providing an effective date.

—was referred to the Committees on Judiciary; Appropriations Subcommittee on Criminal and Civil Justice; and Appropriations.

RETURNING MESSAGES — FINAL ACTION

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed SB 168.

Portia Palmer, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed SB 186.

Portia Palmer, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed CS/SB 386.

Portia Palmer, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 510.

Portia Palmer, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed SB 660.

Portia Palmer, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 740.

Portia Palmer, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/CS/SB 920.

Portia Palmer, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed CS/SB 1132.

Portia Palmer, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed SB 1940 by the required constitutional two-thirds vote of the members voting.

Portia Palmer, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed SB 7024 by the required constitutional two-thirds vote of the members voting.

Portia Palmer, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed CS/SB 7026.

Portia Palmer, Clerk

The bill contained in the foregoing message was ordered enrolled.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 6 was corrected and approved.

CO-INTRODUCERS

Senators Broxson—CS for CS for CS for SB 1494; Gainer—CS for CS for CS for SB 1494; Stargel—CS for CS for SB 620

ADJOURNMENT

On motion by Senator Benacquisto, the Senate adjourned at 5:04 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 12:00 noon, Thursday, March 8 or upon call of the President.