



Journal of the Senate

Number 15—Regular Session

Wednesday, April 23, 2008

CONTENTS

Bills on Third Reading	700
Call to Order	695, 720
Co-Introducers	737, 781
Committee Substitutes, First Reading	755
Executive Business, Reports	754
House Messages, Final Action	780
House Messages, First Reading	774
House Messages, Returning	698
Introduction and Reference of Bills	754
Messages From the Governor	774
Motions	751
Motions Relating to Committee Meetings	720, 751
Motions Relating to Committee Reference	720, 751
Reference Changes, Rule 4.7(2)	771
Reports of Committees	751
Resolutions	695
Senate Pages	781
Special Order Calendar	720

CALL TO ORDER

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

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Aronberg	Gaetz	Peadar
Atwater	Garcia	Posey
Baker	Geller	Rich
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Excused: Senator Dawson; Conferees periodically for the purpose of working on the appropriations bills

PRAYER

The following prayer was offered by the Rev. Clifford Davis, Wesleyan Community Holiness Church, Belle Glade:

Most merciful Father, the only true God, God of both heaven and earth; we come this morning gathered together to thank you for journeying mercies and safe arrival at this place. We thank you for the families, friends and associates we represent. We pray for your guidance and directions in all that will be said and done to benefit our constituents, the people of the United States, the people of America and the people of the world.

Right now, Father, we are at a crossroad of decision; therefore, we solicit not only your intervention, but your control of our minds, thoughts and actions. As it is recorded in your word, "Where there is no vision, the people perish."

Please, Lord, visionize us with wisdom, knowledge and understanding, that as we proceed with the agendas, they will be to the benefit of our fellow man, and to the honor of your matchless name.

We come to you, dear Lord, based upon the authority of your word that whatsoever we ask in prayer and faith believing, we shall receive. We pray for the President of the United States, the President-to-be, and we pray for the world.

At the conclusion of this and all other sessions, guide us safely to our homes, our families and constituents. These and all other blessings we implore in your name. Amen.

PLEDGE

Senate Pages Michael Prutsman of Tallahassee; Cierra Walker of Pompano Beach; Jeremiah "Dakota" Johnson of Boys Ranch; and Leah Nussbaum of Framingham, Massachusetts, granddaughter of Senator Margolis, 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. Jack Jawitz of Bradenton, sponsored by Senator Bennett, as doctor of the day. Dr. Jawitz specializes in Dermatology.

ADOPTION OF RESOLUTIONS

At the request of Senator Bullard—

By Senator Bullard—

SR 1368—A resolution recognizing Don Daly for his constructive and beneficial community service work improving the conditions of Caribbean-born Floridians and of Caribbean people in their countries of origin.

WHEREAS, Don Daly is President and CEO of CRI Communications, Inc., and of Caribbean Upliftment, Inc., organizations dedicated to providing links between Caribbean-born residents of the United States and their homelands and to improving their living conditions and the living conditions in Jamaica and other Caribbean countries, and

WHEREAS, CRI Communications, Inc., (CRI) is dedicated to gathering and disseminating responsible news and cultural information from the Caribbean to North American Caribbean nationals through radio and television broadcasts, town hall meetings, and other forms of communication, and

WHEREAS, a native of Jamaica, Don Daly joined the Bank of Nova Scotia in 1967, working there until he moved to New York in 1970, where he earned his Associate of Arts degree from the New York City Community College and his Bachelor of Arts degree in Social Sciences and his Master of Science degree in Urban Development from Stony Brook University in Long Island, and

WHEREAS, in 1980, he moved to South Florida and worked as a Distribution Manager for the Miami Herald until 1996, founding CRI Communications in 1987 and broadcasting a radio program featuring news, sports, interviews, general information, and a variety of music to an audience reaching from the Palm Beaches to Miami and the Bahamas, the majority of his audience living in South Florida and comprising people from more than 35 countries, and

WHEREAS, in 1995, he expanded the program to include television broadcasts on PAX-TV, featuring news and sports from the Caribbean as well as documentaries on Jamaica and other historical and cultural subjects, and

WHEREAS, in the Caribbean community, Don is considered a pioneer in the field of communications, being the first to provide live coverage

of general election results from Jamaica in 1989, 1993, 1997, and 2002, and

WHEREAS, Don has also put enormous effort into planning, coordinating, and raising funds for humanitarian efforts in Miami and overseas, including the organization of a medical team of more than 100 doctors and medical and dental students from Nova University of South Florida who annually spend 11 days in Jamaica administering health care to more than 3,500 people living in underserved areas, and

WHEREAS, in the 7 years of this medical mission, more than 21,000 indigent Jamaicans have received free health care and medication, some through an additional group Don has organized of podiatry doctors and students from Barry University, and

WHEREAS, Don also makes time to assist various local civic organizations with the planning and promotion of events to raise funds for their organizations' charitable causes; he has served for more than 10 years as the master of ceremonies of the Jamaica Independence Ball; he organizes and coordinates town hall meetings in association with several attorneys, doctors, and public and private entities to disseminate information across Florida to various groups; and he is a founding board member of the Unique Coalition of Minority Business, Inc., and the Jamaica-USA Chamber of Commerce, both located in Miami, and

WHEREAS, Don has received multiple awards for his outstanding community service, including the Broward County Board of Commissioners Library Division "Unsung Hero" award for his selfless giving of time, resources, and talent; a proclamation from the Miami-Dade County Office of the Mayor and the Board of County Commissioners recognizing him as a pioneer in communications; recognition by the Antigua and Barbuda Organization for his significant contributions to the promotion of their sports and culture; the Jamaican Prime Minister's "2003 Medal of Appreciation" for his outstanding contribution and service to Jamaica and the Jamaican community; Nova University's SNMA award for his outstanding generosity and selfless contributions; an award from Barry University for his outstanding dedication to the Barry 2003 medical mission; and the Jamaican Nurses Association's 2006 Humanitarian Award, NOW, THEREFORE,

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

That the Senate pauses in its deliberations to recognize the manifold contributions Don Daly has made to the well-being of Caribbean-born Floridians and to Jamaicans and others having underserved health needs, and to applaud his success in supporting productive communication among Floridians, Americans in general, and the peoples of the Caribbean.

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

—**SR 1368** was introduced, read and adopted by publication.

At the request of Senator Bullard—

By Senator Bullard—

SR 2066—A resolution recognizing the Greater Miami Chapter of Continental Societies, Incorporated, on its 20th Anniversary of serving South Florida's children and youth.

WHEREAS, Continental Societies, Inc., an international public service organization dedicated to the socioeconomic and cultural welfare of underprivileged children and youth, was founded in June 1956 and incorporated nationally in 1972, and

WHEREAS, the Greater Miami Chapter of Continental Societies, Inc., was installed into the Societies on January 30, 1988, at the Radisson Mart Hotel under the sponsorship of the Atlanta chapter and became the 32nd chapter in the 32nd year of Continental Societies, Inc., to officially become a member of the national organization, and

WHEREAS, Vashti Armbrister and Earlene P. Dotson, the organizers of the Greater Miami Chapter, recruited a group of enterprising and innovative Christian women who wanted to have a positive effect on the

lives of children and youth, and Earlene Dotson, a dynamic leader, was elected the first President of the Greater Miami Chapter, and

WHEREAS, the mission of the Continental Societies, Inc., is to create environments within our communities which empower children to gain access to quality and appropriate opportunities to reach their optimal potential, NOW, THEREFORE,

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

That the Florida Senate commends the Greater Miami Chapter of the Continental Societies, Inc., on 20 years of service to children and youth.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the Greater Miami Chapter of the Continental Societies, Inc., as a tangible token of the sentiments of the Florida Senate.

—**SR 2066** was introduced, read and adopted by publication.

At the request of Senator King—

By Senator King—

SR 2920—A resolution recognizing the week of June 23-27, 2008, as "Humane Society Appreciation Week" in Florida.

WHEREAS, there are currently 48 humane societies in the State of Florida, serving 40 counties in the struggle with domestic animal overpopulation, and

WHEREAS, humane societies work to promote animal adoption and education, eliminate animal overpopulation, prevent animal cruelty, and relieve animal suffering, and

WHEREAS, humane societies have diligently served many Florida communities for as many as 45 years, and

WHEREAS, the estimated population of more than 800,000 unwanted and stray animals euthanized in Florida each year constitutes a potential health risk for rabies and other contagious diseases in this state, and

WHEREAS, in 2007, humane societies served to locate permanent homes for many thousands of unwanted animals and promoted regional spay/neuter campaigns as a preventive and responsible measure for controlling the animal overpopulation in Florida, and

WHEREAS, humane societies are staffed by an estimated 10,000 Florida residents who unselfishly volunteer their time, energy, and expertise to alleviate the suffering of animals and to deal responsibly with the problems created by stray animal overpopulation, NOW, THEREFORE,

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

That the Senate commends the humane societies across this state for protecting the health, safety, and welfare of the people and animals of Florida and for setting an example for responsible human behavior toward animals.

BE IT FURTHER RESOLVED that the week of June 23-27, 2008, is recognized as "Humane Society Appreciation Week" in Florida.

—**SR 2920** was introduced, read and adopted by publication.

At the request of Senator Aronberg—

By Senator Aronberg—

SR 2950—A resolution recognizing May 2008 as "Hepatitis Awareness Month."

WHEREAS, May is World Hepatitis Awareness Month, with the inaugural World Hepatitis Awareness Month held in 2004, and since then World Hepatitis Awareness Month has grown to become a truly international movement, and

WHEREAS, World Hepatitis Awareness Month is an opportunity for the global hepatitis community to increase awareness of viral hepatitis

and alert a worldwide audience to risk factors and symptoms of this infection, and

WHEREAS, often described as “silent killers,” both hepatitis B and C can lead to cirrhosis, liver cancer, and, ultimately, liver failure and death; however, in many cases, hepatitis can be cured or managed using currently available treatments, and

WHEREAS, around the world an estimated 350 to 400 million people are living with hepatitis B, and more than 180 million people worldwide are infected with hepatitis C, and

WHEREAS, in the United States, it is estimated that up to 2 million people are chronically infected with hepatitis B, and an estimated 5 million people are infected with hepatitis C, and

WHEREAS, an estimated 300,000 Floridians are infected with hepatitis C and an estimated 75,000 Floridians are infected with hepatitis B, and

WHEREAS, the U.S. Centers for Disease Control has identified African-Americans, Asian-Americans, and Pacific Islanders, as well as Native Americans and Alaskan Natives, as having higher rates of viral hepatitis, and

WHEREAS, the chronic viral hepatitis disease burden in the United States is greatly underestimated. Approximately 200,000 patients are diagnosed with hepatitis B, but the total adjusted prevalence of the disease is approximately 2 million people affected; approximately 800,000 patients are diagnosed with hepatitis C, whereas the total adjusted prevalence is approximately 5 million people affected, and

WHEREAS, the impact of late diagnosis leads to an increasing need for liver transplants and increased prevalence of liver cancer, which is the fastest-growing type of cancer in incidence in the United States while other types of cancer are declining in rate, and

WHEREAS, there is a tremendous need for increasing early screening, diagnosis, and treatment, and effective interventions, such as testing, diagnosis, immunization, and counseling can help prevent and control viral hepatitis and protect personal and community health, and

WHEREAS, the Florida Department of Health has a comprehensive, statewide Hepatitis Prevention Program that includes raising public awareness of viral hepatitis, providing public and professional education, tracking the burden of disease and detecting outbreaks, conducting research, and offering free testing and vaccination for adults at increased risk for infection or for the serious consequences of infection, and

WHEREAS, hepatitis A and B are preventable by vaccination, and Florida’s Hepatitis Prevention Program provided over 37,000 hepatitis A and B vaccines to at-risk adults in 2007 through county health departments, and

WHEREAS, Florida’s Hepatitis Prevention Program tested more than 24,000 at-risk adults for viral hepatitis using the state laboratory services and, for 1,500 at-risk adults, using home test kits in 2007, and

WHEREAS, patient groups and governments around the world have recognized the need for greater awareness of viral hepatitis and are working together on events during World Hepatitis Awareness Month in order to drive awareness and galvanize action by people who may be at risk, NOW, THEREFORE,

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

That the Florida Senate supports the goals and ideals of World Hepatitis Awareness Month; calls upon the people of Florida to observe this month with appropriate programs and activities; and supports all efforts to raise awareness of the consequences of untreated viral hepatitis as a serious public health issue.

—**SR 2950** was introduced, read and adopted by publication.

At the request of Senator Bullard—

By Senator Bullard—

SR 2960—A resolution recognizing Al Dotson, Jr., for his many years of leadership and dedicated service to the South Florida community.

WHEREAS, on June 9, 1960, Mr. Albert Dotson, Jr., was born to Dr. Albert Dotson, Sr., and his wife, Dr. Earlene Dotson, in Detroit, Michigan, and

WHEREAS, Mr. Dotson graduated from Dartmouth College with a degree in Economics and History and was then accepted into Vanderbilt University’s School of Law where he earned his Juris Doctor degree and was awarded the Bennett Douglas Bell Memorial Prize for academic achievement and high ethical standards, and

WHEREAS, Mr. Dotson is Chairman of the Board of 100 Black Men of America, Chairman of the Miami Dade College Foundation Board of Trustees, was President of the Orange Bowl Committee for the 2006-2007 Orange Bowl Festival and the FedEx Orange Bowl Game, and participates actively in a wide array of vital organizations and groups including the FTAA Ministerial Board of Trustees, the Super Bowl XLI Host Committee, Big Brothers Big Sisters of Greater Miami, the Simon Wiesenthal Center, United Way of Miami-Dade County, the Overtown Youth Center, the Dade County Bar Association Blue Ribbon Commission on Judicial Campaigns, the Miami Business Forum, the Jackson Memorial Hospital Public Health Trust, the National Conference of Community and Justice, and the Alliance For Ethical Government, and

WHEREAS, he was named one of Ebony Magazine’s “100 Most Influential Black Americans”; as one of the “Most Effective Lawyers” in Real Estate/Construction Law by the Daily Business Review; as one of South Florida’s Top Lawyers by Miami Metro Magazine; and as one of “40 Business Leaders in South Florida Under Age 40” by the South Florida Business Journal, and

WHEREAS, Mr. Dotson has received numerous additional awards including the March of Dimes Community Excellence in Real Estate Law Award; the 1999 Community Leader Award by the Wilke D. Ferguson, Jr., Bar Association; the 2001 Outstanding Star of Our Community Award by The Vizcayans; the 2004 Certificate of Special Congressional Recognition by Senator Bill Nelson in honor of his contributions to the State of Florida; and has received commendations and proclamations from the Mayor of Miami-Dade County, the Miami-Dade County Board of County Commissioners, the Mayor of the City of Miami, and the City of Miami Commission, and

WHEREAS, Mr. Dotson resides in South Florida with his loving wife, Attorney Gail Ash Dotson, and their two children, Ashley Erin Dotson and Albert Eugene Dotson, III, and continues to contribute greatly to the State of Florida and the South Florida region through his leadership and community service, NOW, THEREFORE,

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

That the Senate recognizes and commends Mr. Al Dotson, Jr., for his many years of outstanding leadership and exemplary community service in South Florida.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Al Dotson, Jr., as a tangible token of the sentiments of the Florida Senate.

—**SR 2960** was introduced, read and adopted by publication.

At the request of Senator Bullard—

By Senator Bullard—

SR 2962—A resolution recognizing Mr. Don Noe for his contribution of more than 20 years of meteorological expertise in South Florida.

WHEREAS, Don Noe, born June 30, 1951, in Fond du Lac, Wisconsin, developed an interest in science, cultivated by “Mr. Wizard” on Saturday morning television, and

WHEREAS, one day, lightning struck a tall tree in the Noes’ back yard and this event served as a lightning rod that directed Don’s interest towards meteorology, and

WHEREAS, after graduating from high school, Don enrolled in the University of Wisconsin, Madison, where he would earn a Bachelor of Science Degree in 1973, and

WHEREAS, also in 1973, Don married his high school sweetheart, Betty, and together they have raised two wonderful sons, Matthew and Alan, and

WHEREAS, after stints in Green Bay and Portland as Chief Meteorologist, Don accepted a position with WPLG channel 10 in Miami in 1979, just 2 months before his first hurricane experience when Hurricane David, a powerful category 5 storm, swept near the Florida coast, and

WHEREAS, on August 24, 1992, Don's life, like the lives of many South Floridians, was drastically changed as Hurricane Andrew ravaged South Dade with its 200-mph winds, and

WHEREAS, Don spent the next few weeks reporting on the storm that changed forever how he felt about and viewed many things in this world, and

WHEREAS, after the devastation of Andrew, Don recognized the importance of his position as Chief Meteorologist at WPLG and the responsibility it carried to the community, realizing how much people actually depended on him and others to remain in front of the camera throughout the nights of the storm, advising them on the safest course of action and providing communication, comfort, and reassurance, and

WHEREAS, on November 28th, 2007, Don signed off for the last time, saying farewell to all who have trusted and grown with him in South Florida, NOW, THEREFORE,

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

That the Florida Senate does hereby recognize WPLG Channel 10 Chief Meteorologist Don Noe for his years of dedicated service to South Florida.

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

—SR 2962 was introduced, read and adopted by publication.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 1716, with amendment(s), and requests the concurrence of the Senate.

William S. Pittman III, Chief Clerk

CS for CS for SB 1716—A bill to be entitled An act relating to postsecondary education; amending s. 1000.21, F.S.; redesignating the names of certain community colleges as colleges; creating s. 1001.60, F.S., relating to the Florida College System; providing system purposes; defining the system as comprised of the public postsecondary educational institutions that grant 2-year and 4-year academic degrees; providing limitations; authorizing a name change under certain conditions; providing for institutions within the Florida College System to be governed by local boards of trustees; providing membership for the boards; creating s. 1004.87, F.S.; creating the Florida College System Task Force for the purpose of developing recommendations for the transition of community colleges to baccalaureate-degree-granting colleges; providing for membership and appointments; providing duties of the task force and reporting requirements; providing for the task force to be dissolved unless extended by general law; creating s. 1004.875, F.S.; creating the State College Pilot Project for the purpose of recommending to the Legislature an approval process for the transition of certain community colleges to state colleges; designating certain institutions to participate in the project; providing duties and reporting requirements for the institutions; providing an effective date.

House Amendment 1 (096883)(with title amendment)—

Remove everything after the enacting clause and insert:

Section 1. Paragraphs (b), (e), (k), (u), and (x) of subsection (3) of section 1000.21, Florida Statutes, are amended to read:

1000.21 Systemwide definitions.—As used in the Florida K-20 Education Code:

(3) “Community college,” except as otherwise specifically provided, includes the following institutions and any branch campuses, centers, or other affiliates of the institution:

- (b) Broward ~~Community~~ College.
- (e) Daytona Beach ~~Community~~ College.
- (k) Indian River ~~Community~~ College.
- (u) Polk ~~Community~~ College.
- (x) Santa Fe ~~Community~~ College.

Section 2. Section 1001.60, Florida Statutes, is created to read:

1001.60 *Florida College System.*—

(1) *PURPOSES.*—In order to maximize open access for students, respond to community needs for postsecondary academic education and career degree education, and provide associate and baccalaureate degrees that will best meet the state's employment needs, the Legislature establishes a system of governance for the Florida College System.

(2) *FLORIDA COLLEGE SYSTEM.*—There shall be a single Florida College System comprised of the public postsecondary educational institutions identified in s. 1000.21(3) that grant 2-year and 4-year academic degrees as provided by law. An institution within the Florida College System may not offer graduate degree programs.

(a) *The programs and services offered by institutions in the Florida College System in providing associate and baccalaureate degrees shall be delivered in a cost-effective manner that demonstrates substantial savings to the student and to the state over the cost of providing the degree at a state university.*

(b)1. *With the approval of the institution's local board of trustees, an institution in the Florida College System may change the institution's name and use the designation “college” if it has been authorized to grant baccalaureate degrees pursuant to s. 1004.73 or s. 1007.33 or if it has received approval from the State Board of Education pursuant to this paragraph.*

2. *With the approval of an institution's local board of trustees, any institution in the Florida College System may request approval from the State Board of Education to change the institution's name and use the designation “college.” The State Board of Education may approve the request if the institution enters into an agreement with the State Board of Education to do the following:*

a. *Maintain as the institution's primary mission responsibility for responding to community needs for postsecondary academic education and career degree education as prescribed in s. 1004.65(6).*

b. *Maintain an open-door admissions policy for associate-level degree programs and workforce education programs.*

c. *Continue to provide outreach to underserved populations.*

d. *Continue to provide remedial education.*

e. *Comply with all provisions of the statewide articulation agreement that relate to 2-year and 4-year public degree-granting institutions as adopted by the State Board of Education pursuant to s. 1007.23.*

3. *An institution in the Florida College System shall not use the designation “university.”*

(3) *LOCAL BOARDS OF TRUSTEES.*—Each institution within the Florida College System shall be governed by a local board of trustees as provided in s. 1001.64. The membership of each local board of trustees shall be as provided in s. 1001.61.

Section 3. Section 1004.35, Florida Statutes, is amended to read:

1004.35 Broward County campuses of Florida Atlantic University; coordination with other institutions.—The State Board of Education, the Board of Governors, and Florida Atlantic University shall consult with Broward Community College and Florida International University in coordinating course offerings at the postsecondary level in Broward County. Florida Atlantic University may contract with the Board of Trustees of Broward Community College and with Florida International University to provide instruction in courses offered at the Southeast Campus. Florida Atlantic University shall increase course offerings at the Southeast Campus as facilities become available.

Section 4. Section 1004.87, Florida Statutes, is created to read:

1004.87 Florida College System Task Force.—

(1) The Florida College System Task Force is established within the Division of Community Colleges of the Department of Education for the purpose of developing findings and issuing recommendations regarding the transition of community colleges to baccalaureate-degree-granting colleges and the criteria for establishing and funding state colleges.

(2)(a) All members of the task force must be appointed on or before August 31, 2008, and the task force shall hold its first meeting on or before September 15, 2008.

(b)1. The task force shall be comprised of the Commissioner of Education and 11 members appointed by the Commissioner.

2. The Commissioner of Education shall be the chair and a voting member of the task force.

3. The appointees shall include seven community college presidents, one state university president, the president of an institution that is eligible to participate in the William L. Boyd, IV, Florida Resident Access Grant Program, the president of an institution that is licensed by the Commission for Independent Education and grants baccalaureate degrees, and one member at large. The community college presidents appointed to the task force may not include the presidents of the institutions named to participate in the State College Pilot Project. The community college presidents appointed to the task force must reflect the diversity of program offerings and service areas of the 28 community colleges and include representatives of community colleges that are authorized to grant baccalaureate degrees, community colleges that are not authorized to grant baccalaureate degrees, community colleges that have urban service areas, community colleges that have rural service areas, community colleges the service areas of which have populations of 500,000 or more, and community colleges the service areas of which have populations of fewer than 500,000.

(3) The task force shall:

(a) Recommend a program approval process for new baccalaureate degree programs that are designed to meet the employment needs of Florida, including approval as a baccalaureate-degree-granting community college and as a state college.

(b) Recommend a funding model that considers projected enrollment, adjustments for actual enrollment, program mix, and comparable support for similar programs across all institutions, including state colleges and community colleges authorized by the State Board of Education to award baccalaureate degrees pursuant to s. 1007.33. The funding model must ensure that the programs and services offered by institutions in the Florida College System in providing associate and baccalaureate degrees are delivered in a cost-effective manner that demonstrates substantial savings to the student and to the state over the cost of providing the degree at a state university.

(c) Identify the areas, both geographic and academic, in which an increased number of graduates who have baccalaureate degrees are necessary in order to meet regional and statewide workforce needs.

(d) Monitor implementation of the State College Pilot Project.

(e) Recommend priorities and criteria for baccalaureate programs that may be offered without specific approval by the State Board of Education.

(4) Any recommendation from the task force to the Legislature requires approval by at least three-fourths of the membership of the task force.

(5) The task force shall be staffed by existing employees of the Division of Community Colleges.

(6)(a) Community colleges, state universities, the Commission for Independent Education, and the Agency for Workforce Innovation shall provide information and assistance to the task force.

(b) Independent postsecondary educational institutions, representatives of the business community, and other stakeholders are encouraged to provide the task force with information to assist the task force in its deliberations.

(7) The task force shall submit a report and recommendations to the Governor, the State Board of Education, the President of the Senate, and the Speaker of the House of Representatives by March 2, 2009. The report must include any comments from the task force regarding the final report resulting from the State College Pilot Project and any specific recommendations of the task force for legislative action during the 2009 Regular Session of the Legislature.

(8) The task force shall be dissolved effective June 30, 2010, prior to which time it shall issue its final report with recommended detailed criteria for implementing the Florida College System as a permanent part of the state system of higher education.

Section 5. Section 1004.875, Florida Statutes, is created to read:

1004.875 State College Pilot Project.—

(1) The Legislature finds that it is in the best interest of the state to provide the residents of the state affordable access to baccalaureate degree programs that are designed to meet regional and statewide employment needs.

(2)(a) Beginning with the 2008-2009 fiscal year, the State College Pilot Project is created, which shall be conducted by Chipola College, Daytona Beach College, Edison College, Indian River College, Miami Dade College, Okaloosa-Walton College, Polk College, Santa Fe College, and St. Petersburg College in collaboration with the Florida College System Task Force. The purpose of the pilot project is to recommend to the Legislature an approval process for the transition of baccalaureate-degree-granting community colleges to state colleges in order to meet the employment needs of Florida, criteria for the transition of institutions in the Florida College System to state colleges, and a funding model for the Florida College System.

(b) With the approval of the community college's board of trustees and continued compliance with the provisions of subsection (3), a community college identified in paragraph (a) as a participant in the State College Pilot Project may change the institution's name and use the designation "state college." An institution participating in the State College Pilot Project shall not use the designation "university."

(3) Each institution identified in subsection (2) as a participant in the pilot project shall:

(a) Maintain, as the institution's primary mission, responsibility for responding to community needs for postsecondary academic education and career degree education as prescribed in s. 1004.65(6).

(b) Maintain an open-door admissions policy for associate-level degree programs and workforce education programs.

(c)1. Require, as a condition of admission to upper-division programs, successful completion of the college-level communication and mathematics skills examination (CLAST), established pursuant to s. 1008.29, unless the student has been awarded an associate degree from a community college or a state university.

2. For purposes of a longitudinal analysis of the CLAST, and notwithstanding any other provision of law to the contrary, administer the CLAST to each student admitted to an upper-division program unless the student has previously achieved the minimum scores that constitute successful completion of the examination as established pursuant to s. 1008.29(4). The institution shall report annually the test scores of each student tested pursuant to the provisions of this subparagraph and any exemption the student has been provided pursuant to s. 1008.29(9) to the Florida College System Task Force until its dissolution, to the State Board of Education once the task force is dissolved, and to the Office of Program Policy Analysis and Government Accountability.

- (d) Continue to provide outreach to underserved populations.
- (e) Continue to provide remedial education.
- (f) Comply with all provisions of the statewide articulation agreement that relate to 2-year and 4-year public degree-granting institutions as adopted by the State Board of Education pursuant to s. 1007.23.
- (g) Be prohibited from awarding graduate credit or graduate degrees.
- (h) Be prohibited from participating in intercollegiate athletics beyond the 2-year level.
- (i) Deliver the programs and services in providing associate and baccalaureate degrees in a cost-effective manner that demonstrates substantial savings to the student and to the state over the cost of providing the degree at a state university.

(4)(a) The institutions participating in the pilot project shall collaborate with the Florida College System Task Force to make recommendations to the State Board of Education, the President of the Senate, and the Speaker of the House of Representatives on specific issues that should be addressed in the transition of a community college to a state college. Any recommendations of the institutions participating in the pilot project require approval by two-thirds of the participating institutions. At a minimum, the following areas should be addressed during the course of the pilot project:

1. The development of a program approval process to be followed by the State Board of Education when considering proposals for new baccalaureate degree programs that are designed to meet the employment needs of Florida. Proposals for new baccalaureate degree programs are not limited to proposals designed to meet regional workforce needs.
2. The formulation of criteria for the transition of an institution from a community college to a state college.
3. The development of a funding model for state colleges.

(b) A final report, including a status report on the transition of the institutions participating in the pilot project and recommendations on the issues outlined in paragraph (a), shall be submitted to the State Board of Education, the President of the Senate, the Speaker of the House of Representatives, and the Florida College System Task Force by January 1, 2009.

Section 6. This act shall take effect July 1, 2008.

And the title is amended as follows:

Remove the entire title and insert: A bill to be entitled An act relating to postsecondary education; amending s. 1000.21, F.S.; redesignating the names of certain community colleges as colleges; creating s. 1001.60, F.S.; establishing the Florida College System to be comprised of public postsecondary educational institutions meeting certain criteria; providing system purposes; providing limitations; authorizing the name change of an institution under certain conditions; providing for local boards of trustees and membership thereof; amending s. 1004.35, F.S.; conforming provisions; creating s. 1004.87, F.S.; establishing the Florida College System Task Force for the purpose of developing recommendations for the transition of community colleges to baccalaureate-degree-granting colleges and for establishing and funding state colleges; providing for membership and appointments; providing duties of the task force; requiring reporting; providing for dissolution of the task force; creating s. 1004.875, F.S.; creating the State College Pilot Project for the purpose of developing recommendations for the transition of community colleges to state colleges and for developing a funding model for the Florida College System; designating certain institutions to participate in the pilot project; providing duties of the institutions; requiring reporting; providing an effective date.

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

CS for CS for SB 1716 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—35

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Aronberg	Gaetz	Peaden
Atwater	Garcia	Posey
Baker	Geller	Rich
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Dean	Justice	Wilson
Deutch	King	Wise
Diaz de la Portilla	Lynn	

Nays—None

Vote after roll call:

Yea—Crist, Villalobos, Webster

BILLS ON THIRD READING

CS for CS for SB 542—A bill to be entitled An act relating to land acquisition and management; amending s. 201.15, F.S., relating to the distribution of taxes collected for debt service; extending the deadline for retiring the bonds issued under the Florida Forever Act; amending s. 215.618, F.S.; authorizing the distribution of bonds for the acquisition of conservation lands; increasing the bonding authority for issuance of Florida Forever bonds; directing the Legislature to complete a debt analysis prior to the issuance of any such bonds by a date certain; directing the Legislature to complete an analysis on potential revenue sources by a date certain; amending s. 253.025, F.S.; requiring appraisals of land under certain circumstances; deleting provisions that allow appraisers to reject an appraisal report under certain conditions; providing authority to the Board of Trustees of the Internal Improvement Trust Fund to waive sales history requirements under certain conditions; amending s. 253.0325, F.S.; requiring the Department of Environmental Protection to modernize its information systems; requiring an annual report of state lands acquired by each recipient of funds; amending s. 253.034, F.S.; defining the term “public access” for purposes of chapters 253 and 259, F.S.; requiring that land management plans provide short-term and long-term management goals; specifying measurable objectives; requiring that a land management plan contain certain elements; revising requirements for determining which state-owned lands may be surplus lands; requiring additional appraisals under certain conditions; requiring the Division of State Lands to contract with an organization for the purpose of determining the value of carbon capture and carbon sequestration with respect to state lands and provide an inventory to the board of trustees; authorizing to the Fish and Wildlife Conservation Commission to manage lands for imperiled species under certain conditions; requiring a report to the Legislature; providing for future expiration of such authority; amending s. 253.0341, F.S.; providing specific uses for state-surplused lands; amending s. 253.111, F.S.; extending the period within which a board of county commissioners must provide a resolution to the Board of Trustees of the Internal Improvement Trust Fund before state-owned lands are otherwise sold; amending s. 253.82, F.S.; revising requirements of the sale of nonsovereignty lands owned by the board of trustees; deleting appraisal limitations; amending s. 259.032, F.S.; requiring priority purchase of conservation and recreational lands that have high concentrations of population and certain agricultural lands; revising requirements for land management plans; establishing a minimum for funds expended for the management of state-owned land; requiring the Land Management Uniform Accounting Council to report on the formula for allocating land management funds; providing requirements for the report; deleting obsolete provisions; amending s. 259.035, F.S.; revising provisions establishing the Acquisition and Restoration Council; revising membership criteria; directing the council to establish specific criteria and numeric performance measures for the acquisition of land; amending s. 259.037, F.S.; revising the categories used by the Land Management Uniform Accounting Council to collect and report the costs of land management activities; requiring agencies to report additional information to the council; amending s. 259.041, F.S., relating to the acquisition of state-owned lands for preservation, conservation, and recreation purposes; requiring Legislative approval for acquisitions by the state exceeding a certain amount; increasing appraisal thresholds; requiring that specific language be included on

option contracts; amending s. 259.105, F.S., relating to the Florida Forever Act; revising Legislative intent; providing for funds to be deposited in the Florida Forever Trust Fund; requiring bonded moneys be spent for capital improvements under certain conditions; providing for the expenditure of funds for conservation and agricultural easements under certain conditions; providing for the inclusion of carbon sequestration as a multiple use; providing rulemaking authority for the board of trustees; providing for the reversion of lands to the board of trustees under certain conditions; requiring an annual work plan be developed by the Acquisition and Restoration Council; authorizing alternatives to fee-simple purchases; deleting obsolete provisions; amending s. 259.1051, F.S., relating to the Florida Forever Trust Fund; increasing bonding authority; amending s. 342.201, F.S.; providing that the Department of Community Affairs adopt criteria by rule; creating s. 342.2015, F.S.; establishing a funding mechanism for the Waterfronts Florida Program through Florida Forever; providing eligible projects meet certain conditions; amending s. 373.089, F.S.; clarifying the process for disposing of surplus lands; amending s. 373.1391, F.S.; providing additional oversight authority to the department; amending s. 373.199, F.S.; clarifying work plan requirements; providing an effective date.

—as amended April 16 was read the third time by title.

Senator Saunders moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (020706)—Delete line(s) 455-482 and redesignate subsequent subsections.

Senator Justice moved the following amendment which was adopted by two-thirds vote:

Amendment 2 (155782)(with title amendment)—Between line(s) 747 and 748 insert:

(d) If state-owned lands are subject to annexation procedures, the Division of State Lands must notify the county legislative delegation of the county in which the land is located.

And the title is amended as follows:

On line(s) 39, after the semicolon (;) insert: requiring the Division of State Lands to notify the county legislative delegation if state-owned lands within the county are subject to annexation;

Senator Saunders moved the following amendments which were adopted by two-thirds vote:

Amendment 3 (438902)—Between lines 1595 and 1596, insert:

5. Include a report of the estimated calculable financial benefits to the public for the ecosystem services provided by conservation lands, based on the best readily available information or science that provides a standard measurement methodology to be consistently applied by the land managing agencies. Such information may include, but need not be limited to, the value of natural lands for protecting the quality and quantity of drinking water through natural water filtration and recharge, contributions to protecting and improving air quality, benefits to agriculture through increased soil productivity and preservation of biodiversity, and savings to property and lives through flood control.

Amendment 4 (598542)—Delete line(s) 1897 and 1898 and insert: *and non-state funded tools such as rural land stewardship areas, sector planning, and mitigation and similar tools should be used, where appropriate, to bring*

Amendment 5 (026786)—Delete line(s) 2639-2708 and redesignate subsequent sections.

Amendment 6 (682352)—Delete line(s) 2882-2890 and insert:

Section 22. Subsection (1) of section 380.5115, Florida Statutes, is amended to read:

380.5115 Florida Forever Program Trust Fund of the Department of Community Affairs.—

(1) There is created a Florida Forever Program Trust Fund within the Department of Community Affairs to further the purposes of this

part as specified in s. 259.105(3)(c) and (j). The trust fund shall receive funds pursuant to s. 259.105(3)(c) and (j).

MOTION

On motion by Senator Saunders, the rules were waived to allow the following amendment to be considered:

Senator Saunders moved the following amendment:

Amendment 7 (617414)—Delete line(s) 2882-2890 and insert:

Section 22. Section 380.502, Florida Statutes, is amended to read:

380.502 Legislative findings and intent.—

(1) The Legislature finds that the conservation of natural areas is vital to the state's economy and ecology. The Legislature further finds that rapid increases in population and development throughout Florida threaten the integrity of the environment and limit opportunities for citizens and visitors to enjoy the state's natural areas. The Legislature further finds that inappropriate and poorly planned land uses overburden natural resources and disrupt the state's ecology. Finally, the Legislature finds that the quality of life, environmental quality, as well as the viability and vitality of the urban areas of this state are directly linked to urban open space and greenways. The creation of greenways; expansion of green spaces; enhancement of recreation areas; *preservation of working waterfronts*; and protection and restoration of urban lakes, rivers, and watersheds in the urban areas of this state are necessary to link populated areas with natural areas, preserve unique cultural and heritage sites, provide land for recreational opportunities to enhance the health and well-being of the urban residents of this state, improve water quality, reduce the level of urban crime and violence, and build confidence and self-esteem among the urban youth of this state.

(2) The Legislature recognizes that the primary responsibility for establishing well-planned land use rests at the local government level through the implementation of comprehensive plans. The Legislature also recognizes that many of the goals and objectives of these comprehensive plans will not be met through regulation, but require creative and innovative action to ensure their accomplishment.

(3) It is the intent of the Legislature to establish a nonregulatory agency that will assist local governments in bringing local comprehensive plans into compliance and implementing the goals, objectives, and policies of the conservation, recreation and open space, and coastal elements of local comprehensive plans, or in conserving natural resources and resolving land use conflicts by:

(a) Responding promptly and creatively to opportunities to correct undesirable development patterns, restore degraded natural areas, enhance resource values, restore deteriorated or deteriorating urban waterfronts, *preserve working waterfronts*, reserve lands for later purchase, participate in and promote the use of innovative land acquisition methods, and provide public access to surface waters.

(b) Providing financial and technical assistance to local governments, state agencies, and nonprofit organizations to carry out projects and activities and to develop programs authorized by this part.

(c) Involving local governments and private interests in voluntarily resolving land use conflicts and issues.

Section 23. Subsection (18) is added to section 380.503, Florida Statutes, to read:

380.503 Definitions.—As used in ss. 380.501-380.515, unless the context indicates a different meaning or intent:

(18) "Working waterfront" means:

(a) A parcel or parcels of land directly used for the purposes of the commercial harvest of marine organisms or saltwater products by state-licensed commercial fishermen, aquaculturists, or business entities, including piers, wharves, docks, or other facilities operated to provide waterfront access to licensed commercial fishermen, aquaculturists, or business entities; or

(b) A parcel or parcels of land used for exhibitions, demonstrations, educational venues, civic events, and other purposes that promote and

(4) The trust shall develop a ranking list based on criteria identified in subsection (2) for proposed fee simple and less-than-fee simple acquisition projects developed pursuant to this section. The trust shall, by the first Board of Trustees of the Internal Improvement Trust Fund meeting in February, present the ranking list pursuant to this section, to the board of trustees for final approval of projects for funding. The board of trustees may remove projects from the ranking list but may not add projects.

(5) Grant awards, acquisition approvals, and terms of less-than-fee acquisitions, shall be approved by the trust. Waterfront communities that receive grant awards must submit annual progress reports to the trust identifying project activities which are complete, and the progress achieved in meeting the goals outlined in the project application. The trust must implement a process to monitor and evaluate the performance of grant recipients in completing projects that are funded through the working waterfronts program.

(Redesignate subsequent sections.)

MOTION

On motion by Senator Saunders, the rules were waived to allow the following amendments to be considered:

Senator Saunders moved the following amendments to Amendment 7 which were adopted by two-thirds vote:

Amendment 7A (209030)—On line(s) 146, delete “380.5101” and insert: 380.5105

Amendment 7B (914544)—Delete line(s) 195 and insert:

380.5105 The Stan Mayfield Working Waterfronts; Florida Forever.—

Amendment 7 as amended was adopted by two-thirds vote.

MOTION

On motion by Senator Saunders, the rules were waived to allow the following amendments to be considered:

Senator Saunders moved the following amendments which were adopted by two-thirds vote:

Amendment 8 (657062)—Delete line(s) 2120-2123 and insert:

(j) Two and five-tenths percent to the Department of Community Affairs for the acquisition of land and capital project expenditures necessary to implement the Stan Mayfield Working Waterfronts Program within the Florida communities trust pursuant to s. 380.5105.

Amendment 9 (103300)—Delete line(s) 2006 and insert:

(c) Twenty-one ~~Twenty-two~~ percent to the Department of Community

Amendment 10 (146008)(with title amendment)—Between line(s) 2890 and 2891 insert:

Section 23. Section 15.0386, Florida Statutes, is created to read:

15.0386 Official state tortoise.—The Gopher Tortoise (Gopherus polyphemus) is designated the official state tortoise.

And the title is amended as follows:

Delete line(s) 100 and insert: plan requirements; creating s. 15.0386, F.S.; designating the official state tortoise; providing an effective date.

On motions by Senator Saunders, CS for CS for SB 542 as amended was passed, ordered engrossed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Table with 3 columns: Mr. President, Alexander, Aronberg, Atwater, Baker, Bennett, Bullard, Carlton, Constantine, Dean, Deutch, Diaz de la Portilla

Table with 3 columns: Dockery, Fasano, Gaetz, Garcia, Geller, Haridopolos, Hill, Jones, Joyner, Justice, King, Lawson, Lynn, Margolis, Oelrich, Peaden, Posey, Rich, Ring, Saunders, Siplin, Storms, Villalobos, Webster, Wilson, Wise

Nays—None

Vote after roll call:

Yea—Crist

On motion by Senator Joyner, by unanimous consent—

CS for CS for CS for SB 756—A bill to be entitled An act relating to compensation for wrongful incarceration; creating the “Victims of Wrongful Incarceration Compensation Act”; providing definitions; providing a limited method by which a person may seek the status of a wrongfully incarcerated person who is eligible and entitled to compensation under the act; requiring a sworn petition by the claimant; requiring the petitioner to show verifiable and substantial evidence of actual innocence; requiring the original prosecuting authority to respond to the petition; providing for a determination on the pleadings whether claimant is ineligible for compensation based on past criminal history; providing for a contested factual determination before an administrative law judge if necessary; requiring the original sentencing court to determine whether a person is a wrongfully incarcerated person based upon clear and convincing evidence; providing exceptions and limitations regarding the eligibility of a wrongfully incarcerated person for compensation; requiring the original sentencing court to include a finding of eligibility for compensation in its order; granting rulemaking authority to the Department of Legal Affairs; requiring that a wrongfully incarcerated person seeking compensation apply to the Department of Legal Affairs; providing application requirements and a deadline; providing for state and national criminal records checks; requiring that the Department of Legal Affairs review each application and notify the claimant of any omissions or errors, or the need for additional information, within a specified period; requiring that the Department of Legal Affairs process and review each completed application within a specified period; requiring that the Department of Legal Affairs notify the claimant if he or she qualifies for compensation within a specified period; providing for monetary compensation for certain wrongfully incarcerated persons; providing for recovery of reasonable attorney’s fees and other costs with limitations for certain wrongfully incarcerated persons; providing for tuition waivers for wrongfully incarcerated persons who meet certain requirements; providing for administrative expunction of certain records; requiring that any monetary compensation be paid within a specified period; directing the Chief Financial Officer to purchase an annuity on behalf of the claimant; prescribing the terms of the annuity; prescribing conditions under which an application may not be filed and compensation may not be awarded; requiring a claimant to sign a release before receiving such compensation; providing for a continuing appropriation from the General Revenue Fund; providing that an award of compensation does not constitute a waiver of sovereign immunity by the state; providing for severability; providing an effective date.

—as amended April 17 was taken up out of order and read the third time by title.

On motion by Senator Joyner, CS for CS for CS for SB 756 as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Table with 3 columns: Mr. President, Alexander, Aronberg, Atwater, Baker, Bennett, Bullard, Carlton, Constantine, Dean, Deutch, Diaz de la Portilla, Gaetz, Garcia, Geller, Haridopolos, Hill, Jones, Joyner

Justice	Peaden	Villalobos
King	Posey	Webster
Lawson	Rich	Wilson
Lynn	Saunders	Wise
Margolis	Siplin	
Oelrich	Storms	

Nays—1

Ring

Vote after roll call:

Yea—Crist

On motion by Senator Constantine, by unanimous consent—

CS for SB 502—A bill to be entitled An act relating to missing persons; creating s. 937.0201, F.S.; providing definitions; amending s. 937.021, F.S.; requiring law enforcement agencies to adopt written policies and procedures to be used when investigating missing children and missing adult reports; requiring the law enforcement agency having jurisdiction to accept and file the report; providing a timeframe for transmitting the report to state and national databases; providing immunity from civil liability for certain persons providing information in good faith; requiring that a law enforcement agency obtain a DNA sample after a child or adult has been missing for more than 90 days; authorizing the Department of Law Enforcement to adopt rules; amending s. 937.022, F.S.; renaming the Missing Children Information Clearinghouse as the “Missing Endangered Persons Information Clearinghouse”; revising provisions to conform; requiring the state and national databases to be purged of information about a person who has been located; providing an effective date.

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

Senator Constantine moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (264732)(with title amendment)—On line(s) 23, insert:

Section 1. *This act may be cited as the “Jennifer Kesse and Tiffany Sessions Missing Persons Act.”*

(Redesignate subsequent sections.)

And the title is amended as follows:

On line(s) 2, after the semicolon (;) insert: providing a short title;

On motion by Senator Constantine, **CS for SB 502** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Mr. President	Fasano	Oelrich
Alexander	Gaetz	Peaden
Aronberg	Garcia	Posey
Atwater	Geller	Rich
Baker	Haridopolos	Ring
Bennett	Hill	Saunders
Bullard	Jones	Siplin
Carlton	Joyner	Storms
Constantine	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise
Dockery	Margolis	

Nays—None

Vote after roll call:

Yea—Crist

On motion by Senator Storms, by unanimous consent—

CS for SB 2692—A bill to be entitled An act relating to the teaching of chemical and biological evolution; providing a short title; providing legislative intent; defining the term “scientific information”; providing public school teachers with a right to present scientific information relevant to the full range of views on biological and chemical evolution; prohibiting a teacher from being discriminated against for presenting such information; prohibiting students from being penalized for subscribing to a particular position on evolution; clarifying that the act does not require any change in state curriculum standards or promote any religious position; providing an effective date.

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

Senator Storms moved the following amendment which failed to receive the required two-thirds vote:

Amendment 1 (225552)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (u) is added to subsection (2) of section 1003.42, Florida Statutes, to read:

1003.42 Required instruction.—

(2) Members of the instructional staff of the public schools, subject to the rules of the State Board of Education and the district school board, shall teach efficiently and faithfully, using the books and materials required that meet the highest standards for professionalism and historic accuracy, following the prescribed courses of study, and employing approved methods of instruction, the following:

(u) *A thorough presentation and critical analysis of the scientific theory of evolution.*

The State Board of Education is encouraged to adopt standards and pursue assessment of the requirements of this subsection.

Section 2. This act shall take effect October 1, 2008.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to evolutionary theory; amending s. 1003.42; requiring public school instruction in, and the critical analysis of, the scientific theory of evolution; providing an effective date.

On motion by Senator Storms, **CS for SB 2692** was passed and certified to the House. The vote on passage was:

Yeas—21

Mr. President	Diaz de la Portilla	Posey
Alexander	Fasano	Saunders
Baker	Gaetz	Siplin
Carlton	Garcia	Storms
Constantine	Haridopolos	Villalobos
Crist	Oelrich	Webster
Dean	Peaden	Wise

Nays—17

Aronberg	Hill	Lynn
Bennett	Jones	Margolis
Bullard	Joyner	Rich
Deutch	Justice	Ring
Dockery	King	Wilson
Geller	Lawson	

Consideration of **CS for CS for SB 2212** was deferred.

SENATOR GAETZ PRESIDING

On motion by Senator Constantine, by two-thirds vote **CS for CS for HB 105** was withdrawn from the Committees on Commerce; Criminal Justice; and Criminal and Civil Justice Appropriations.

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

CS for CS for HB 105—A bill to be entitled An act relating to secondary metals recyclers; amending s. 538.18, F.S.; revising the definition of “personal identification card”; deleting an exclusion of transactions under a specified amount from the definition of “purchase transaction” for specified purposes; revising the definition of “regulated metals property”; amending s. 538.19, F.S.; revising recordkeeping requirements for purchase transactions; providing for additional seller information to be obtained; requiring an image of the regulated metals being sold; providing an exemption from a specified recordkeeping provision if the same information is maintained in an electronic database meeting specified requirements; providing a substitute recordkeeping requirement for certain transactions between registered secondary metals recyclers; amending s. 538.23, F.S.; providing for enhanced penalties for third or subsequent violations of a specified provision; providing enhanced penalties for violations of specified provisions relating to false verification of ownership or false or altered identification of a seller of regulated metals; prohibiting engaging in business as a secondary metals recycler without registration with the Department of Revenue under a specified provision; providing criminal penalties; creating s. 538.235, F.S.; prohibiting secondary metals recyclers from entering into cash transactions in certain circumstances; amending s. 538.25, F.S.; requiring the Department of Revenue to provide a law enforcement official, upon request, with specified information regarding certain secondary metals recyclers; amending s. 538.26, F.S.; prohibiting the purchase of any regulated metals property when presented at the property of a secondary metals recycler and not transported in a motor vehicle; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB’s 556 and 748** and by two-thirds vote read the second time by title. On motion by Senator Constantine, by two-thirds vote **CS for CS for HB 105** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Fasano	Oelrich
Alexander	Gaetz	Peaden
Aronberg	Garcia	Posey
Baker	Geller	Rich
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Margolis	

Nays—1

Webster

Vote after roll call:

Yea—Atwater

Consideration of **CS for CS for CS for SB 1544** was deferred.

CS for CS for CS for SB 1992—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 316.0741, F.S.; redefining the term “hybrid vehicle”; authorizing the driving of a hybrid, low-emission, or energy-efficient vehicle in a high-occupancy-vehicle lane regardless of occupancy; authorizing the department to limit or discontinue such driving under certain circumstances; exempting such vehicles from the payment of certain tolls; amending s. 316.1575, F.S.; requiring a person walking or driving a vehicle to stop at a railroad crossing upon the signal of a law enforcement officer; amending s. 316.1895, F.S.; requiring the placement of signs in certain school zones stating that speeding fines are doubled within the zone; amending s. 316.191, F.S.; revising provisions prohibiting certain speed competitions and exhibitions; revising the definition of the terms “conviction,” “drag race,” and “race”; defining the terms “exhibition of accel-

eration,” “exhibition of speed,” and “spectator”; prohibiting driving in any race, drag race, exhibition of speed, or exhibition of acceleration; prohibiting certain acts in association with a race, drag race, exhibition of speed, or exhibition of acceleration; prohibiting being a spectator at any such race, drag race, or exhibition; providing criminal and noncriminal penalties; providing for revocation of the offender’s driver’s license upon conviction; providing for disposition of citation for being a spectator; providing penalties for a second or subsequent offense; providing that a violation that causes or contributes to causing serious bodily injury to another is a felony of the third degree; providing that a violation that causes or contributes to causing the death of any human being or unborn quick child is the crime of manslaughter resulting from the operation of a motor vehicle; providing penalties; providing for a determination of the definition of the term “unborn quick child”; requiring that the driving record of a person charged be provided to the court; providing criteria for arrest; providing procedures for impoundment or immobilization of a motor vehicle under a court order; providing for release from impoundment under specified exceptions; requiring that costs and fees of impoundment to be paid by the owner or lessee of the motor vehicle; providing procedures for an arresting officer to immediately impound a motor vehicle used in a violation; providing for the period of impoundment; removing a requirement for impoundment that the person being arrested is the registered owner or coowner of the motor vehicle; providing for satisfaction of the element of negligent entrustment; providing for severability; providing noncriminal penalties for the display of images or devices on a motor vehicle; creating s. 316.1926, F.S.; creating additional offenses regarding the operation of a motor vehicle; amending s. 316.193, F.S.; lowering the blood-alcohol or breath-alcohol level for which enhanced penalties are imposed against a person who was accompanied in the vehicle by a minor at the time of the offense; clarifying that an ignition interlock device is installed for a continuous period; amending s. 316.1937, F.S.; revising the conditions under which the court may require the use of an ignition interlock device; amending s. 316.2085, F.S.; requiring an operator of a motorcycle or moped to maintain both wheels on the ground at all times; requiring that the license tag of a motorcycle or moped be affixed horizontally; amending s. 316.2397, F.S.; authorizing specified agencies to display blue lights when responding to emergencies; amending s. 316.251, F.S.; conforming a cross-reference; amending s. 316.29545, F.S.; exempting certain investigative vehicles from the prohibition against installing window sunscreening on a vehicle; amending s. 316.302, F.S.; revising the application of certain federal rules; providing for the department to perform certain duties assigned under federal rules; updating a reference to federal provisions governing out-of-service requirements for commercial vehicles; amending s. 316.3045, F.S.; providing enhanced penalties upon multiple convictions for violating prohibitions against the use of excessively loud soundmaking equipment in a motor vehicle; amending s. 316.613, F.S.; redefining the term “motor vehicle” to exclude certain trucks from the requirement to use a child restraint; amending s. 316.645, F.S.; authorizing a police officer to make an arrest upon probable cause of a violation of laws governing motor vehicle licenses; amending s. 316.650, F.S.; revising requirements for traffic citation forms; providing for the electronic transmission of citation data; amending s. 316.656, F.S.; lowering the percentage of blood or breath alcohol content relating to the prohibition against pleading guilty to a lesser offense of driving under the influence than the offense charged; amending s. 318.14, F.S.; prohibiting a person from electing more than five times within 10 years to attend a basic driver improvement course approved by the Department of Highway Safety and Motor Vehicles in lieu of making a court appearance; providing additional penalties for certain offenses involving the operation of a motorcycle or excessive speed; providing for revocation of an offender’s privilege to operate a motor vehicle; creating s. 318.195, F.S.; providing enhanced penalties for moving violations that cause injury or death to a person on a motorcycle; amending s. 319.001, F.S.; defining the term “certificate of title” to include information stored electronically in the department’s database; amending s. 320.0706, F.S.; providing that a violation of requirements for displaying a truck license plate is a moving violation; amending s. 320.0715, F.S.; requiring the department to withhold issuing or to suspend a registration and license plate for a commercial motor vehicle if the federal identifying number is not provided or if the motor carrier or vehicle owner has been prohibited from operating; amending s. 320.01, F.S.; redefining the term “motorcycle” to exclude a vehicle where the operator is enclosed by a cabin; amending s. 320.02, F.S., as amended; deleting the requirement for a motorcycle endorsement at the time of original registration of a motorcycle, motor-driven cycle, or moped; repealing s. 320.02(13), F.S., relating to a motor vehicle registration voluntary contribution for the Election Campaign Financing Trust Fund; repealing s.

320.08053(3), F.S., relating to provisions requiring that the department adopt rules providing certain specifications for the design of specialty license plates; amending s. 320.0894, F.S.; providing for the issuance of Gold Star license plates to certain family members; amending s. 320.27, F.S.; revising the insurance requirements for persons applying for a motor vehicle dealer license; amending s. 320.69, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to adopt rules, including definitions as necessary; creating s. 321.26, F.S.; designating the Joseph P. Bertrand Building in Fort Myers; amending s. 322.01, F.S.; defining the term "convenience service"; redefining the terms "conviction," "hazardous materials," and "out-of-service order"; amending s. 322.0255, F.S.; revising eligibility for reimbursement for organizations that conduct motorcycle safety courses; amending s. 322.03, F.S.; deleting provisions exempting certain persons from the requirement to surrender a license issued by another jurisdiction; providing certain exceptions for part-time residents; amending ss. 322.051 and 322.08, F.S.; requiring that an applicant for an identification card or driver's license provide additional information; authorizing use of additional documents to prove identity; revising the fee requirements; revising provisions providing for the expiration of an identification card issued by the department; deleting provisions authorizing a voluntary contribution; amending s. 322.14, F.S.; requiring that an applicant for a driver's license provide a residence address; amending s. 322.15, F.S.; authorizing a law enforcement officer or authorized representative of the department to collect a person's fingerprints electronically; amending s. 322.17, F.S.; revising the requirements for obtaining a replacement license or permit; deleting provisions authorizing the department to issue address stickers; amending s. 322.18, F.S.; revising provisions providing for the expiration of driver's licenses; providing for the renewal of certain licenses every 8 years and for the renewal of licenses for persons older than a specified age every 6 years; providing for the renewal of licenses using a convenience service; requiring the department to issue new licenses rather than extension stickers; conforming cross-references; repealing s. 322.181(4), F.S., relating to the Florida At-Risk Driver Council; amending s. 322.19, F.S.; deleting provisions authorizing the use of a change-of-address sticker on a driver's license; conforming cross-references; amending s. 322.21, F.S.; increasing the fees charged for obtaining a new or renewal driver's license or identification card; specifying that a portion of the fees be deposited for use by the department; amending s. 322.2715, F.S.; clarifying that an ignition interlock device is installed for a continuous period; amending s. 322.291, F.S.; imposing additional sanctions against a person who violates requirements with respect to an ignition interlock device; amending s. 322.36, F.S.; requiring the suspension for a specified period of the driver's license of a person who loans a vehicle to a person whose driver's license is suspended if that vehicle is involved in an accident resulting in bodily injury or death; repealing s. 322.60, F.S., relating to a prohibition against possessing more than one driver's license under certain circumstances; amending s. 322.61, F.S.; clarifying provisions disqualifying a person from operating a commercial motor vehicle following certain traffic violations; providing for permanent disqualification following conviction of a felony involving the manufacture, distribution, or dispensing of a controlled substance; amending s. 322.64, F.S.; providing that refusal to submit to a breath, urine, or blood test disqualifies a person from operating a commercial motor vehicle; providing a period of disqualification if a person has an unlawful blood-alcohol or breath-alcohol level; providing for issuance of a notice of disqualification; revising the requirements for a formal review hearing following a person's disqualification from operating a commercial motor vehicle; amending s. 324.021, F.S.; clarifying that a judgment becomes final by expiration of the time for appeal; amending 501.976, F.S.; conforming a cross-reference; creating the Automobile Lenders Industry Task Force within the Department of Highway Safety and Motor Vehicles; providing duties of the task force; providing for membership and the election of officers; providing for meetings; providing for reimbursement for travel and per diem expenses for public-sector members; requiring the department to provide administrative support and assistance to the task force; prohibiting the Department of Highway Safety and Motor Vehicles from issuing any new specialty license plates for a specified period; providing an exception; providing an effective date.

—as amended April 16 and April 17 was read the third time by title.

On motions by Senator Baker, **CS for CS for CS for SB 1992** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Aronberg	Gaetz	Peaden
Atwater	Garcia	Rich
Baker	Geller	Ring
Bennett	Haridopolos	Saunders
Bullard	Hill	Siplin
Carlton	Jones	Storms
Constantine	Joyner	Villalobos
Crist	Justice	Webster
Dean	King	Wise
Deutch	Lawson	
Diaz de la Portilla	Lynn	

Nays—2

Posey	Wilson
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CS for SB 92—A bill to be entitled An act relating to persons injured by crime; providing a short title; creating s. 843.21, F.S.; prohibiting the depriving of a victim injured by a crime of medical treatment with specified intent; providing penalties; providing an effective date.

—was read the third time by title.

On motion by Senator Villalobos, **CS for SB 92** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Aronberg	Gaetz	Peaden
Atwater	Garcia	Posey
Baker	Geller	Rich
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

CS for SB 278—A bill to be entitled An act relating to the protection of lifeguards; amending s. 784.07, F.S.; providing a definition; providing enhanced penalties for an assault or battery on a lifeguard while he or she is engaged in the lawful performance of his or her duties; amending ss. 435.04, 901.15, 943.051, and 985.11, F.S.; conforming provisions; amending s. 921.0022, F.S., and reenacting paragraph (3)(d), relating the offense severity ranking chart, to conform; providing an effective date.

—was read the third time by title.

On motion by Senator Rich, **CS for SB 278** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dean	Jones
Alexander	Deutch	Joyner
Aronberg	Diaz de la Portilla	Justice
Atwater	Dockery	King
Baker	Fasano	Lawson
Bennett	Gaetz	Lynn
Bullard	Garcia	Margolis
Carlton	Geller	Oelrich
Constantine	Haridopolos	Peaden
Crist	Hill	Posey

Rich	Siplin	Webster
Ring	Storms	Wilson
Saunders	Villalobos	Wise

Nays—None

Diaz de la Portilla	Joyner	Rich
Dockery	Justice	Ring
Fasano	King	Saunders
Gaetz	Lawson	Siplin
Garcia	Lynn	Storms
Geller	Margolis	Villalobos
Haridopolos	Oelrich	Webster
Hill	Peaden	Wilson
Jones	Posey	Wise

Nays—None

CS for CS for HB 43—A bill to be entitled An act relating to criminal activity; amending s. 775.13, F.S.; requiring certain felons whose offenses related to criminal gangs to register; providing penalties; amending s. 790.23, F.S.; providing penalties for certain persons possessing a firearm; amending s. 775.0846, F.S.; providing that a person commits a third degree felony if he or she possesses a bulletproof vest while committing or attempting to commit specified crimes; amending s. 823.05, F.S.; revising provisions relating to the enjoining of public nuisances to include certain nuisances related to criminal gangs and criminal gang activities; providing for enjoining such nuisances; providing for local laws; amending s. 874.01, F.S.; revising a short title; amending s. 874.02, F.S.; revising legislative findings and intent; amending s. 874.03, F.S.; creating and revising definitions; redefining “criminal street gangs” as “criminal gangs”; amending s. 874.04, F.S.; conforming provisions; revising an evidentiary standard; creating s. 874.045, F.S.; providing that chapter 874, F.S., does not preclude arrest and prosecution under other specified provisions; amending s. 874.05, F.S.; revising provisions relating to soliciting or causing another to join a criminal gang; amending s. 874.06, F.S.; authorizing the state to bring civil actions for certain violations; providing that a plaintiff has a superior claim to property or proceeds; providing penalties for knowing violation of certain orders; amending s. 874.08, F.S.; conforming provisions relating to forfeiture; amending s. 874.09, F.S.; providing additional powers for the Department of Law Enforcement and local law enforcement agencies relating to crime data information; creating s. 874.10, F.S.; prohibiting persons from knowingly initiating, organizing, planning, financing, directing, managing, or supervising criminal gang-related activity; providing penalties; creating s. 874.11, F.S.; prohibiting use of electronic communications to further the interests of a criminal gang; providing penalties; creating s. 874.12, F.S.; defining the term “identification document”; prohibiting possession of certain identification documents for specified purposes; providing penalties; amending s. 895.02, F.S.; adding certain offenses to the definition of “racketeering activity”; conforming terminology to changes made by this act; amending s. 903.046, F.S.; adding to the list of items a court may consider when determining whether to release a defendant on bail; amending s. 914.22, F.S.; revising the penalties for tampering with or harassing witnesses; amending s. 943.031, F.S.; revising provisions relating to the Florida Violent Crime and Drug Control Council; providing duties concerning criminal gangs; creating the Drug Control Strategy and Criminal Gangs Committee; providing for duties of the committee concerning funding of certain programs; providing for reports; creating s. 948.033, F.S.; prohibiting certain probationers or community controllees from communicating with criminal gang members; providing exceptions; amending s. 947.18, F.S.; prohibiting certain parolees from communicating with criminal gang members; providing exceptions; amending s. 947.1405, F.S.; prohibiting certain conditional releasees from communicating with criminal gang members; providing exceptions; amending s. 893.138, F.S.; conforming terminology to changes made by this act; amending s. 921.0022, F.S.; adding offenses to the offense severity ranking chart of the Criminal Punishment Code; conforming terminology to changes made by this act; amending ss. 921.0024, 921.141, 943.325, 984.03, 985.03, 985.047, and 985.433, F.S.; conforming cross-references and terminology to changes made by this act; providing a directive to the Division of Statutory Revision; creating the Coordinating Council on Criminal Gang Reduction Strategies; providing membership of the council; providing duties of the council; providing for expiration of the council; providing effective dates.

—as amended April 17 was read the third time by title.

On motions by Senator Atwater, **CS for CS for HB 43** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39		
Mr. President	Baker	Constantine
Alexander	Bennett	Crist
Aronberg	Bullard	Dean
Atwater	Carlton	Deutch

CS for HB 537—A bill to be entitled An act relating to the offense of voyeurism; amending s. 810.145, F.S.; providing that it is a third-degree felony for certain persons who are responsible for the welfare of a child younger than 16 years of age to commit the offense of video voyeurism, video voyeurism dissemination, or commercial video voyeurism dissemination against that child; providing that it is a third-degree felony for a person employed at a school or voluntary prekindergarten education program to commit the offense of video voyeurism, video voyeurism dissemination, or commercial video voyeurism dissemination against a student of the school or voluntary prekindergarten education program; providing that it is a third-degree felony for a person who is 24 years of age or older to commit the offense of video voyeurism, video voyeurism dissemination, or commercial video voyeurism dissemination against a child younger than 16 years of age; providing that it is a second-degree felony for a person who was previously convicted of or adjudicated delinquent for video voyeurism, video voyeurism dissemination, or commercial video voyeurism dissemination to commit any such third-degree felony against a child younger than 16 years of age or a student; providing criminal penalties; providing an effective date.

—was read the third time by title.

On motion by Senator Aronberg, **CS for HB 537** was passed and certified to the House. The vote on passage was:

Yeas—39		
Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Aronberg	Gaetz	Peaden
Atwater	Garcia	Posey
Baker	Geller	Rich
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

CS for HB 321—A bill to be entitled An act relating to murder of law enforcement officers; creating s. 782.065, F.S.; providing a minimum mandatory sentence for certain offenses; providing an effective date.

—was read the third time by title.

On motion by Senator Dockery, **CS for HB 321** was passed and certified to the House. The vote on passage was:

Yeas—39		
Mr. President	Constantine	Garcia
Alexander	Crist	Geller
Aronberg	Dean	Haridopolos
Atwater	Deutch	Hill
Baker	Diaz de la Portilla	Jones
Bennett	Dockery	Joyner
Bullard	Fasano	Justice
Carlton	Gaetz	King

Lawson	Posey	Storms
Lynn	Rich	Villalobos
Margolis	Ring	Webster
Oelrich	Saunders	Wilson
Peaden	Siplin	Wise
Nays—None		

CS for HB 1363—A bill to be entitled An act relating to controlled substances; amending s. 893.03, F.S.; including Salvia divinorum and Salvinorin A on the list of controlled substances in Schedule I; providing exceptions from the scheduling of Salvia divinorum and Salvinorin A; reenacting ss. 893.13(1)(a), (c), (d), (e), (f), and (h), (2)(a), (4)(b), and (5)(b), and 921.0022(3)(b), (c), and (e), F.S., relating to prohibited acts and penalties concerning controlled substances and the offense severity chart of the Criminal Punishment Code, to incorporate the amendment to s. 893.03, F.S., in references thereto; providing an effective date.

—was read the third time by title.

On motion by Senator Lynn, **CS for HB 1363** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Aronberg	Gaetz	Peaden
Atwater	Garcia	Posey
Baker	Geller	Rich
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

On motion by Senator Dean, by two-thirds vote **CS for HB 861** was withdrawn from the Committees on Military Affairs and Domestic Security; Governmental Operations; and Health and Human Services Appropriations.

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

CS for HB 861—A bill to be entitled An act relating to direct-support organizations; creating s. 292.055, F.S.; creating the “Sergeant First Class Paul R. Smith Memorial Act”; authorizing the Department of Veterans’ Affairs to establish a direct-support organization to assist the department; providing definitions; providing purposes, objectives, and duties of the direct-support organization; providing for a board of directors and membership requirements for the board members; requiring the direct-support organization to operate under contract with the department; delineating contract and other governance requirements; providing guidelines for the use of funds; providing for the use of property, facilities, and personal services of the department; providing restrictions; providing limits on the direct-support organization; requiring the direct-support organization to submit certain federal tax forms to the department; providing for an annual audit; amending s. 265.002, F.S.; providing for the Department of Veterans’ Affairs to replace the Florida Commission on Veterans’ Affairs in cooperating with the Department of Management Services to establish the Florida Medal of Honor Wall; amending s. 320.08058, F.S.; requiring that a certain percentage of the annual license plate fee collected from the sale of the “Florida Salutes Veterans” license plate be distributed to the direct-support organization created for the purpose of providing benefit to the Department of Veterans’ Affairs for a specified period; providing that the remaining fees be deposited in the State Homes for Veterans Trust Fund; amending s. 337.111, F.S.; providing that three members of the direct-support organization of the Department of Veterans’ Affairs participate on a committee to approve contracts to install monuments and memorials honoring Florida’s military veterans at high-way rest areas around the state; re-

pealing s. 292.04, F.S., relating to the Florida Commission on Veteran’s Affairs; providing an effective date.

—a companion measure, was substituted for **CS for SB 1462** and by two-thirds vote read the second time by title. On motion by Senator Dean, by two-thirds vote **CS for HB 861** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Aronberg	Gaetz	Peaden
Atwater	Garcia	Posey
Baker	Geller	Rich
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

CS for SB 1618—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding victims of child abuse or sex crimes; amending s. 119.071, F.S.; expanding the exemption for certain victim information by making it confidential and exempt from public-record requirements; expanding the exemption to include sexual offenses prohibited under chapters 796 and 847, F.S.; creating exceptions to the public record exemption; providing for future legislative review of the exemption; reorganizing the exemption; providing a statement of public necessity; repealing s. 2 of chapter 2003-157, Laws of Florida, which provides for repeal of the exemption; amending s. 92.56, F.S.; requiring that the confidential and exempt status of certain victim information made confidential and exempt s. 119.071(2)(h), F.S., be maintained in court records and court proceedings; providing for a petition for access at the trial court; providing specified criteria for maintaining the confidential and exempt status of such information upon the filing of a petition; permitting a defendant charged with specified offenses to apply for an order of disclosure to prepare a defense; amending s. 119.0714, F.S.; conforming the provisions to changes made in s. 119.071(2)(h), F.S.; amending s. 794.03, F.S.; conforming the provisions to changes made in s. 119.071(2)(h), F.S.; providing an effective date.

—was read the third time by title.

Senators Dockery and Aronberg offered the following amendment which was moved by Senator Aronberg and adopted by two-thirds vote:

Amendment 1 (898908)—Between line(s) 73 and 74 insert:

c. To another governmental agency in the furtherance of its official duties and responsibilities.

On motion by Senator Aronberg, **CS for SB 1618** as amended was passed by the required constitutional two-thirds vote of the members present, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Mr. President	Deutch	King
Alexander	Diaz de la Portilla	Lawson
Aronberg	Dockery	Lynn
Atwater	Fasano	Margolis
Baker	Gaetz	Oelrich
Bennett	Garcia	Peaden
Bullard	Haridopolos	Posey
Carlton	Hill	Rich
Constantine	Jones	Ring
Crist	Joyner	Saunders
Dean	Justice	Siplin

Storms Webster Wise
Villalobos Wilson

Nays—None

Vote after roll call:

Yea—Geller

On motion by Senator Fasano, by two-thirds vote **CS for HB 843** was withdrawn from the Committees on Military Affairs and Domestic Security; and Transportation and Economic Development Appropriations.

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

CS for HB 843—A bill to be entitled An act relating to the Family Readiness Program; amending s. 250.5206, F.S.; expanding purpose, eligibility, and annual report provisions of the Family Readiness Program within the Department of Military Affairs; providing an effective date.

—a companion measure, was substituted for **CS for SB 2522** and by two-thirds vote read the second time by title. On motion by Senator Fasano, by two-thirds vote **CS for HB 843** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President Dockery Margolis
Alexander Fasano Oelrich
Aronberg Gaetz Peaden
Atwater Garcia Posey
Baker Geller Rich
Bennett Haridopolos Ring
Bullard Hill Saunders
Carlton Jones Siplin
Constantine Joyner Storms
Crist Justice Villalobos
Dean King Webster
Deutch Lawson Wilson
Diaz de la Portilla Lynn Wise

Nays—None

CS for SB 334—A bill to be entitled An act relating to the practice of pharmacy; amending s. 465.0075, F.S.; revising provisions governing licensure by endorsement; providing an effective date.

—was read the third time by title.

On motion by Senator Saunders, **CS for SB 334** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President Dockery Margolis
Alexander Fasano Oelrich
Aronberg Gaetz Peaden
Atwater Garcia Posey
Baker Geller Rich
Bennett Haridopolos Ring
Bullard Hill Saunders
Carlton Jones Siplin
Constantine Joyner Storms
Crist Justice Villalobos
Dean King Webster
Deutch Lawson Wilson
Diaz de la Portilla Lynn Wise

Nays—None

On motion by Senator Baker, by two-thirds vote **CS for HB 251** was withdrawn from the Committees on Education Pre-K - 12; Military Affairs and Domestic Security; Higher Education; and Education Pre-K - 12 Appropriations.

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

CS for HB 251—A bill to be entitled An act relating to Reserve Officers' Training Corps programs; creating s. 1003.451, F.S.; prohibiting a school district from banning a Junior Reserve Officers' Training Corps unit in certain schools; requiring a school district to allow a student, under certain circumstances, to enroll in the Junior Reserve Officers' Training Corps at another school; specifying that a school district is not required to provide transportation for a student enrolling in the Junior Reserve Officers' Training Corps at another school; requiring a school district to grant military recruiters certain access to students, school facilities and grounds, and certain student information; providing for enforcement; providing for the adoption of rules by the State Board of Education; creating s. 1004.009, F.S.; prohibiting a community college or state university from banning a Senior Reserve Officers' Training Corps unit; requiring that a community college or state university grant military recruiters certain access to students and campus facilities and grounds and, to the extent required by federal law, access to certain student information; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 574** and by two-thirds vote read the second time by title. On motion by Senator Baker, by two-thirds vote **CS for HB 251** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President Dockery Margolis
Alexander Fasano Oelrich
Aronberg Gaetz Peaden
Atwater Garcia Posey
Baker Geller Rich
Bennett Haridopolos Ring
Bullard Hill Saunders
Carlton Jones Siplin
Constantine Joyner Storms
Crist Justice Villalobos
Dean King Webster
Deutch Lawson Wilson
Diaz de la Portilla Lynn Wise

Nays—None

SB 642—A bill to be entitled An act relating to public K-12 education; creating s. 1003.06, F.S.; authorizing the parent of multiple birth siblings to request certain classroom placement; providing a definition; providing exceptions to implementation of the requested placement; authorizing appeal of placement; specifying conditions under which provisions do not apply; providing an effective date.

—was read the third time by title.

On motion by Senator Siplin, **SB 642** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President Dockery Margolis
Alexander Fasano Oelrich
Aronberg Gaetz Peaden
Atwater Garcia Posey
Baker Geller Rich
Bennett Haridopolos Ring
Bullard Hill Saunders
Carlton Jones Siplin
Constantine Joyner Storms
Crist Justice Villalobos
Dean King Webster
Deutch Lawson Wilson
Diaz de la Portilla Lynn Wise

Nays—None

CS for SB 856—A bill to be entitled An act relating to disability history and awareness; creating s. 1003.4205, F.S.; requiring district

school boards to designate “Disability History and Awareness Weeks” during the first 2 weeks in October each year; providing for students in all K-12 public schools to be provided disability history and awareness instruction; providing the content and goals of such instruction; encouraging state postsecondary institutions to conduct and promote activities related to disability history and awareness; providing an effective date.

—as amended April 17 was read the third time by title.

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

Yeas—39

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Aronberg	Gaetz	Peaden
Atwater	Garcia	Posey
Baker	Geller	Rich
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

CS for SB 1318—A bill to be entitled An act relating to onsite sewage treatment and disposal systems; amending ss. 381.0065 and 381.0068, F.S.; providing that a member of local government who is knowledgeable about domestic wastewater treatment be added to the research review and advisory committee and the technical review and advisory panel established by the Department of Health for purposes of onsite sewage treatment and disposal system regulation; amending s. 318.0101, F.S.; exempting certain persons who are performing site evaluations relating to wastewater treatment and disposal systems from having to be certified as an environmental health professional by the Department of Health; providing that such persons must have completed a soils morphology course approved by the department and be working under the direct responsible charge of a licensed engineer; providing an effective date.

—as amended April 17 was read the third time by title.

On motion by Senator Baker, **CS for SB 1318** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Aronberg	Gaetz	Peaden
Atwater	Garcia	Posey
Baker	Geller	Rich
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

CS for CS for SB 1360—A bill to be entitled An act relating to pharmacy technicians; amending s. 465.0075, F.S.; revising licensure requirements; amending s. 465.014, F.S.; requiring the Board of Pharmacy to adopt rules; providing for the registration of pharmacy technicians; deleting obsolete provisions governing adoption of rules; requiring that a registered pharmacy technician be under the direct supervision

of a licensed pharmacist; requiring the board to set fees for the registration of pharmacy technicians; providing qualification requirements; providing a limitation; exempting pharmacy technician students and licensed pharmacy interns from registration requirements; providing continuing education requirements for registration renewal; requiring the board to adopt rules regarding the display of a registration; providing grounds for denial, suspension, or revocation of registration or other disciplinary action; authorizing the board to impose certain penalties; requiring completion of a pharmacy technician training program in order to register as a pharmacy technician by a specified date; providing an exception to the requirement to complete a training program; amending s. 465.015, F.S.; prohibiting a person who is not registered as a pharmacy technician from performing certain functions or holding himself or herself out to others as a registered pharmacy technician; amending ss. 465.019, 465.0196, and 465.0197, F.S., relating to institutional pharmacies, special pharmacy permits, and Internet pharmacy permits; conforming provisions; providing effective dates.

—was read the third time by title.

On motion by Senator Peaden, **CS for CS for SB 1360** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Aronberg	Gaetz	Peaden
Atwater	Garcia	Posey
Baker	Geller	Rich
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

CS for CS for CS for SB 1374—A bill to be entitled An act relating to home health care; amending s. 400.462, F.S.; revising and adding definitions; amending s. 400.464, F.S.; authorizing a home infusion therapy provider to be licensed as a nurse registry; deleting provisions related to Medicare reimbursement; amending s. 400.471, F.S.; requiring an applicant for a home health agency license to submit to the Agency for Health Care Administration a business plan and evidence of contingency funding, and disclose other controlling ownership interests in health care entities; requiring certain standards in documentation demonstrating financial ability to operate; requiring an applicant for a new home health agency license to submit a surety bond of a specified amount to the Agency for Health Care Administration; authorizing the agency to adopt rules for the submission of other forms of security; providing procedures for the agency with respect to making a claim against a surety bond or security; limiting the timing of receipt and the number of applications for a new home health agency license which the agency may accept each quarter; providing an exception under certain circumstances for a home health agency that is part of a retirement community; specifying a procedure for the agency to follow in selecting applications to process for a new home health agency license; providing that the change of ownership of a home health agency that is licensed at the time of the sale is not restricted or limited; providing for the future expiration of such provisions; prohibiting the agency from issuing an initial license to a home health agency licensure applicant located within 20 miles of a licensed home health agency that has common controlling interests; prohibiting the transfer of an application to another home health agency; requiring submission of an initial application to relocate a licensed home health to another geographic service area; imposing the burden of proof on an applicant to demonstrate that a factual determination made by the agency is not supported by a preponderance of the evidence; amending s. 400.474, F.S.; providing additional grounds under which the Agency for Health Care Administration may take disciplinary action against a home health agency; creating s. 400.476, F.S.; establishing staffing requirements for home health agencies; reducing the number of home health agencies that an administrator

or director of nursing may serve; requiring that an alternate administrator be designated in writing; limiting the period that a home health agency that provides skilled nursing care may operate without a director of nursing; requiring notification upon the termination and replacement of a director of nursing; requiring the Agency for Health Care Administration to take administrative enforcement action against a home health agency for noncompliance with the notification and staffing requirements for a director of nursing; exempting a home health agency that does not provide skilled care, or provides only physical, occupational, or speech therapy from requirements related to a director of nursing; providing training requirements for certified nursing assistants and home health aides; amending s. 400.484, F.S.; requiring the agency to conduct the first unannounced survey of a newly licensed home health agency within a specified period after issuing the license; requiring that the agency impose administrative fines for certain deficiencies; increasing the administrative fines imposed for certain deficiencies; amending s. 400.488, F.S.; deleting provisions authorizing the administration of medication to home health patients by unlicensed staff; providing for the delegation of nursing tasks as provided in ch. 464, F.S., and related rules; amending s. 400.491, F.S.; extending the period that a home health agency must retain records of the nonskilled care it provides; amending s. 400.497, F.S.; requiring that the Agency for Health Care Administration adopt rules related to standards for the director of nursing of a home health agency, requirements for a director of nursing to submit certified staff activity logs pursuant to an agency request, quality assurance programs, and inspections related to an application for a change in ownership; amending s. 400.506, F.S.; providing training requirements for certified nursing assistants and home health aides referred for contract by a nurse registry; providing for the denial, suspension, or revocation of nurse registry license and fines for paying remuneration to certain entities in exchange for patient referrals or refusing fair remuneration in exchange for patient referrals; amending s. 400.518, F.S.; providing for a fine to be imposed against a home health agency that provides complimentary staffing to an assisted care community in exchange for patient referrals; amending s. 409.906, F.S.; requiring durable medical equipment providers enrolled in the Medicaid program to be accredited and have a physical business location that meets specified conditions; providing for exceptions of certain business location criteria; requiring a durable medical equipment provider enrolled in the Medicaid program to obtain a surety bond of a specified amount and for certain staff to undergo background screening; providing for exemptions from accreditation and the surety bond for specified durable medical equipment providers; requiring the Agency for Health Care Administration to review the process for prior authorization of home health agency visits and determine whether modifications to the process are necessary; requiring the agency to report to the Legislature on the feasibility of accessing the Medicare system to determine recipient eligibility for home health services; providing appropriations and authorizing additional positions; providing an effective date.

—as amended April 17 was read the third time by title.

Amendments were considered and adopted to conform **CS for CS for CS for SB 1374 to CS for HB 7083**.

Pending further consideration of **CS for CS for CS for SB 1374** as amended, on motion by Senator Jones, by two-thirds vote **CS for HB 7083** was withdrawn from the Committees on Health Regulation; Banking and Insurance; and Health and Human Services Appropriations.

On motion by Senator Jones, the rules were waived and by two-thirds vote—

CS for HB 7083—A bill to be entitled An act relating to health care fraud and abuse; amending s. 400.462, F.S.; revising definitions; amending s. 400.464, F.S.; authorizing a home infusion therapy provider to be licensed as a nurse registry; deleting provisions relating to Medicare reimbursement; amending s. 400.471, F.S.; requiring an applicant for a home health agency license to submit to the Agency for Health Care Administration a business plan and evidence of contingency funding and disclose other controlling ownership interests in health care entities; requiring certain standards in documentation demonstrating financial ability to operate; requiring home health agencies to maintain certain accreditation to maintain licensure; permitting certain accrediting organizations to submit surveys regarding licensure of home health agencies; prohibiting the agency from issuing an initial license to a home health agency licensure applicant located within 10 miles of a licensed home health agency that has common controlling interests; prohibiting the

transfer of an application to another home health agency prior to issuance of the license; requiring submission of an initial application to relocate a licensed home health agency to another geographic service area; amending s. 400.474, F.S.; providing additional grounds under which the agency may take disciplinary action against a home health agency; providing for a fine; creating s. 400.476, F.S.; establishing staffing requirements for home health agencies; reducing the number of home health agencies that an administrator or director of nursing may serve; requiring that an alternate administrator be designated in writing; limiting the period that a home health agency that provides skilled nursing care may operate without a director of nursing; requiring notification upon the termination and replacement of a director of nursing; requiring the agency to take administrative enforcement action against a home health agency for noncompliance with the notification and staffing requirements for a director of nursing; providing for fines; exempting a home health agency that is not Medicare or Medicaid certified and does not provide skilled care or provides only physical, occupational, or speech therapy from requirements related to a director of nursing; providing training requirements for certified nursing assistants and home health aides; amending s. 400.484, F.S.; requiring the agency to impose administrative fines for certain deficiencies; increasing the administrative fines imposed for certain deficiencies; amending s. 400.491, F.S.; extending the period that a home health agency must retain records of the nonskilled care it provides; amending s. 400.497, F.S.; requiring that the agency adopt rules related to standards for the director of nursing of a home health agency, requirements for a director of nursing to submit certified staff activity logs pursuant to an agency request, quality assurance programs, and inspections related to an application for a change in ownership; amending s. 400.506, F.S.; providing training requirements for certified nursing assistants and home health aides referred for contract by a nurse registry; amending s. 409.901, F.S.; defining the term “change of ownership”; amending s. 409.907, F.S.; revising provisions relating to change of ownership of Medicaid provider agreements; providing for continuing financial liability of a transferor under certain circumstances; defining the term “outstanding overpayment”; requiring the transferor to provide notice of change of ownership to the agency within a specified time period; requiring the transferee to submit a Medicaid provider enrollment application to the agency; providing for joint and several liability under certain circumstances; requiring a written payment plan for certain outstanding financial obligations; providing conditions under which additional enrollment effective dates apply; amending s. 409.910, F.S.; conforming a cross-reference; amending s. 409.912, F.S.; requiring the agency to limit its network of Medicaid durable medical equipment and medical supply providers; prohibiting reimbursement for dates of service after January 1, 2009; requiring accreditation; requiring direct provision of services or supplies; authorizing provider to store nebulizers at a physician’s office under certain circumstances; imposing certain physical location requirements; requiring providers to maintain a certain stock of equipment and supplies; requiring a surety bond; requiring background screening of employees; providing for certain exemptions; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 1374** as amended and by two-thirds vote read the second time by title.

MOTION

On motion by Senator Jones, the rules were waived to allow the following amendment to be considered:

Senator Jones moved the following amendment which was adopted:

Amendment 1 (508496)(with title amendment)—Delete every-thing after the enacting clause and insert:

Section 1. Section 400.462, Florida Statutes, is amended to read:

400.462 Definitions.—As used in this part, the term:

(1) “Administrator” means a direct employee, as defined in subsection (9), ~~who is—The administrator must be a licensed physician, physician assistant, or registered nurse licensed to practice in this state or an individual having at least 1 year of supervisory or administrative experience in home health care or in a facility licensed under chapter 395, under part II of this chapter, or under part I of chapter 429. An administrator may manage a maximum of five licensed home health agencies located within one agency service district or within an immediately~~

contiguous county. If the home health agency is licensed under this chapter and is part of a retirement community that provides multiple levels of care, an employee of the retirement community may administer the home health agency and up to a maximum of four entities licensed under this chapter or chapter 429 that are owned, operated, or managed by the same corporate entity. An administrator shall designate, in writing, for each licensed entity, a qualified alternate administrator to serve during absences.

(2) "Admission" means a decision by the home health agency, during or after an evaluation visit to the patient's home, that there is reasonable expectation that the patient's medical, nursing, and social needs for skilled care can be adequately met by the agency in the patient's place of residence. Admission includes completion of an agreement with the patient or the patient's legal representative to provide home health services as required in s. 400.487(1).

(3) "Advanced registered nurse practitioner" means a person licensed in this state to practice professional nursing and certified in advanced or specialized nursing practice, as defined in s. 464.003.

(4) "Agency" means the Agency for Health Care Administration.

(5) "Certified nursing assistant" means any person who has been issued a certificate under part II of chapter 464. ~~The licensed home health agency or licensed nurse registry shall ensure that the certified nursing assistant employed by or under contract with the home health agency or licensed nurse registry is adequately trained to perform the tasks of a home health aide in the home setting.~~

(6) "Client" means an elderly, handicapped, or convalescent individual who receives companion services or homemaker services in the individual's home or place of residence.

(7) "Companion" or "sitter" means a person who spends time with or cares for an elderly, handicapped, or convalescent individual and accompanies such individual on trips and outings and may prepare and serve meals to such individual. A companion may not provide hands-on personal care to a client.

(8) "Department" means the Department of Children and Family Services.

(9) "Direct employee" means an employee for whom one of the following entities pays withholding taxes: a home health agency; a management company that has a contract to manage the home health agency on a day-to-day basis; or an employee leasing company that has a contract with the home health agency to handle the payroll and payroll taxes for the home health agency.

(10) "Director of nursing" means a registered nurse who is a direct employee, as defined in subsection (9), of the agency and who is a graduate of an approved school of nursing and is licensed in this state; who has at least 1 year of supervisory experience as a registered nurse; and who is responsible for overseeing the professional nursing and home health aid delivery of services of the agency. ~~A director of nursing may be the director of a maximum of five licensed home health agencies operated by a related business entity and located within one agency service district or within an immediately contiguous county. If the home health agency is licensed under this chapter and is part of a retirement community that provides multiple levels of care, an employee of the retirement community may serve as the director of nursing of the home health agency and of up to four entities licensed under this chapter or chapter 429 which are owned, operated, or managed by the same corporate entity.~~

(11) "Fair market value" means the value in arms length transactions, consistent with the price that an asset would bring as the result of bona fide bargaining between well-informed buyers and sellers who are not otherwise in a position to generate business for the other party, or the compensation that would be included in a service agreement as the result of bona fide bargaining between well-informed parties to the agreement who are not otherwise in a position to generate business for the other party, on the date of acquisition of the asset or at the time of the service agreement.

(12)(11) "Home health agency" means an organization that provides home health services and staffing services.

(13)(12) "Home health agency personnel" means persons who are employed by or under contract with a home health agency and enter the

home or place of residence of patients at any time in the course of their employment or contract.

(14)(13) "Home health services" means health and medical services and medical supplies furnished by an organization to an individual in the individual's home or place of residence. The term includes organizations that provide one or more of the following:

(a) Nursing care.

(b) Physical, occupational, respiratory, or speech therapy.

(c) Home health aide services.

(d) Dietetics and nutrition practice and nutrition counseling.

(e) Medical supplies, restricted drugs and biologicals prescribed by a physician.

(15)(14) "Home health aide" means a person who is trained or qualified, as provided by rule, and who provides hands-on personal care, performs simple procedures as an extension of therapy or nursing services, assists in ambulation or exercises, or assists in administering medications as permitted in rule and for which the person has received training established by the agency under s. 400.497(1). ~~The licensed home health agency or licensed nurse registry shall ensure that the home health aide employed by or under contract with the home health agency or licensed nurse registry is adequately trained to perform the tasks of a home health aide in the home setting.~~

(16)(15) "Homemaker" means a person who performs household chores that include housekeeping, meal planning and preparation, shopping assistance, and routine household activities for an elderly, handicapped, or convalescent individual. A homemaker may not provide hands-on personal care to a client.

(17)(16) "Home infusion therapy provider" means an organization that employs, contracts with, or refers a licensed professional who has received advanced training and experience in intravenous infusion therapy and who administers infusion therapy to a patient in the patient's home or place of residence.

(18)(17) "Home infusion therapy" means the administration of intravenous pharmacological or nutritional products to a patient in his or her home.

(19) "Immediate family member" means a husband or wife; a birth or adoptive parent, child, or sibling; a stepparent, stepchild, stepbrother, or stepsister; a father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law; a grandparent or grandchild; or a spouse of a grandparent or grandchild.

(20) "Medical director" means a physician who is a volunteer with, or who receives remuneration from, a home health agency.

(21)(18) "Nurse registry" means any person that procures, offers, promises, or attempts to secure health-care-related contracts for registered nurses, licensed practical nurses, certified nursing assistants, home health aides, companions, or homemakers, who are compensated by fees as independent contractors, including, but not limited to, contracts for the provision of services to patients and contracts to provide private duty or staffing services to health care facilities licensed under chapter 395, this chapter, or chapter 429 or other business entities.

(22)(19) "Organization" means a corporation, government or governmental subdivision or agency, partnership or association, or any other legal or commercial entity, any of which involve more than one health care professional discipline; a health care professional and a home health aide or certified nursing assistant; more than one home health aide; more than one certified nursing assistant; or a home health aide and a certified nursing assistant. The term does not include an entity that provides services using only volunteers or only individuals related by blood or marriage to the patient or client.

(23)(20) "Patient" means any person who receives home health services in his or her home or place of residence.

(24)(21) "Personal care" means assistance to a patient in the activities of daily living, such as dressing, bathing, eating, or personal hy-

giene, and assistance in physical transfer, ambulation, and in administering medications as permitted by rule.

(25)(22) "Physician" means a person licensed under chapter 458, chapter 459, chapter 460, or chapter 461.

(26)(23) "Physician assistant" means a person who is a graduate of an approved program or its equivalent, or meets standards approved by the boards, and is licensed to perform medical services delegated by the supervising physician, as defined in s. 458.347 or s. 459.022.

(27) "Remuneration" means any payment or other benefit made directly or indirectly, overtly or covertly, in cash or in kind.

(28)(24) "Skilled care" means nursing services or therapeutic services required by law to be delivered by a health care professional who is licensed under part I of chapter 464; part I, part III, or part V of chapter 468; or chapter 486 and who is employed by or under contract with a licensed home health agency or is referred by a licensed nurse registry.

(29)(25) "Staffing services" means services provided to a health care facility, school, or other business entity on a temporary or school-year basis pursuant to a written contract by licensed health care personnel and by certified nursing assistants and home health aides who are employed by, or work under the auspices of, a licensed home health agency or who are registered with a licensed nurse registry. ~~Staffing services may be provided anywhere within the state.~~

Section 2. Subsection (3) of section 400.464, Florida Statutes, is amended to read:

400.464 Home Health agencies to be licensed; expiration of license; exemptions; unlawful acts; penalties.—

(3) ~~A Any home infusion therapy provider must shall be licensed as a home health agency or nurse registry. Any infusion therapy provider currently authorized to receive Medicare reimbursement under a DME—Part B Provider number for the provision of infusion therapy shall be licensed as a non-certified home health agency. Such a provider shall continue to receive that specified Medicare reimbursement without being certified so long as the reimbursement is limited to those items authorized pursuant to the DME—Part B Provider Agreement and the agency is licensed in compliance with the other provisions of this part.~~

Section 3. Paragraphs (d), (e), (f), (g), and (h) are added to subsection (2) of section 400.471, Florida Statutes, and subsections (7), (8), and (9), are added to that section, to read:

400.471 Application for license; fee.—

(2) In addition to the requirements of part II of chapter 408, the initial applicant must file with the application satisfactory proof that the home health agency is in compliance with this part and applicable rules, including:

(d) A business plan, signed by the applicant, which details the home health agency's methods to obtain patients and its plan to recruit and maintain staff.

(e) Evidence of contingency funding equal to 1 month's average operating expenses during the first year of operation.

(f) A balance sheet, income and expense statement, and statement of cash flows for the first 2 years of operation which provide evidence of having sufficient assets, credit, and projected revenues to cover liabilities and expenses. The applicant has demonstrated financial ability to operate if the applicant's assets, credit, and projected revenues meet or exceed projected liabilities and expenses. An applicant may not project an operating margin of 15 percent or greater for any month in the first year of operation. All documents required under this paragraph must be prepared in accordance with generally accepted accounting principles and compiled and signed by a certified public accountant.

(g) All other ownership interests in health care entities for each controlling interest, as defined in part II of chapter 408.

(h) In the case of an application for initial licensure, documentation of accreditation, or an application for accreditation, from an accrediting

organization that is recognized by the agency as having standards comparable to those required by this part and part II of chapter 408. Notwithstanding s. 408.806, an applicant that has applied for accreditation must provide proof of accreditation that is not conditional or provisional within 120 days after the date of the agency's receipt of the application for licensure or the application shall be withdrawn from further consideration. Such accreditation must be maintained by the home health agency to maintain licensure. The agency shall accept, in lieu of its own periodic licensure survey, the submission of the survey of an accrediting organization that is recognized by the agency if the accreditation of the licensed home health agency is not provisional and if the licensed home health agency authorizes releases of, and the agency receives the report of, the accrediting organization.

(7) The agency may not issue an initial license to an applicant for a home health agency license if the applicant shares common controlling interests with another licensed home health agency that is located within 10 miles of the applicant and is in the same county. The agency must return the application and fees to the applicant.

(8) An application for a home health agency license may not be transferred to another home health agency or controlling interest before issuance of the license.

(9) A licensed home health agency that seeks to relocate to a different geographic service area not listed on its license must submit an initial application for a home health agency license for the new location.

Section 4. Section 400.474, Florida Statutes, is amended to read:

400.474 Administrative penalties.—

(1) The agency may deny, revoke, and suspend a license and impose an administrative fine in the manner provided in chapter 120.

(2) Any of the following actions by a home health agency or its employee is grounds for disciplinary action by the agency:

(a) Violation of this part, part II of chapter 408, or of applicable rules.

(b) An intentional, reckless, or negligent act that materially affects the health or safety of a patient.

(c) Knowingly providing home health services in an unlicensed assisted living facility or unlicensed adult family-care home, unless the home health agency or employee reports the unlicensed facility or home to the agency within 72 hours after providing the services.

(d) Preparing or maintaining fraudulent patient records, such as, but not limited to, charting ahead, recording vital signs or symptoms that were not personally obtained or observed by the home health agency's staff at the time indicated, borrowing patients or patient records from other home health agencies to pass a survey or inspection, or falsifying signatures.

(e) Failing to provide at least one service directly to a patient for a period of 60 days.

(3) The agency shall impose a fine of \$1,000 against a home health agency that demonstrates a pattern of falsifying:

(a) Documents of training for home health aides or certified nursing assistants; or

(b) Health statements for staff providing direct care to patients.

A pattern may be demonstrated by a showing of at least three fraudulent entries or documents. The fine shall be imposed for each fraudulent document or, if multiple staff members are included on one document, for each fraudulent entry on the document.

(4) The agency shall impose a fine of \$5,000 against a home health agency that demonstrates a pattern of billing any payor for services not provided. A pattern may be demonstrated by a showing of at least three billings for services not provided within a 12-month period. The fine must be imposed for each incident that is falsely billed. The agency may also:

(a) Require payback of all funds;

(b) Revoke the license; or

(c) Issue a moratorium in accordance with s. 408.814.

(5) The agency shall impose a fine of \$5,000 against a home health agency that demonstrates a pattern of failing to provide a service specified in the home health agency's written agreement with a patient or the patient's legal representative, or the plan of care for that patient, unless a reduction in service is mandated by Medicare, Medicaid, or a state program or as provided in s. 400.492(3). A pattern may be demonstrated by a showing of at least three incidences, regardless of the patient or service, where the home health agency did not provide a service specified in a written agreement or plan of care during a 3-month period. The agency shall impose the fine for each occurrence. The agency may also impose additional administrative fines under s. 400.484 for the direct or indirect harm to a patient, or deny, revoke, or suspend the license of the home health agency for a pattern of failing to provide a service specified in the home health agency's written agreement with a patient or the plan of care for that patient.

(6) The agency may deny, revoke, or suspend the license of a home health agency and shall impose a fine of \$5,000 against a home health agency that:

(a) Gives remuneration for staffing services to:

1. Another home health agency with which it has formal or informal patient-referral transactions or arrangements; or

2. A health services pool with which it has formal or informal patient-referral transactions or arrangements,

unless the home health agency has activated its comprehensive emergency management plan in accordance with s. 400.492. This paragraph does not apply to a Medicare-certified home health agency that provides fair market value remuneration for staffing services to a non-Medicare-certified home health agency that is part of a continuing care facility licensed under chapter 651 for providing services to its own residents if each resident receiving home health services pursuant to this arrangement attests in writing that he or she made a decision without influence from staff of the facility to select, from a list of Medicare-certified home health agencies provided by the facility, that Medicare-certified home health agency to provide the services.

(b) Provides services to residents in an assisted living facility for which the home health agency does not receive fair market value remuneration.

(c) Provides staffing to an assisted living facility for which the home health agency does not receive fair market value remuneration.

(d) Fails to provide the agency, upon request, with copies of all contracts with assisted living facilities which were executed within 5 years before the request.

(e) Gives remuneration to a case manager, discharge planner, facility-based staff member, or third-party vendor who is involved in the discharge-planning process of a facility licensed under chapter 395 or this chapter from whom the home health agency receives referrals.

(f) Fails to submit to the agency, within 15 days after the end of each calendar quarter, a written report that includes the following data based on data as it existed on the last day of the quarter:

1. The number of insulin-dependent diabetic patients receiving insulin-injection services from the home health agency;

2. The number of patients receiving both home health services from the home health agency and hospice services;

3. The number of patients receiving home health services from that home health agency; and

4. The names and license numbers of nurses whose primary job responsibility is to provide home health services to patients and who received remuneration from the home health agency in excess of \$25,000 during the calendar quarter.

(g) Gives cash, or its equivalent, to a Medicare or Medicaid beneficiary.

(h) Has more than one medical director contract in effect at one time or more than one medical director contract and one contract with a physician-specialist whose services are mandated for the home health agency in order to qualify to participate in a federal or state health care program at one time.

(i) Gives remuneration to a physician without a medical director contract being in effect. The contract must:

1. Be in writing and signed by both parties;

2. Provide for remuneration that is at fair market value for an hourly rate, which must be supported by invoices submitted by the medical director describing the work performed, the dates on which that work was performed, and the duration of that work; and

3. Be for a term of at least 1 year.

The hourly rate specified in the contract may not be increased during the term of the contract. The home health agency may not execute a subsequent contract with that physician which has an increased hourly rate and covers any portion of the term that was in the original contract.

(j) Gives remuneration to:

1. A physician, and the home health agency is in violation of paragraph (h) or paragraph (i);

2. A member of the physician's office staff; or

3. An immediate family member of the physician,

if the home health agency has received a patient referral in the preceding 12 months from that physician or physician's office staff.

(k) Fails to provide to the agency, upon request, copies of all contracts with a medical director which were executed within 5 years before the request.

(7)(3)(a) In addition to the requirements of s. 408.813, any person, partnership, or corporation that violates s. 408.812 or s. 408.813 and that previously operated a licensed home health agency or concurrently operates both a licensed home health agency and an unlicensed home health agency commits a felony of the third degree punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) If any home health agency is found to be operating without a license and that home health agency has received any government reimbursement for services, the agency shall make a fraud referral to the appropriate government reimbursement program.

Section 5. Section 400.476, Florida Statutes, is created to read:

400.476 Staffing requirements; notifications; limitations on staffing services.—

(1) ADMINISTRATOR.—

(a) An administrator may manage only one home health agency, except that an administrator may manage up to five home health agencies if all five home health agencies have identical controlling interests as defined in s. 408.803 and are located within one agency geographic service area or within an immediately contiguous county. If the home health agency is licensed under this chapter and is part of a retirement community that provides multiple levels of care, an employee of the retirement community may administer the home health agency and up to a maximum of four entities licensed under this chapter or chapter 429 which all have identical controlling interests as defined in s. 408.803. An administrator shall designate, in writing, for each licensed entity, a qualified alternate administrator to serve during the administrator's absence.

(b) An administrator of a home health agency who is a licensed physician, physician assistant, or registered nurse licensed to practice in this state may also be the director of nursing for a home health agency. An administrator may serve as a director of nursing for up to the number of entities authorized in subsection (2) only if there are 10 or fewer full-time equivalent employees and contracted personnel in each home health agency.

(2) DIRECTOR OF NURSING.—

(a) A director of nursing may be the director of nursing for:

1. Up to two licensed home health agencies if the agencies have identical controlling interests as defined in s. 408.803 and are located within one agency geographic service area or within an immediately contiguous county; or

2. Up to five licensed home health agencies if:

a. All of the home health agencies have identical controlling interests as defined in s. 408.803;

b. All of the home health agencies are located within one agency geographic service area or within an immediately contiguous county; and

c. Each home health agency has a registered nurse who meets the qualifications of a director of nursing and who has a written delegation from the director of nursing to serve as the director of nursing for that home health agency when the director of nursing is not present.

If a home health agency licensed under this chapter is part of a retirement community that provides multiple levels of care, an employee of the retirement community may serve as the director of nursing of the home health agency and up to a maximum of four entities, other than home health agencies, licensed under this chapter or chapter 429 which all have identical controlling interests as defined in s. 408.803.

(b) A home health agency that provides skilled nursing care may not operate for more than 30 calendar days without a director of nursing. A home health agency that provides skilled nursing care and the director of nursing of a home health agency must notify the agency within 10 business days after termination of the services of the director of nursing for the home health agency. A home health agency that provides skilled nursing care must notify the agency of the identity and qualifications of the new director of nursing within 10 days after the new director is hired. If a home health agency that provides skilled nursing care operates for more than 30 calendar days without a director of nursing, the home health agency commits a class II deficiency. In addition to the fine for a class II deficiency, the agency may issue a moratorium in accordance with s. 408.814 or revoke the license. The agency shall fine a home health agency that fails to notify the agency as required in this paragraph \$1,000 for the first violation and \$2,000 for a repeat violation. The agency may not take administrative action against a home health agency if the director of nursing fails to notify the department upon termination of services as the director of nursing for the home health agency.

(c) A home health agency that is not Medicare or Medicaid certified and does not provide skilled care or provides only physical, occupational, or speech therapy is not required to have a director of nursing and is exempt from paragraph (b).

(3) TRAINING.—A home health agency shall ensure that each certified nursing assistant employed by or under contract with the home health agency and each home health aide employed by or under contract with the home health agency is adequately trained to perform the tasks of a home health aide in the home setting.

(4) STAFFING.—Staffing services may be provided anywhere within the state.

Section 6. Section 400.484, Florida Statutes, is amended to read:

400.484 Right of inspection; deficiencies; fines.—

(1) In addition to the requirements of s. 408.811, the agency may make such inspections and investigations as are necessary in order to determine the state of compliance with this part, part II of chapter 408, and applicable rules.

(2) The agency shall impose fines for various classes of deficiencies in accordance with the following schedule:

(a) A class I deficiency is any act, omission, or practice that results in a patient's death, disablement, or permanent injury, or places a patient at imminent risk of death, disablement, or permanent injury. Upon finding a class I deficiency, the agency shall ~~may~~ impose an administrative fine in the amount of \$15,000 ~~\$5,000~~ for each occurrence and each day that the deficiency exists.

(b) A class II deficiency is any act, omission, or practice that has a direct adverse effect on the health, safety, or security of a patient. Upon finding a class II deficiency, the agency shall ~~may~~ impose an administrative fine in the amount of \$5,000 ~~\$1,000~~ for each occurrence and each day that the deficiency exists.

(c) A class III deficiency is any act, omission, or practice that has an indirect, adverse effect on the health, safety, or security of a patient. Upon finding an uncorrected or repeated class III deficiency, the agency shall ~~may~~ impose an administrative fine not to exceed \$1,000 ~~\$500~~ for each occurrence and each day that the uncorrected or repeated deficiency exists.

(d) A class IV deficiency is any act, omission, or practice related to required reports, forms, or documents which does not have the potential of negatively affecting patients. These violations are of a type that the agency determines do not threaten the health, safety, or security of patients. Upon finding an uncorrected or repeated class IV deficiency, the agency shall ~~may~~ impose an administrative fine not to exceed \$500 ~~\$200~~ for each occurrence and each day that the uncorrected or repeated deficiency exists.

(3) In addition to any other penalties imposed pursuant to this section or part, the agency may assess costs related to an investigation that results in a successful prosecution, excluding costs associated with an attorney's time.

Section 7. Subsection (2) of section 400.491, Florida Statutes, is amended to read:

400.491 Clinical records.—

(2) The home health agency must maintain for each client who receives nonskilled care a service provision plan. Such records must be maintained by the home health agency for 3 years ~~1 year~~ following termination of services.

Section 8. Present subsections (5), (6), (7), and (8) of section 400.497, Florida Statutes, are renumbered as subsections (7), (8), (9), and (10), respectively, and a new subsections (5) and (6) are added to that section, to read:

400.497 Rules establishing minimum standards.—The agency shall adopt, publish, and enforce rules to implement part II of chapter 408 and this part, including, as applicable, ss. 400.506 and 400.509, which must provide reasonable and fair minimum standards relating to:

(5) Oversight by the director of nursing. The agency shall develop rules related to:

(a) Standards that address oversight responsibilities by the director of nursing of skilled nursing and personal care services provided by the home health agency's staff;

(b) Requirements for a director of nursing to provide to the agency, upon request, a certified daily report of the home health services provided by a specified direct employee or contracted staff member on behalf of the home health agency. The agency may request a certified daily report only for a period not to exceed 2 years prior to the date of the request; and

(c) A quality assurance program for home health services provided by the home health agency.

(6) Conditions for using a recent unannounced licensure inspection for the inspection required in s. 408.806 related to a licensure application associated with a change in ownership of a licensed home health agency.

Section 9. Paragraph (a) of subsection (6) of section 400.506, Florida Statutes, is amended, present subsections (15) and (16) of that section are renumbered as subsections (16) and (17), respectively, and a new subsection (15) is added to that section, to read:

400.506 Licensure of nurse registries; requirements; penalties.—

(6)(a) A nurse registry may refer for contract in private residences registered nurses and licensed practical nurses registered and licensed under part I of chapter 464, certified nursing assistants certified under part II of chapter 464, home health aides who present documented proof of successful completion of the training required by rule of the agency,

and companions or homemakers for the purposes of providing those services authorized under s. 400.509(1). A licensed nurse registry shall ensure that each certified nursing assistant referred for contract by the nurse registry and each home health aide referred for contract by the nurse registry is adequately trained to perform the tasks of a home health aide in the home setting. Each person referred by a nurse registry must provide current documentation that he or she is free from communicable diseases.

(15)(a) The agency may deny, suspend, or revoke the license of a nurse registry and shall impose a fine of \$5,000 against a nurse registry that:

1. Provides services to residents in an assisted living facility for which the nurse registry does not receive fair market value remuneration.
2. Provides staffing to an assisted living facility for which the nurse registry does not receive fair market value remuneration.
3. Fails to provide the agency, upon request, with copies of all contracts with assisted living facilities which were executed within the last 5 years.
4. Gives remuneration to a case manager, discharge planner, facility-based staff member, or third-party vendor who is involved in the discharge-planning process of a facility licensed under chapter 395 or this chapter and from whom the nurse registry receives referrals.
5. Gives remuneration to a physician, a member of the physician's office staff, or an immediate family member of the physician, and the nurse registry received a patient referral in the last 12 months from that physician or the physician's office staff.

(b) The agency shall also impose an administrative fine of \$15,000 if the nurse registry refers nurses, certified nursing assistants, home health aides, or other staff without charge to a facility licensed under chapter 429 in return for patient referrals from the facility.

(c) The proceeds of all fines collected under this subsection shall be deposited into the Health Care Trust Fund.

Section 10. Subsection (4) is added to section 400.518, Florida Statutes, to read:

400.518 Prohibited referrals to home health agencies.—

(4) The agency shall impose an administrative fine of \$15,000 if a home health agency provides nurses, certified nursing assistants, home health aides, or other staff without charge to a facility licensed under chapter 429 in return for patient referrals from the facility. The proceeds of such fines shall be deposited into the Health Care Trust Fund.

Section 11. Subsections (5) through (27) of section 409.901, Florida Statutes, are redesignated as subsections (6) through (28), respectively, and a new subsection (5) is added to that section to read:

409.901 Definitions; ss. 409.901-409.920.—As used in ss. 409.901-409.920, except as otherwise specifically provided, the term:

(5) "Change of ownership" means an event in which the provider changes to a different legal entity or in which 45 percent or more of the ownership, voting shares, or controlling interest in a corporation whose shares are not publicly traded on a recognized stock exchange is transferred or assigned, including the final transfer or assignment of multiple transfers or assignments over a 2-year period that cumulatively total 45 percent or more. A change solely in the management company or board of directors is not a change of ownership.

Section 12. Subsections (6) and (9) of section 409.907, Florida Statutes, are amended to read:

409.907 Medicaid provider agreements.—The agency may make payments for medical assistance and related services rendered to Medicaid recipients only to an individual or entity who has a provider agreement in effect with the agency, who is performing services or supplying goods in accordance with federal, state, and local law, and who agrees that no person shall, on the grounds of handicap, race, color, or national origin, or for any other reason, be subjected to discrimination under any program or activity for which the provider receives payment from the agency.

(6) A Medicaid provider agreement may be revoked, at the option of the agency, as the result of a change of ownership of any facility, association, partnership, or other entity named as the provider in the provider agreement. ~~A provider shall give the agency 60 days' notice before making any change in ownership of the entity named in the provider agreement as the provider.~~

(a) In the event of a change of ownership, the transferor remains liable for all outstanding overpayments, administrative fines, and any other moneys owed to the agency before the effective date of the change of ownership. In addition to the continuing liability of the transferor, the transferee is liable to the agency for all outstanding overpayments identified by the agency on or before the effective date of the change of ownership. For purposes of this subsection, the term "outstanding overpayment" includes any amount identified in a preliminary audit report issued to the transferor by the agency on or before the effective date of the change of ownership. In the event of a change of ownership for a skilled nursing facility or intermediate care facility, the Medicaid provider agreement shall be assigned to the transferee if the transferee meets all other Medicaid provider qualifications. In the event of a change of ownership involving a skilled nursing facility licensed under part II of chapter 400, liability for all outstanding overpayments, administrative fines, and any moneys owed to the agency before the effective date of the change of ownership shall be determined in accordance with s. 400.179.

(b) At least 60 days before the anticipated date of the change of ownership, the transferor shall notify the agency of the intended change of ownership and the transferee shall submit to the agency a Medicaid provider enrollment application. If a change of ownership occurs without compliance with the notice requirements of this subsection, the transferor and transferee shall be jointly and severally liable for all overpayments, administrative fines, and other moneys due to the agency, regardless of whether the agency identified the overpayments, administrative fines, or other moneys before or after the effective date of the change of ownership. The agency may not approve a transferee's Medicaid provider enrollment application if the transferee or transferor has not paid or agreed in writing to a payment plan for all outstanding overpayments, administrative fines, and other moneys due to the agency. This subsection does not preclude the agency from seeking any other legal or equitable remedies available to the agency for the recovery of moneys owed to the Medicaid program. In the event of a change of ownership involving a skilled nursing facility licensed under part II of chapter 400, liability for all outstanding overpayments, administrative fines, and any moneys owed to the agency before the effective date of the change of ownership shall be determined in accordance with the s. 400.179 if the Medicaid provider enrollment application for change of ownership is submitted before the change of ownership.

(9) Upon receipt of a completed, signed, and dated application, and completion of any necessary background investigation and criminal history record check, the agency must either:

(a) Enroll the applicant as a Medicaid provider upon approval of the provider application. The enrollment effective date shall be the date the agency receives the provider application. With respect to a provider that requires a Medicare certification survey, the enrollment effective date is the date the certification is awarded. With respect to a provider that completes a change of ownership, the effective date is the date the agency received the application, the date the change of ownership was complete, or the date the applicant became eligible to provide services under Medicaid, whichever date is later. With respect to a provider of emergency medical services transportation or emergency services and care, the effective date is the date the services were rendered. Payment for any claims for services provided to Medicaid recipients between the date of receipt of the application and the date of approval is contingent on applying any and all applicable audits and edits contained in the agency's claims adjudication and payment processing systems; or

(b) Deny the application if the agency finds that it is in the best interest of the Medicaid program to do so. The agency may consider the factors listed in subsection (10), as well as any other factor that could affect the effective and efficient administration of the program, including, but not limited to, the applicant's demonstrated ability to provide services, conduct business, and operate a financially viable concern; the current availability of medical care, services, or supplies to recipients, taking into account geographic location and reasonable travel time; the number of providers of the same type already enrolled in the same geographic area; and the credentials, experience, success, and patient

outcomes of the provider for the services that it is making application to provide in the Medicaid program. The agency shall deny the application if the agency finds that a provider; any officer, director, agent, managing employee, or affiliated person; or any partner or shareholder having an ownership interest equal to 5 percent or greater in the provider if the provider is a corporation, partnership, or other business entity, has failed to pay all outstanding fines or overpayments assessed by final order of the agency or final order of the Centers for Medicare and Medicaid Services, not subject to further appeal, unless the provider agrees to a repayment plan that includes withholding Medicaid reimbursement until the amount due is paid in full.

Section 13. Subsection (20) of section 409.910, Florida Statutes, is amended to read:

409.910 Responsibility for payments on behalf of Medicaid-eligible persons when other parties are liable.—

(20) Entities providing health insurance as defined in s. 624.603, health maintenance organizations and prepaid health clinics as defined in chapter 641, and, on behalf of their clients, third-party administrators and pharmacy benefits managers as defined in s. 409.901 (27) s. 409.901(26) shall provide such records and information as are necessary to accomplish the purpose of this section, unless such requirement results in an unreasonable burden.

(a) The director of the agency and the Director of the Office of Insurance Regulation of the Financial Services Commission shall enter into a cooperative agreement for requesting and obtaining information necessary to effect the purpose and objective of this section.

1. The agency shall request only that information necessary to determine whether health insurance as defined pursuant to s. 624.603, or those health services provided pursuant to chapter 641, could be, should be, or have been claimed and paid with respect to items of medical care and services furnished to any person eligible for services under this section.

2. All information obtained pursuant to subparagraph 1. is confidential and exempt from s. 119.07(1).

3. The cooperative agreement or rules adopted under this subsection may include financial arrangements to reimburse the reporting entities for reasonable costs or a portion thereof incurred in furnishing the requested information. Neither the cooperative agreement nor the rules shall require the automation of manual processes to provide the requested information.

(b) The agency and the Financial Services Commission jointly shall adopt rules for the development and administration of the cooperative agreement. The rules shall include the following:

1. A method for identifying those entities subject to furnishing information under the cooperative agreement.

2. A method for furnishing requested information.

3. Procedures for requesting exemption from the cooperative agreement based on an unreasonable burden to the reporting entity.

Section 14. Subsection (48) of section 409.912, Florida Statutes, is amended to read:

409.912 Cost-effective purchasing of health care.—The agency shall purchase goods and services for Medicaid recipients in the most cost-effective manner consistent with the delivery of quality medical care. To ensure that medical services are effectively utilized, the agency may, in any case, require a confirmation or second physician's opinion of the correct diagnosis for purposes of authorizing future services under the Medicaid program. This section does not restrict access to emergency services or poststabilization care services as defined in 42 C.F.R. part 438.114. Such confirmation or second opinion shall be rendered in a manner approved by the agency. The agency shall maximize the use of prepaid per capita and prepaid aggregate fixed-sum basis services when appropriate and other alternative service delivery and reimbursement methodologies, including competitive bidding pursuant to s. 287.057, designed to facilitate the cost-effective purchase of a case-managed continuum of care. The agency shall also require providers to minimize the exposure of recipients to the need for acute inpatient, custodial, and

other institutional care and the inappropriate or unnecessary use of high-cost services. The agency shall contract with a vendor to monitor and evaluate the clinical practice patterns of providers in order to identify trends that are outside the normal practice patterns of a provider's professional peers or the national guidelines of a provider's professional association. The vendor must be able to provide information and counseling to a provider whose practice patterns are outside the norms, in consultation with the agency, to improve patient care and reduce inappropriate utilization. The agency may mandate prior authorization, drug therapy management, or disease management participation for certain populations of Medicaid beneficiaries, certain drug classes, or particular drugs to prevent fraud, abuse, overuse, and possible dangerous drug interactions. The Pharmaceutical and Therapeutics Committee shall make recommendations to the agency on drugs for which prior authorization is required. The agency shall inform the Pharmaceutical and Therapeutics Committee of its decisions regarding drugs subject to prior authorization. The agency is authorized to limit the entities it contracts with or enrolls as Medicaid providers by developing a provider network through provider credentialing. The agency may competitively bid single-source-provider contracts if procurement of goods or services results in demonstrated cost savings to the state without limiting access to care. The agency may limit its network based on the assessment of beneficiary access to care, provider availability, provider quality standards, time and distance standards for access to care, the cultural competence of the provider network, demographic characteristics of Medicaid beneficiaries, practice and provider-to-beneficiary standards, appointment wait times, beneficiary use of services, provider turnover, provider profiling, provider licensure history, previous program integrity investigations and findings, peer review, provider Medicaid policy and billing compliance records, clinical and medical record audits, and other factors. Providers shall not be entitled to enrollment in the Medicaid provider network. The agency shall determine instances in which allowing Medicaid beneficiaries to purchase durable medical equipment and other goods is less expensive to the Medicaid program than long-term rental of the equipment or goods. The agency may establish rules to facilitate purchases in lieu of long-term rentals in order to protect against fraud and abuse in the Medicaid program as defined in s. 409.913. The agency may seek federal waivers necessary to administer these policies.

(48)(a) A provider is not entitled to enrollment in the Medicaid provider network. The agency may implement a Medicaid fee-for-service provider network controls, including, but not limited to, competitive procurement and provider credentialing. If a credentialing process is used, the agency may limit its provider network based upon the following considerations: beneficiary access to care, provider availability, provider quality standards and quality assurance processes, cultural competency, demographic characteristics of beneficiaries, practice standards, service wait times, provider turnover, provider licensure and accreditation history, program integrity history, peer review, Medicaid policy and billing compliance records, clinical and medical record audit findings, and such other areas that are considered necessary by the agency to ensure the integrity of the program.

(b) *The agency shall limit its network of durable medical equipment and medical supply providers. For dates of service after January 1, 2009, the agency shall limit payment for durable medical equipment and supplies to providers that meet all the requirements of this paragraph.*

1. *Providers must be accredited by a Centers for Medicare and Medicaid Services deemed accreditation organization for suppliers of durable medical equipment, prosthetics, orthotics, and supplies. The provider must maintain accreditation and is subject to unannounced reviews by the accrediting organization.*

2. *Providers must provide the services or supplies directly to the Medicaid recipient or caregiver at the provider location or recipient's residence or send the supplies directly to the recipient's residence with receipt of mailed delivery. Subcontracting or consignment of the service or supply to a third party is prohibited.*

3. *Notwithstanding subparagraph 2., a durable medical equipment provider may store nebulizers at a physician's office for the purpose of having the physician's staff issue the equipment if it meets all of the following conditions:*

a. *The physician must document the medical necessity and need to prevent further deterioration of the patient's respiratory status by the timely delivery of the nebulizer in the physician's office.*

b. *The durable medical equipment provider must have written documentation of the competency and training by a Florida-licensed registered respiratory therapist of any durable medical equipment staff who participate in the training of physician office staff for the use of nebulizers, including cleaning, warranty, and special needs of patients.*

c. *The physician's office must have documented the training and competency of any staff member who initiates the delivery of nebulizers to patients. The durable medical equipment provider must maintain copies of all physician office training.*

d. *The physician's office must maintain inventory records of stored nebulizers, including documentation of the durable medical equipment provider source.*

e. *A physician contracted with a Medicaid durable medical equipment provider may not have a financial relationship with that provider or receive any financial gain from the delivery of nebulizers to patients.*

4. *Providers must have a physical business location and a functional landline business phone. The location must be within the state or not more than 50 miles from the Florida state line. The agency may make exceptions for providers of durable medical equipment or supplies not otherwise available from other enrolled providers located within the state.*

5. *Physical business locations must be clearly identified as a business that furnishes durable medical equipment or medical supplies by signage that can be read from 20 feet away. The location must be readily accessible to the public during normal, posted business hours and must operate no less than 5 hours per day and no less than 5 days per week, with the exception of scheduled and posted holidays. The location may not be located within or at the same numbered street address as another enrolled Medicaid durable medical equipment or medical supply provider or as an enrolled Medicaid pharmacy that is also enrolled as a durable medical equipment provider. A licensed orthotist or prosthetist that provides only orthotic or prosthetic devices as a Medicaid durable medical equipment provider is exempt from the provisions in this paragraph.*

6. *Providers must maintain a stock of durable medical equipment and medical supplies on site that is readily available to meet the needs of the durable medical equipment business location's customers.*

7. *Providers must provide a surety bond of \$50,000 for each provider location, up to a maximum of 5 bonds statewide or an aggregate bond of \$250,000 statewide, as identified by Federal Employer Identification Number. Providers who post a statewide or an aggregate bond must identify all of their locations in any Medicaid durable medical equipment and medical supply provider enrollment application or bond renewal. Each provider location's surety bond must be renewed annually and the provider must submit proof of renewal even if the original bond is a continuous bond. A licensed orthotist or prosthetist that provides only orthotic or prosthetic devices as a Medicaid durable medical equipment provider is exempt from the provisions in this paragraph.*

8. *Providers must obtain a level 2 background screening, as provided under s. 435.04, for each provider employee in direct contact with or providing direct services to recipients of durable medical equipment and medical supplies in their homes. This requirement includes, but is not limited to, repair and service technicians, fitters, and delivery staff. The provider shall pay for the cost of the background screening.*

9. *The following providers are exempt from the requirements of subparagraphs 1. and 7.:*

a. *Durable medical equipment providers owned and operated by a government entity.*

b. *Durable medical equipment providers that are operating within a pharmacy that is currently enrolled as a Medicaid pharmacy provider.*

c. *Active, Medicaid-enrolled orthopedic physician groups, primarily owned by physicians, which provide only orthotic and prosthetic devices.*

Section 15. *The Agency for Health Care Administration shall review the process, procedures, and contractor's performance for the prior authorization of home health agency visits that are in excess of 60 visits over the lifetime of a Medicaid recipient. The agency shall determine whether modifications are necessary in order to reduce Medicaid fraud and abuse*

related to home health services for a Medicaid recipient which are not medically necessary. If modifications to the prior authorization function are necessary, the agency shall amend the contract to require contractor performance that reduces potential Medicaid fraud and abuse with respect to home health agency visits.

Section 16. *The Agency for Health Care Administration shall report to the Legislature by January 1, 2009, on the feasibility and costs of accessing the Medicare system to disallow Medicaid payment for home health services that are paid for under the Medicare prospective payment system for recipients who are dually eligible for Medicaid and Medicare.*

Section 17. This act shall take effect July 1, 2008.

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled An act relating to health care fraud and abuse; amending s. 400.462, F.S.; revising and adding definitions; amending s. 400.464, F.S.; authorizing a home infusion therapy provider to be licensed as a nurse registry; deleting provisions related to Medicare reimbursement; amending s. 400.471, F.S.; requiring an applicant for a home health agency license to submit to the Agency for Health Care Administration a business plan and evidence of contingency funding, and disclose other controlling ownership interests in health care entities; requiring certain standards in documentation demonstrating financial ability to operate; requiring home health agencies to maintain certain accreditation to maintain licensure; permitting certain accrediting organizations to submit surveys regarding licensure of home health agencies; prohibiting the agency from issuing an initial license to an applicant for a home health agency license which is located within a certain distance of a licensed home health agency that has common controlling interests; prohibiting the transfer of an application to another home health agency before issuance of the license; requiring submission of an initial application to relocate a licensed home health agency to another geographic service area; amending s. 400.474, F.S.; providing additional grounds under which the Agency for Health Care Administration may take disciplinary action against a home health agency; creating s. 400.476, F.S.; establishing staffing requirements for home health agencies; reducing the number of home health agencies that an administrator or director of nursing may serve; requiring that an alternate administrator be designated in writing; limiting the period that a home health agency that provides skilled nursing care may operate without a director of nursing; requiring notification upon the termination and replacement of a director of nursing; requiring the Agency for Health Care Administration to take administrative enforcement action against a home health agency for noncompliance with the notification and staffing requirements for a director of nursing; providing for fines; exempting a home health agency that is not Medicare or Medicaid certified and does not provide skilled care or provides only physical, occupational, or speech therapy from requirements related to a director of nursing; providing training requirements for certified nursing assistants and home health aides; amending s. 400.484, F.S.; requiring the agency to impose administrative fines for certain deficiencies; increasing the administrative fines imposed for certain deficiencies; amending s. 400.491, F.S.; extending the period that a home health agency must retain records of the nonskilled care it provides; amending s. 400.497, F.S.; requiring that the Agency for Health Care Administration adopt rules related to standards for the director of nursing of a home health agency, requirements for a director of nursing to submit certified staff activity logs pursuant to an agency request, quality assurance programs, and inspections related to an application for a change in ownership; amending s. 400.506, F.S.; providing training requirements for certified nursing assistants and home health aides referred for contract by a nurse registry; providing for the denial, suspension, or revocation of nurse registry license and fines for paying remuneration to certain entities in exchange for patient referrals or refusing fair remuneration in exchange for patient referrals; amending s. 400.518, F.S.; providing for a fine to be imposed against a home health agency that provides complimentary staffing to an assisted care community in exchange for patient referrals; amending s. 409.901, F.S.; defining the term "change of ownership"; amending s. 409.907, F.S.; revising provisions relating to change of ownership of Medicaid provider agreements; providing for continuing financial liability of a transferor under certain circumstances; defining the term "outstanding overpayment"; requiring the transferor to provide notice of change of ownership to the agency within a specified time period; requiring the transferee to submit a Medicaid provider enrollment application to the agency; providing for joint and several liability under certain circumstances; requir-

ing a written payment plan for certain outstanding financial obligations; providing conditions under which additional enrollment effective dates apply; amending s. 409.910, F.S.; conforming a cross-reference; amending s. 409.912, F.S.; requiring the agency to limit its network of Medicaid durable medical equipment and medical supply providers; prohibiting reimbursement for dates of service after a certain date; requiring accreditation; requiring direct provision of services or supplies; authorizing a provider to store nebulizers at a physician's office under certain circumstances; imposing certain physical location requirements; requiring a provider to maintain a certain stock of equipment and supplies; requiring a surety bond; requiring background screenings of employees; providing for certain exemptions; requiring the Agency for Health Care Administration to review the process for prior authorization of home health agency visits and determine whether modifications to the process are necessary; requiring the agency to report to the Legislature on the feasibility of accessing the Medicare system to determine recipient eligibility for home health services; providing an effective date.

On motion by Senator Jones, by two-thirds vote **CS for HB 7083** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Aronberg	Gaetz	Peaden
Atwater	Garcia	Posey
Baker	Geller	Rich
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

CS for SB 1414—A bill to be entitled An act relating to supplemental educational services; amending s. 1008.331, F.S.; requiring the Department of Education to annually evaluate and grade supplemental educational services providers; specifying evaluation criteria; providing reporting requirements; providing an effective date.

—was read the third time by title.

On motion by Senator Diaz de la Portilla, **CS for SB 1414** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Aronberg	Gaetz	Peaden
Atwater	Garcia	Posey
Baker	Geller	Rich
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

CS for HB 803—A bill to be entitled An act relating to licensure of psychologists; amending s. 490.005, F.S.; requiring the Board of Psychology to close application files of applicants failing to pass certain examinations, or failing to submit evidence of completion of postdoctoral supervised experience, within a specified timeframe; providing that an individual who completes the required postdoctoral training residency

may continue to practice under supervision under certain conditions; providing an effective date.

—as amended April 17 was read the third time by title.

On motion by Senator Margolis, **CS for HB 803** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Aronberg	Gaetz	Peaden
Atwater	Garcia	Posey
Baker	Geller	Rich
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

HB 603—A bill to be entitled An act relating to textbook affordability; creating s. 1004.09, F.S.; prohibiting certain actions of community college or state university employees that relate to student purchase of required textbooks; authorizing receipt of certain instructional materials, compensation, and training; requiring student notification of required textbooks; requiring adoption of specified policies and practices to minimize the cost of textbooks; providing an effective date.

—was read the third time by title.

On motion by Senator Atwater, **HB 603** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Aronberg	Gaetz	Peaden
Atwater	Garcia	Posey
Baker	Geller	Rich
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Storms
Constantine	Joyner	Villalobos
Crist	Justice	Webster
Dean	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	

Nays—None

Vote after roll call:

Yea—Siplin

HB 7041—A bill to be entitled An act relating to the Florida Self-Directed Care program; amending s. 394.9084, F.S.; authorizing the Department of Children and Family Services to expand the program statewide; requiring the department to implement a payment mechanism for mental health treatment and support services; defining the term "fiscal intermediary"; providing for the duties of the fiscal intermediary; permitting the fiscal intermediary to receive funds on behalf of participants; requiring an evaluation by the Office of Program Policy Analysis and Government Accountability by a certain date; providing evaluation criteria; deleting provisions relating to the evaluation of the original pilot program; deleting the expiration date of the program; providing an effective date.

—was read the third time by title.

On motion by Senator Webster, **HB 7041** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Aronberg	Gaetz	Peaden
Atwater	Garcia	Posey
Baker	Geller	Rich
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Storms
Constantine	Joyner	Villalobos
Crist	Justice	Webster
Dean	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	

Nays—None

Vote after roll call:

Yea—Siplin

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Atwater, by two-thirds vote **CS for SB 2054** was withdrawn from the Committee on Agriculture; **SB 1572** was withdrawn from the Committee on Community Affairs; **SB 1626**, **CS for CS for SB 2304** and **CS for SB 2864** were withdrawn from the Committee on Finance and Tax; **CS for SB 1206** was withdrawn from the Committee on General Government Appropriations; and **SB 2604** was withdrawn from the Committee on Judiciary.

On motion by Senator Dockery, by two-thirds vote **SB 744** was withdrawn from the Committee on Agriculture; **CS for SB 2248** was withdrawn from the Committee on Criminal and Civil Justice Appropriations; and **CS for SB 2172** was withdrawn from the Committee on Governmental Operations.

On motion by Senator Constantine, by two-thirds vote **CS for SB 730** was withdrawn from the Committee on Community Affairs; **CS for SB 1116** was withdrawn from the Committee on Criminal and Civil Justice Appropriations; **CS for CS for SB's 1094 and 326** was withdrawn from the Committee on General Government Appropriations; and **SB 230** and **SB 1486** were withdrawn from the Committee on Governmental Operations.

On motion by Senator Saunders, by two-thirds vote **CS for CS for SB 1914** was withdrawn from the Committee on Education Pre-K - 12; **CS for SB 790** and **SB 2564** were withdrawn from the Committee on Education Pre-K - 12 Appropriations; and **CS for SB 2866** was withdrawn from the Committee on Higher Education.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Atwater, the rules were waived and the Committee on Health Regulation was granted permission to meet Friday, April 25 from 8:45 a.m. until 9:30 a.m. to consider **SB 46**.

On motion by Senator Fasano, the rules were waived and the Committee on Transportation and Economic Development Appropriations was granted permission to meet Thursday, April 24 from 4:00 p.m. until 6:00 p.m. to consider **CS for CS for SB 1978**.

MOTION

On motion by Senator King, by two-thirds vote **CS for SB 2422**, which passed April 17, was ordered immediately certified to the House.

RECESS

On motion by Senator King, the Senate recessed at 12:30 p.m. to reconvene at 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 1:47 p.m. A quorum present—39:

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Aronberg	Gaetz	Peaden
Atwater	Garcia	Posey
Baker	Geller	Rich
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

SPECIAL ORDER CALENDAR

On motion by Senator Fasano, by two-thirds vote **CS for HB 687** was withdrawn from the Committees on Military Affairs and Domestic Security; Governmental Operations; and General Government Appropriations.

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

CS for HB 687—A bill to be entitled An act relating to service-disabled veteran business enterprises; creating the Florida Service-Disabled Veteran Business Enterprise Opportunity Act; providing legislative intent; providing definitions; providing a selection preference in state contracting for certified service-disabled veteran business enterprises; providing a certification procedure to be established by the Department of Management Services and the Department of Veterans' Affairs and reviewed biennially and updated as necessary; providing requirements for application for, renewal of, and revocation of certification; providing duties of the departments; providing for data reporting by the Florida Small Business Development Center; authorizing the departments to adopt rules; amending s. 288.705, F.S.; requiring the center to report the percentage of service-disabled veteran business enterprises using the statewide contracts register; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 108** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 687** was placed on the calendar of Bills on Third Reading.

On motion by Senator Baker—

SB 1606—A bill to be entitled An act relating to license plates; amending s. 320.089, F.S.; expanding the types of veterans special license plates from which revenues may be used to fund state veterans' homes; providing for additional revenue from the sale of such plates to be used to construct, maintain, and operate the homes; amending s. 320.02, F.S.; providing for a check-off provision on motor vehicle registration application and renewal forms to authorize a voluntary donation to the state veterans' homes; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **SB 1606** to **CS for HB 1027**.

Pending further consideration of **SB 1606** as amended, on motion by Senator Baker, by two-thirds vote **CS for HB 1027** was withdrawn from the Committees on Military Affairs and Domestic Security; Transportation; Finance and Tax; and Transportation and Economic Development Appropriations.

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

CS for HB 1027—A bill to be entitled An act relating to funding for state veterans' homes; amending s. 320.089, F.S.; expanding the types

of veterans special license plates from which revenues may be used to fund state veterans' homes; providing for additional revenue from the sale of such plates to be used to construct, maintain, and operate the homes; amending s. 320.02, F.S.; providing for a check-off provision on motor vehicle registration application and renewal forms to authorize a voluntary donation to the state veterans' homes; providing an effective date.

—a companion measure, was substituted for **SB 1606** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1027** was placed on the calendar of Bills on Third Reading.

On motion by Senator Dean, by two-thirds vote **CS for HB 863** was withdrawn from the Committees on Military Affairs and Domestic Security; Governmental Operations; and Rules.

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

CS for HB 863—A bill to be entitled An act relating to public records and meetings; amending s. 292.055, F.S.; providing an exemption from public records requirements for information concerning certain donors and prospective donors to the direct-support organization of the Department of Veterans' Affairs; providing an exemption from public meeting requirements for portions of meetings of the direct-support organization at which the identity of donors and prospective donors is discussed; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing a contingent effective date.

—a companion measure, was substituted for **CS for SB 1464** and by two-thirds vote read the second time by title.

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

By Senator Dockery—

CS for SB 624—A bill to be entitled An act relating to human smuggling; creating s. 787.07, F.S.; defining the term "illegal alien"; providing that a person commits a third-degree felony if he or she transports an individual 18 years of age or older into this state and knows, or should know, that the individual is an illegal alien; providing that it is a second-degree felony if such illegal alien is injured or dies; providing that a person commits a second-degree felony if he or she transports a minor into this state and knows, or should know, that the minor is an illegal alien; providing that it is a first-degree felony if such illegal alien is injured or dies; providing that a person commits a separate offense for each person he or she unlawfully transports; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 624** was placed on the calendar of Bills on Third Reading.

On motion by Senator Dockery, by two-thirds vote **CS for HB 151** was withdrawn from the Committees on Criminal Justice; and Community Affairs.

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

CS for HB 151—A bill to be entitled An act relating to radio equipment using law enforcement frequencies; amending s. 843.16, F.S.; providing exceptions to prohibition on use of such equipment for specified personnel using personal transportation to and from work and for certain government employees; providing an effective date.

—a companion measure, was substituted for **CS for SB 522** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 151** was placed on the calendar of Bills on Third Reading.

On motion by Senator Storms, by two-thirds vote **HB 7077** was withdrawn from the Committees on Children, Families, and Elder Affairs; Criminal Justice; and Health and Human Services Appropriations.

On motion by Senator Storms, by unanimous consent—

HB 7077—A bill to be entitled An act relating to child protection; amending s. 39.01, F.S.; defining the term "child who has exhibited inappropriate sexual behavior"; amending s. 39.0121, F.S.; authorizing the Department of Children and Family Services to adopt rules providing for reporting, locating, recovering, and stabilizing missing children who are involved with the department; amending s. 39.0138, F.S.; specifying additional persons to be subject to a criminal history records check prior to placement of a child; requiring a criminal history records check of persons being considered for placement of a child to include a search of the department's automated abuse information system; authorizing the department to adopt rules establishing standards for evaluating such information; creating s. 39.0141, F.S.; requiring the department, the community-based care provider, or the appropriate law enforcement agency to file a report following a determination that a child involved with the department is missing; amending s. 39.201, F.S.; providing for additional methods to report suspected child abuse, abandonment, and neglect of a child or to report a child who has exhibited inappropriate sexual behavior; amending s. 39.301, F.S.; conforming language relating to reporting suspected child abuse, abandonment, and neglect; providing certain exceptions to the requirements that a child protective investigation be closed within 60 days; amending s. 39.307, F.S.; revising provisions relating to the provision of services to a child in cases of child-on-child sexual abuse to include a child who has exhibited inappropriate sexual behavior; revising terminology; amending s. 39.401, F.S.; requiring a law enforcement officer who takes a child into custody to release such child to an adoptive parent of the child's sibling, if the sibling was previously adopted; requiring judicial approval for the placement of a child with a nonrelative; amending s. 39.502, F.S.; requiring certain notice to foster and preadoptive parents of any hearings involving the child in their care; amending s. 39.503, F.S.; revising procedures relating to diligent searches for missing parents and relatives; amending s. 39.504, F.S.; revising procedures related to injunctions pending disposition of petition issued to protect a child; requiring that such injunctions remain in effect until modified or dissolved by the court; providing additional conditions for an injunction to protect a child from domestic violence; providing for process of service; authorizing law enforcement officers to exercise certain arrest powers; amending s. 39.507, F.S.; limiting a court to one order adjudicating dependency; providing for supplemental findings; correcting a cross-reference; amending s. 39.521, F.S.; providing an exception from the requirement for a predisposition study in dependency proceedings; correcting cross-references; amending s. 39.621, F.S.; requiring that an adoptive parent of a child's sibling be given the opportunity to apply to adopt such child if the child is available for adoption; requiring that such application be given priority consideration if it is in the best interest of the child; amending s. 39.701, F.S.; requiring that notice of a judicial review of a child's status be served on certain persons regardless of whether or not they attended a prior hearing at which the hearing was announced; amending s. 63.0541, F.S.; permitting certain information contained in the Florida Putative Father Registry to be disclosed to the department; amending s. 322.142, F.S.; authorizing the department to be provided copies of driver's license files maintained by the Department of Highway Safety and Motor Vehicles for the purpose of conducting protective investigations and expediting the determination of eligibility for public assistance; amending s. 402.401; providing for administration of the Florida Child Welfare Student Loan Forgiveness Program by the Department of Children and Family Services rather than the Department of Education; authorizing loan reimbursement to certain eligible employees; revising loan eligibility requirements; directing the Department of Children and Family Services to adopt rules to administer the program; amending s. 409.1671, F.S.; providing for certain coverage in lieu of personal motor vehicle insurance for automobiles not owned by a lead agency that are used for agency business; amending s. 409.175, F.S.; revising requirements for licensure as a foster home or child-caring agency; deleting the exemption from licensure for persons who receive a child from the department; clarifying that a permanent guardian is exempt from licensure; amending s. 787.04, F.S.; prohibiting a person from knowingly and willfully taking or removing a minor from the state or concealing the location of a minor during the pendency of a dependency proceeding or any other action concerning alleged abuse or neglect of the minor; amending s. 937.021, F.S.; requiring that a report of a missing child made by the department, a community-based care provider, or the appropriate law

enforcement agency be treated as a missing child report filed by a parent or guardian; prohibiting a law enforcement agency from requiring an order that a child be taken into custody or any other such order before accepting a missing child report for investigation; amending ss. 393.0661, 393.071, 393.125, 39.0015, 39.205, 39.302, 39.6011, 39.828, and 419.001, F.S.; conforming cross-references; amending s. 1, ch. 2007-174, Laws of Florida; extending the date for the repeal of provisions authorizing the reorganization of the Department of Children and Family Services; providing effective dates.

—a companion measure, was taken up out of order, by two-thirds vote substituted for ~~CS for CS for CS for SB 1048~~ and by two-thirds vote read the second time by title.

MOTION

On motion by Senator Storms, the rules were waived to allow the following amendment to be considered:

Senator Storms moved the following amendment:

Amendment 1 (784706)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (1) and paragraphs (e) and (g) of present subsection (31) of section 39.01, Florida Statutes, are amended, present subsections (14) through (74) are renumbered as subsections (15) through (75), respectively, and a new subsection (14) is added to that section, to read:

39.01 Definitions.—When used in this chapter, unless the context otherwise requires:

(1) “Abandoned” or “*abandonment*” means a situation in which the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the caregiver responsible for the child’s welfare, while being able, makes no provision for the child’s support *and has failed to establish or maintain a substantial and positive relationship with the child. For purposes of this subsection, “establish or maintain a substantial and positive relationship” includes, but is not limited to, frequent and regular contact with the child through frequent and regular visitation or frequent and regular communication to or with the child, and the exercise of parental rights and responsibilities. Marginal efforts and incidental or token visits or communications are not sufficient to establish or maintain a substantial and positive relationship with a child. and makes no effort to communicate with the child, which situation is sufficient to evince a willful rejection of parental obligations. If the efforts of the parent or legal custodian, or caregiver primarily responsible for the child’s welfare, to support and communicate with the child are, in the opinion of the court, only marginal efforts that do not evince a settled purpose to assume all parental duties, the court may declare the child to be abandoned.* The term “abandoned” does not include an abandoned newborn infant as described in s. 383.50, a “child in need of services” as defined in chapter 984, or a “family in need of services” as defined in chapter 984. The incarceration of a parent, legal custodian, or caregiver responsible for a child’s welfare may support a finding of abandonment.

(14) “*Child who has exhibited inappropriate sexual behavior*” means a child who is 12 years of age or younger and who has been found by the department or the court to have committed an inappropriate sexual act on himself or herself or another individual.

(32)(31) “Harm” to a child’s health or welfare can occur when any person:

(e) Abandons the child. Within the context of the definition of “harm,” the term “*abandoned the child*” or “*abandonment of the child*” means a situation in which the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the caregiver, while being able, makes no provision for the child’s support and has failed to establish or maintain a substantial and positive relationship with the child. For purposes of this paragraph, “*establish or maintain a substantial and positive relationship*” includes, but is not limited to, frequent and regular contact with the child through frequent and regular visitation or frequent and regular communication to or with the child, and the exercise of parental rights and responsibilities. Marginal efforts and incidental or token visits or communications are not sufficient to establish or maintain a substantial and positive relationship with a child. “*abandons the child*” means that the parent or legal custodian of a child or, in the absence of

a parent or legal custodian, the person responsible for the child’s welfare, while being able, makes no provision for the child’s support and makes no effort to communicate with the child, which situation is sufficient to evince a willful rejection of parental obligation. If the efforts of the parent or legal custodian or person primarily responsible for the child’s welfare to support and communicate with the child are only marginal efforts that do not evince a settled purpose to assume all parental duties, the child may be determined to have been abandoned. The term “abandoned” does not include an abandoned newborn infant as described in s. 383.50.

(g) Exposes a child to a controlled substance or alcohol. Exposure to a controlled substance or alcohol is established by:

1. A test, administered at birth, which indicated that the child’s blood, urine, or meconium contained any amount of alcohol or a controlled substance or metabolites of such substances, the presence of which was not the result of medical treatment administered to the mother or the newborn infant. Use by the mother of a controlled substance or alcohol during pregnancy when the child, at birth, is demonstrably adversely affected by such usage; or

2. Evidence of extensive, abusive, and ~~Continued~~ chronic and severe use of a controlled substance or alcohol by a parent when the child is demonstrably adversely affected by such usage.

As used in this paragraph, the term “controlled substance” means prescription drugs not prescribed for the parent or not administered as prescribed and controlled substances as outlined in Schedule I or Schedule II of s. 893.03.

Section 2. Subsection (16) is added to section 39.0121, Florida Statutes, to read:

39.0121 Specific rulemaking authority.—Pursuant to the requirements of s. 120.536, the department is specifically authorized to adopt, amend, and repeal administrative rules which implement or interpret law or policy, or describe the procedure and practice requirements necessary to implement this chapter, including, but not limited to, the following:

(16) Provisions for reporting, locating, recovering, and stabilizing children whose whereabouts become unknown while they are involved with the department and for preventing recurrences of such incidents. At a minimum, the rules must:

(a) Provide comprehensive, explicit, and consistent guidelines to be followed by the department’s employees and contracted providers when the whereabouts of a child involved with the department is unknown.

(b) Include criteria to determine when a child is missing for purposes of making a report to a law enforcement agency, and require that in all cases in which a law enforcement agency has accepted a case for criminal investigation pursuant to s. 39.301(2)(c) and the child’s whereabouts are unknown, the child shall be considered missing and a report made.

(c) Include steps to be taken by employees and contracted providers to ensure and provide evidence that parents and guardians have been advised of the requirements of s. 787.04(3) and that violations are reported.

Section 3. Subsection (1) of section 39.0138, Florida Statutes, is amended to read:

39.0138 Criminal history records check; limit on placement of a child.—

(1) The department shall conduct a criminal history records check on ~~for~~ all persons being considered by the department ~~for approval~~ for placement of a child subject to a placement decision under this chapter, including all nonrelative placement decisions, all members of the household of the person being considered, and frequent visitors to the household. For purposes of this section, a criminal history records check may include, but is not limited to, submission of fingerprints to the Department of Law Enforcement for processing and forwarding to the Federal Bureau of Investigation for state and national criminal history information, and local criminal records checks through local law enforcement agencies. A criminal history records check must also include a search of the department’s automated abuse information system. The department

shall establish by rule standards for evaluating any information contained in the automated system relating to a person who must be screened for purposes of making a placement decision.

Section 4. Section 39.0141, Florida Statutes, is created to read:

39.0141 Missing children; report required.—Whenever the whereabouts of a child involved with the department becomes unknown, the department, the community-based care provider, or the sheriff's office providing investigative services for the department shall make reasonable efforts, as defined by rule, to locate the child. If, pursuant to criteria established by rule, the child is determined to be missing, the department, the community-based care provider, or the sheriff's office shall file a report that the child is missing in accordance with s. 937.021.

Section 5. Subsections (2), (4), and (7) of section 39.201, Florida Statutes, are amended to read:

39.201 Mandatory reports of child abuse, abandonment, or neglect; mandatory reports of death; central abuse hotline.—

(2)(a) Each report of known or suspected child abuse, abandonment, or neglect by a parent, legal custodian, caregiver, or other person responsible for the child's welfare as defined in this chapter, except those solely under s. 827.04(3), and each report that a child is in need of supervision and care and has no parent, legal custodian, or responsible adult relative immediately known and available to provide supervision and care shall be made immediately to the department's central abuse hotline. *Such reports may be made on the single statewide toll-free telephone number or by fax or e-mail.* Personnel at the department's central abuse hotline shall determine if the report received meets the statutory definition of child abuse, abandonment, or neglect. Any report meeting one of these definitions shall be accepted for the protective investigation pursuant to part III of this chapter.

(b) If the report is of an instance of known or suspected child abuse by someone other than a parent, legal custodian, caregiver, or other person responsible for the child's welfare as defined in this chapter, the call or report shall be immediately electronically transferred to the appropriate county sheriff's office by the central abuse hotline.

(c) If the report is of an instance of known or suspected child abuse, abandonment, or neglect that occurred out of state and the alleged perpetrator and the child alleged to be a victim live out of state, the central abuse hotline may ~~shall~~ not accept the call or report for investigation, but shall transfer the information ~~on the report~~ to the appropriate state.

(d) If the report is of an instance of known or suspected child abuse involving impregnation of a child under 16 years of age by a person 21 years of age or older solely under s. 827.04(3), the report shall be made immediately to the appropriate county sheriff's office or other appropriate law enforcement agency. If the report is of an instance of known or suspected child abuse solely under s. 827.04(3), the reporting provisions of this subsection do not apply to health care professionals or other persons who provide medical or counseling services to pregnant children when such reporting would interfere with the provision of medical services.

(e) Reports involving known or suspected institutional child abuse or neglect shall be made and received in the same manner as all other reports made pursuant to this section.

(f) Reports involving a known or suspected juvenile sexual offender or a child who has exhibited inappropriate sexual behavior shall be made and received by the department.

1. The department shall determine the age of the alleged ~~juvenile sexual~~ offender, if known.

2. ~~If~~ ~~When~~ the alleged ~~juvenile sexual~~ offender is 12 years of age or younger, the central abuse hotline shall immediately electronically transfer the call or report to the appropriate law enforcement agency office. The department shall conduct an assessment and assist the family in receiving appropriate services pursuant to s. 39.307, and send a written report of the allegation to the appropriate county sheriff's office within 48 hours after the initial report is made to the central abuse hotline.

3. ~~If~~ ~~When~~ the alleged ~~juvenile sexual~~ offender is 13 years of age or older, the ~~central abuse hotline department~~ shall immediately electroni-

cally transfer the call or report to the appropriate county sheriff's office by the central abuse hotline, and send a written report to the appropriate county sheriff's office within 48 hours after the initial report to the central abuse hotline.

(g) Reports involving abandoned newborn infants as described in s. 383.50 shall be made and received by the department.

1. If the report is of an abandoned newborn infant as described in s. 383.50 and there is no indication of abuse, neglect, or abandonment other than that necessarily entailed in the infant having been left at a hospital, emergency medical services station, or fire station, the department shall provide to the caller the name of a licensed child-placing agency on a rotating basis from a list of licensed child-placing agencies eligible and required to accept physical custody of and to place newborn infants left at a hospital, emergency medical services station, or fire station. The report ~~may shall~~ not be considered a report of abuse, neglect, or abandonment solely because the infant has been left at a hospital, emergency medical services station, or fire station pursuant to s. 383.50.

2. If the ~~call, fax, or e-mail includes caller reports~~ indications of abuse or neglect beyond that necessarily entailed in the infant having been left at a hospital, emergency medical services station, or fire station, the report shall be considered as a report of abuse, neglect, or abandonment and ~~is shall~~ be subject to the requirements of s. 39.395 and all other relevant provisions of this chapter, notwithstanding any provisions of chapter 383.

(h) Hotline counselors shall receive periodic training in encouraging reporters to provide their names when reporting abuse, abandonment, or neglect. Callers shall be advised of the confidentiality provisions of s. 39.202. The department shall secure and install electronic equipment that automatically provides to the hotline the number from which the call or fax is placed, or the Internet protocol (IP) address from which the e-mail report is received. This number or address shall be entered into the report of abuse, abandonment, or neglect and become a part of the record of the report, but shall enjoy the same confidentiality as provided to the identity of the reporter ~~caller~~ pursuant to s. 39.202.

(i) The department shall voice-record all incoming or outgoing calls that are received or placed by the central abuse hotline ~~and shall maintain an electronic copy of each fax or e-mail that relates which relate~~ to suspected or known child abuse, neglect, or abandonment. The recording or electronic copy of each fax and e-mail shall become a part of the record of the report but, notwithstanding s. 39.202, shall be released in full only to law enforcement agencies and state attorneys for the purpose of investigating and prosecuting criminal charges pursuant to s. 39.205, or to employees of the department for the purpose of investigating and seeking administrative penalties pursuant to s. 39.206. ~~Nothing in~~ This paragraph ~~does not shall~~ prohibit the use of the recordings or electronic copies of faxes or e-mails by hotline staff for quality assurance and training.

(4) The department shall establish and maintain a central abuse hotline to receive all reports made pursuant to this section in writing, by fax or e-mail, or through a single statewide toll-free telephone number, which any person may use to report known or suspected child abuse, abandonment, or neglect at any hour of the day or night, any day of the week. The central abuse hotline shall be operated in such a manner as to enable the department to:

(a) Immediately identify and locate prior reports or cases of child abuse, abandonment, or neglect through the use ~~utilization~~ of the department's automated tracking system.

(b) Monitor and evaluate the effectiveness of the department's program for reporting and investigating suspected abuse, abandonment, or neglect of children through the development and analysis of statistical and other information.

(c) Track critical steps in the investigative process to ensure compliance with all requirements for any report of abuse, abandonment, or neglect.

(d) Maintain and produce aggregate statistical reports monitoring patterns of child abuse, child abandonment, and child neglect. The department shall collect and analyze child-on-child sexual abuse reports and include the information in aggregate statistical reports.

(e) Serve as a resource for the evaluation, management, and planning of preventive and remedial services for children who have been subject to abuse, abandonment, or neglect.

(f) Initiate and enter into agreements with other states for the purpose of gathering and sharing information contained in reports on child maltreatment to further enhance programs for the protection of children.

(7) On an ongoing basis, the department's quality assurance program shall review calls and reports to the hotline involving three or more unaccepted reports on a single child, where jurisdiction applies, in order to detect such things as harassment and situations that warrant an investigation because of the frequency or variety of the source of the reports. The Program Director for Family Safety may refer a case for investigation when it is determined, as a result of this review, that an investigation may be warranted.

Section 6. Subsections (1) and (16) of section 39.301, Florida Statutes, are amended to read:

39.301 Initiation of protective investigations.—

(1) Upon receiving ~~a an oral or written~~ report of known or suspected child abuse, abandonment, or neglect, or that a child is in need of supervision and care and has no parent, legal custodian, or responsible adult relative immediately known and available to provide supervision and care, the central abuse hotline shall determine if the report requires an immediate onsite protective investigation. For reports requiring an immediate onsite protective investigation, the central abuse hotline shall immediately notify the department's designated ~~children and families~~ district staff responsible for protective investigations to ensure that an onsite investigation is promptly initiated. For reports not requiring an immediate onsite protective investigation, the central abuse hotline shall notify the department's designated ~~children and families~~ district staff responsible for protective investigations in sufficient time to allow for an investigation. At the time of notification ~~of district staff with respect to the report~~, the central abuse hotline shall also provide information ~~to district staff~~ on any previous report concerning a subject of the present report or any pertinent information relative to the present report or any noted earlier reports.

(16) ~~The department shall complete its protective investigation within No later than 60 days after receiving the initial report, unless: the local office of the department shall complete its investigation.~~

(a) ~~There is also an active, concurrent criminal investigation that is continuing beyond the 60-day period and the closure of the protective investigation may compromise successful criminal prosecution of the child abuse or neglect case, in which case the closure date shall coincide with the closure date of the criminal investigation and any resulting legal action.~~

(b) ~~In child death cases, the final report of the medical examiner is necessary for the department to close its investigation, and the report has not been received within the 60-day period, in which case the report closure date shall be extended to accommodate to the report.~~

(c) ~~A child who is necessary to an investigation has been declared missing by the department, a law enforcement agency, or a court, in which case the 60-day period shall be extended until the child has been located or until sufficient information exists to close the investigation despite the unknown location of the child.~~

Section 7. Subsections (2), (3), (4), and (5) of section 39.307, Florida Statutes, are amended to read:

39.307 Reports of child-on-child sexual abuse.—

(2) District staff, at a minimum, shall adhere to the following procedures:

(a) The purpose of the response to a report alleging juvenile sexual abuse behavior shall be explained to the caregiver.

1. The purpose of the response shall be explained in a manner consistent with legislative purpose and intent provided in this chapter.

2. The name and office telephone number of the person responding shall be provided to the caregiver of the alleged juvenile sexual offender

or child who has exhibited inappropriate sexual behavior and the victim's caregiver.

3. The possible consequences of the department's response, including outcomes and services, shall be explained to the caregiver of the alleged juvenile sexual offender or child who has exhibited inappropriate sexual behavior and the victim's ~~family or~~ caregiver.

(b) The caregiver of the alleged juvenile sexual offender or child who has exhibited inappropriate sexual behavior and the victim's caregiver ~~of the victim~~ shall be involved to the fullest extent possible in determining the nature of the allegation and the nature of any problem or risk to other children.

(c) The assessment of risk and the perceived treatment needs of the alleged juvenile sexual offender or child who has exhibited inappropriate sexual behavior, the victim, and respective caregivers shall be conducted by the district staff, the child protection team of the Department of Health, and other providers under contract with the department to provide services to the caregiver of the alleged offender, the victim, and the victim's caregiver.

(d) The assessment shall be conducted in a manner that is sensitive to the social, economic, and cultural environment of the family.

(e) ~~If~~ ~~When~~ necessary, the child protection team of the Department of Health shall conduct a physical examination of the victim, which is sufficient to meet forensic requirements.

(f) Based on the information obtained from the alleged juvenile sexual offender or child who has exhibited inappropriate sexual behavior, ~~his or her the alleged juvenile sexual offender's~~ caregiver, the victim, and the victim's caregiver, an assessment service and treatment needs report must be completed within 7 days and, if needed, a case plan developed within 30 days.

(g) The department shall classify the outcome of ~~its initial assessment of~~ the report as follows:

1. Report closed. Services were not offered ~~to the alleged juvenile sexual offender~~ because the department determined that there was no basis for intervention.

2. Services accepted by alleged offender. Services were offered to the alleged juvenile sexual offender or child who has exhibited inappropriate sexual behavior and accepted by the caregiver.

3. Report closed. Services were offered to the alleged juvenile sexual offender or child who has exhibited inappropriate sexual behavior, but were rejected by the caregiver.

4. Notification to law enforcement. ~~Either~~ The risk to the victim's safety and well-being cannot be reduced by the provision of services or the caregiver ~~family~~ rejected services, and notification of the alleged delinquent act or violation of law to the appropriate law enforcement agency was initiated.

5. Services accepted by victim. Services were offered to the victim ~~of the alleged juvenile sexual offender~~ and accepted by the caregiver.

6. Report closed. Services were offered to the victim ~~of the alleged juvenile sexual offender~~, but were rejected by the caregiver.

(3) ~~If~~ ~~When~~ services have been accepted by the alleged juvenile sexual offender or child who has exhibited inappropriate sexual behavior, the victim, and respective caregivers ~~or family~~, the department shall designate a case manager and develop a specific case plan.

(a) Upon receipt of the plan, the caregiver ~~or family~~ shall indicate its acceptance of the plan in writing.

(b) The case manager shall periodically review the progress toward achieving the objectives of the plan in order to:

1. Make adjustments to the plan or take additional action as provided in this part; or

2. Terminate the case ~~if when~~ indicated by successful or substantial achievement of the objectives of the plan.

(4) *Services provided to the alleged juvenile sexual offender or child who has exhibited inappropriate sexual behavior, the victim, and respective caregivers or family must be voluntary and of necessary duration.*

(5)(4) *If in the event the family or caregiver of the alleged juvenile sexual offender or child who has exhibited inappropriate sexual behavior fails to adequately participate or allow for the adequate participation of the child juvenile sexual offender in the services or treatment delineated in the case plan, the case manager may recommend that the department:*

- (a) Close the case;
- (b) Refer the case to mediation or arbitration, if available; or
- (c) Notify the appropriate law enforcement agency of failure to comply.

~~(5) Services to the alleged juvenile sexual offender, the victim, and respective caregivers or family under this section shall be voluntary and of necessary duration.~~

Section 8. Subsections (2) and (3) of section 39.401, Florida Statutes, are amended, and subsection (5) is added to that section, to read:

39.401 Taking a child alleged to be dependent into custody; law enforcement officers and authorized agents of the department.—

(2) If the law enforcement officer takes the child into custody, that officer shall:

- (a) Release the child to:
 1. The parent or legal custodian of the child;
 2. A responsible adult approved by the court when limited to temporary emergency situations;
 3. A responsible adult relative who shall be given priority consideration over a nonrelative placement when this is in the best interests of the child; or
 4. *The adoptive parent of the child's sibling, if such sibling was previously adopted, who shall be given priority consideration over a nonrelative placement if it is in the best interest of the child to do so; or*

5.4. A responsible adult approved by the department; or

(b) Deliver the child to an authorized agent of the department, stating the facts by reason of which the child was taken into custody and sufficient information to establish probable cause that the child is abandoned, abused, or neglected, or otherwise dependent.

For cases involving allegations of abandonment, abuse, or neglect, or other dependency cases, within 3 days after such release or within 3 days after delivering the child to an authorized agent of the department, the law enforcement officer who took the child into custody shall make a full written report to the department.

(3) If the child is taken into custody by, or is delivered to, an authorized agent of the department, the authorized agent shall review the facts supporting the removal with an attorney representing the department. The purpose of ~~the~~ *this review is shall be to determine whether there is probable cause exists* for the filing of a shelter petition.

(a) If the facts are not sufficient to support the filing of a shelter ~~petition~~, the child shall immediately be returned to the custody of the parent or legal custodian.

(b) If the facts are sufficient to support the filing of the shelter ~~petition~~ and the child has not been returned to the custody of the parent or legal custodian, the department shall file the petition and schedule a hearing, and the attorney representing the department shall request that a shelter hearing be held *within as quickly as possible, not to exceed 24 hours after the removal of the child. While awaiting the shelter hearing, the authorized agent of the department may place the child in licensed shelter care or may release the child to a parent or legal custodian or responsible adult relative who shall be given priority consideration over a licensed placement, or a responsible adult approved by the department if when this is in the best interests of the child. Any* Placement of a child which is not in a licensed shelter must be preceded by

~~a criminal history records check as required under s. 39.0138 local and state criminal records check, as well as a search of the department's automated abuse information system, on all members of the household, to assess the child's safety within the home. In addition, the department may authorize placement of a housekeeper/homemaker in the home of a child alleged to be dependent until the parent or legal custodian assumes care of the child.~~

(5) *Judicial review and approval is required within 24 hours after placement for all nonrelative placements. A nonrelative placement must be for a specific and predetermined period of time, not to exceed 12 months, and shall be reviewed by the court at least every 6 months. If the nonrelative placement continues for longer than 12 months, the department shall request the court to establish permanent guardianship or require that the nonrelative seek licensure as a foster care provider within 30 days after the court decision.*

Section 9. Subsection (17) of section 39.502, Florida Statutes, is amended to read:

39.502 Notice, process, and service.—

(17) The parent or legal custodian of the child, the attorney for the department, the guardian ad litem, *the foster or preadoptive parents*, and all other parties and participants shall be given reasonable notice of all *proceedings and* hearings provided for under this part. *All foster or preadoptive parents must be provided with at least 72 hours' notice, verbally or in writing, of all proceedings or hearings relating to children in their care or children they are seeking to adopt to ensure the ability to provide input to the court.*

Section 10. Subsection (6) of section 39.503, Florida Statutes, is amended to read:

39.503 Identity or location of parent unknown; special procedures.—

(6) The diligent search required by subsection (5) must include, at a minimum, inquiries of all relatives of the parent or prospective parent made known to the petitioner, inquiries of all offices of program areas of the department likely to have information about the parent or prospective parent, inquiries of other state and federal agencies likely to have information about the parent or prospective parent, inquiries of appropriate utility and postal providers, *a thorough search of at least one electronic database specifically designed for locating persons*, and inquiries of appropriate law enforcement agencies. Pursuant to s. 453 of the Social Security Act, 42 U.S.C. s. 653(c)(4), the department, as the state agency administering Titles IV-B and IV-E of the act, shall be provided access to the federal and state parent locator service for diligent search activities.

Section 11. Section 39.504, Florida Statutes, is amended to read:

39.504 Injunction pending disposition of petition; penalty.—

(1)(a) *At any time after a protective investigation has been initiated pursuant to part III of this chapter* ~~When a petition for shelter placement or a petition for dependency has been filed or when a child has been taken into custody and reasonable cause, as defined in paragraph (b), exists, the court, upon the request of the department, a law enforcement officer, the state attorney, or other responsible person, or upon its own motion, may, if there is reasonable cause, shall have the authority to issue an injunction to prevent any act of child abuse or any unlawful sexual offense involving a child.~~

(b) ~~Reasonable cause for the issuance of an injunction exists if there is evidence of child abuse or an unlawful sexual offense involving a child or if there is a reasonable likelihood of such abuse or offense occurring based upon a recent overt act or failure to act.~~

(2) Notice shall be provided to the parties as set forth in the Florida Rules of Juvenile Procedure, unless the child is reported to be in imminent danger, in which case the court may issue an injunction immediately. A judge may issue an emergency injunction pursuant to this section without notice *if at times when the court is closed for the transaction of judicial business. If when such an immediate injunction is issued, the court must shall hold a hearing on the next day of judicial business either to dissolve the injunction or to continue or modify it in accordance with the other provisions of this section.*

(3)(a) ~~If in every instance in which~~ an injunction is issued under this section, the primary purpose of the injunction ~~must be shall be primarily~~ to protect and promote the best interests of the child, taking the preservation of the child's immediate family into consideration. ~~The effective period of the injunction shall be determined by the court, except that the injunction will expire at the time of the disposition of the petition for shelter placement or dependency.~~

(a)(b) The injunction shall apply to the alleged or actual offender in a case of child abuse or acts of domestic violence ~~an unlawful sexual offense involving a child~~. The conditions of the injunction shall be determined by the court, which conditions may include ordering the alleged or actual offender to:

1. Refrain from further abuse or acts of domestic violence ~~unlawful sexual activity involving a child~~.
2. Participate in a specialized treatment program.
3. Limit contact or communication with the child victim, other children in the home, or any other child.
4. Refrain from contacting the child at home, school, work, or wherever the child may be found.
5. Have limited or supervised visitation with the child.
6. Pay temporary support for the child or other family members; the costs of medical, psychiatric, and psychological treatment for the child ~~victim~~ incurred as a result of the offenses; and similar costs for other family members.
7. Vacate the home in which the child resides.

(b)(e) ~~If the intent of the injunction is to protect the child from domestic violence, the conditions may also include:~~

1. Awarding the exclusive use and possession of the dwelling to the caregiver or excluding the alleged or actual offender from the residence of the caregiver.
2. Awarding temporary custody of the child to the caregiver.
3. Establishing temporary support for the child. ~~At any time prior to the disposition of the petition, the alleged or actual offender may offer the court evidence of changed circumstances as a ground to dissolve or modify the injunction.~~

This paragraph does not preclude the adult victim of domestic violence from seeking protection under s. 741.30.

(c) ~~The terms of the injunction shall remain in effect until modified or dissolved by the court. The petitioner, respondent, or caregiver may move at any time to modify or dissolve the injunction. The injunction is valid and enforceable in all counties in the state.~~

(4) ~~Service of process on the respondent shall be carried out pursuant to s. 741.30. The department shall deliver a copy of any injunction issued pursuant to this section shall be delivered to the protected party, or to a parent, or caregiver, or individual acting in the place of a parent who is not the respondent, and to any law enforcement agency having jurisdiction to enforce such injunction. Law enforcement officers may exercise their arrest powers as provided in s. 901.15(6) to enforce the terms of the injunction. Upon delivery of the injunction to the appropriate law enforcement agency, the agency shall have the duty and responsibility to enforce the injunction.~~

(5) Any person who fails to comply with an injunction issued pursuant to this section ~~commits is guilty~~ of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 12. Subsection (7) of section 39.507, Florida Statutes, is amended to read:

39.507 Adjudicatory hearings; orders of adjudication.—

(7)(a) *For as long as a court maintains jurisdiction over a dependency case, only one order adjudicating each child in the case dependent shall be entered. This order establishes the legal status of the child for purposes of proceedings under this chapter and may be based on the conduct of one parent, both parents, or a legal custodian.*

(b) *Upon a properly noticed motion, a subsequent evidentiary hearing may be held regarding the conduct of one parent, both parents, or a custodian. With court approval, supplemental findings made beyond a preponderance of the evidence may be entered. The child's dependency status may not be retried or readjudicated.*

(c) If a court adjudicates a child dependent and the child is in out-of-home care, the court shall inquire of the parent or parents whether the parents have relatives who might be considered as a placement for the child. The court shall advise the parents that, if the parents fail to substantially comply with the case plan, their parental rights may be terminated and that the child's out-of-home placement may become permanent. The parent or parents shall provide to the court and all parties identification and location information of the relatives.

Section 13. Paragraphs (a) and (f) of subsection (1) of section 39.521, Florida Statutes, are amended to read:

39.521 Disposition hearings; powers of disposition.—

(1) A disposition hearing shall be conducted by the court, if the court finds that the facts alleged in the petition for dependency were proven in the adjudicatory hearing, or if the parents or legal custodians have consented to the finding of dependency or admitted the allegations in the petition, have failed to appear for the arraignment hearing after proper notice, or have not been located despite a diligent search having been conducted.

(a) A written case plan and a predisposition study prepared by an authorized agent of the department must be filed with the court, and served upon the parents of the child, provided to the representative of the guardian ad litem program, if the program has been appointed, and provided to all other parties, not less than 72 hours before the disposition hearing. All such case plans must be approved by the court. If the court does not approve the case plan at the disposition hearing, the court must set a hearing within 30 days after the disposition hearing to review and approve the case plan. *The court may grant an exception to the requirement for a predisposition study by separate order or within the judge's order of disposition upon finding that all the family and child information required by subsection (2) is available in other documents filed with the court.*

(f) If the court places the child in an out-of-home placement, the disposition order must include a written determination that the child cannot safely remain at home with reunification or family preservation services and that removal of the child is necessary to protect the child. If the child ~~is has been~~ removed before the disposition hearing, the order must also include a written determination as to whether, after removal, the department ~~has made~~ a reasonable effort to reunify the parent and child, ~~if reasonable efforts are required~~. Reasonable efforts to reunify are not required if the court ~~finds has found~~ that any of the acts listed in s. 39.806(1)(f)-(l) ~~s. 39.806(1)(f)-(i)~~ have occurred. The department has the burden of demonstrating that it ~~has made~~ reasonable efforts ~~under this paragraph~~.

1. For the purposes of this paragraph, the term "reasonable effort" means the exercise of reasonable diligence and care by the department to provide the services ordered by the court or delineated in the case plan.

2. In support of its determination as to whether reasonable efforts have been made, the court shall:

a. Enter written findings as to whether ~~or not~~ prevention or reunification efforts were indicated.

b. If prevention or reunification efforts were indicated, include a brief written description of what appropriate and available prevention and reunification efforts were made.

c. Indicate in writing why further efforts could or could not have prevented or shortened the separation of the parent and child.

3. A court may find that the department ~~has made~~ a reasonable effort to prevent or eliminate the need for removal if:

a. The first contact of the department with the family occurs during an emergency;

b. The appraisal by the department of the home situation indicates that it presents a substantial and immediate danger to the child's safety or physical, mental, or emotional health which cannot be mitigated by the provision of preventive services;

c. The child cannot safely remain at home, either because there are no preventive services that can ensure the health and safety of the child or, even with appropriate and available services being provided, the health and safety of the child cannot be ensured; or

d. The parent is alleged to have committed any of the acts listed as grounds for expedited termination of parental rights *under s. 39.806(1)(f)-(l)* in ~~s. 39.806(1)(f)-(i)~~.

4. A reasonable effort by the department for reunification of the parent and child has been made if the appraisal of the home situation by the department indicates that the severity of the conditions of dependency is such that reunification efforts are inappropriate. The department has the burden of demonstrating to the court that reunification efforts were inappropriate.

5. If the court finds that the prevention or reunification effort of the department would not have permitted the child to remain safely at home, the court may commit the child to the temporary legal custody of the department or take any other action authorized by this chapter.

Section 14. Subsection (6) of section 39.621, Florida Statutes, is amended to read:

39.621 Permanency determination by the court.—

(6) If a child will not be reunited with a parent, adoption, under chapter 63, is the primary permanency option. *If the child is a sibling of a previously adopted child and the child becomes available for adoption, the adoptive parent of the previously placed sibling shall be offered the opportunity to apply to adopt the child and the adoptive parent's application shall be given the same consideration as a relative's application for adoption.* If the child is placed with a relative or with a relative of the child's half-brother or half-sister as a permanency option, the court may recognize the permanency of this placement without requiring the relative to adopt the child. If the court approves a permanency goal of permanent guardianship of a dependent child, placement with a fit and willing relative, or another planned permanent living arrangement, the court shall make findings as to why this permanent placement is established without adoption of the child to follow. If the court approves a permanency goal of another planned permanent living arrangement, the court shall document the compelling reasons for choosing this goal.

Section 15. Subsection (5) of section 39.701, Florida Statutes, is amended to read:

39.701 Judicial review.—

(5) Notice of a judicial review hearing or a citizen review panel hearing, and a copy of the motion for judicial review, if any, must be served by the clerk of the court upon *all of the following persons regardless of whether the person was present at the previous hearing at which the date, time, and location of the hearing was announced:*

(a) The social service agency charged with the supervision of care, custody, or guardianship of the child, if that agency is not the movant.

(b) The foster parent or legal custodian in whose home the child resides.

(c) The parents.

(d) The guardian ad litem for the child, or the representative of the guardian ad litem program if the program has been appointed.

(e) *The attorney for the child.*

(f) *The child, if the child is 15 years of age or older.*

(g)(e) Any preadoptive parent.

(h)(f) Such other persons as the court may ~~in its discretion~~ direct.

~~Service of notice is not required on any of the persons listed in paragraphs (a)-(f) if the person was present at the previous hearing during which the date, time, and location of the hearing was announced.~~

Section 16. Subsection (1) of section 39.8055, Florida Statutes, is amended to read:

39.8055 Requirement to file a petition to terminate parental rights; exceptions.—

(1) The department shall file a petition to terminate parental rights within 60 days after any of the following if:

(a) At the time of the 12-month judicial review hearing, a child is not returned to the physical custody of the parents;

(b) A petition for termination of parental rights has not otherwise been filed, and the child has been in out-of-home care under the responsibility of the state for ~~12~~ 15 of the most recent 22 months, calculated on a cumulative basis, but not including any trial home visits or time during which the child was a runaway;

(c) A parent has been convicted of ~~the murder of the other parent, manslaughter of the other parent, aiding or abetting the murder, or conspiracy or solicitation to murder the other parent or another child of the parent,~~ or a felony battery that resulted in serious bodily injury to the child or to ~~another~~ ~~any other~~ child of the parent; or

(d) A court determines that reasonable efforts to reunify the child and parent are not required.

Section 17. Paragraphs (e) through (h) of subsection (1) of section 39.806, Florida Statutes, are amended, paragraphs (j), (k), and (l) are added to that subsection, and subsections (2), (3), and (4) of that section are amended, to read:

39.806 Grounds for termination of parental rights.—

(1) Grounds for the termination of parental rights may be established under any of the following circumstances:

(e) ~~The~~ ~~When~~ a child has been adjudicated dependent, a case plan has been filed with the court, and ~~the parent or parents have materially breached the case plan.~~ *For purposes of this subsection, the term "materially breached" means:*

1. The child continues to be abused, neglected, or abandoned by the parent or parents. ~~In this case,~~ The failure of the parent or parents to substantially comply for a period of ~~9-months~~ ~~12-months~~ after an adjudication of the child as a dependent child or the child's placement into shelter care, whichever ~~occurs~~ ~~came~~ first, constitutes evidence of continuing abuse, neglect, or abandonment unless the failure to substantially comply with the case plan was due either to the parent's lack of financial resources of the parents or to the failure of the department to make reasonable efforts to reunify the parent and child. The ~~9-month~~ ~~12-month~~ period begins to run only after the child's placement into shelter care or the entry of a disposition order placing the custody of the child with the department or a person other than the parent and the court's approval by the court of a case plan ~~having the~~ ~~with~~ a goal of reunification with the parent, whichever ~~occurs~~ ~~came~~ first; or

2. ~~The parent or parents are unlikely or unable~~ ~~The parent has materially breached the case plan by making it unlikely that he or she will be able to substantially comply with the case plan before the time for compliance expires; or-~~ ~~Time is of the essence for permanency of children in the dependency system. In order to prove the parent has materially breached the case plan, the court must find by clear and convincing evidence that the parent is unlikely or unable to substantially comply with the case plan before time expires to comply with the case plan.~~

3. ~~The parent or parents, although able, fail to maintain frequent and regular contact with the child through frequent and regular visitation or communication.~~

(f) ~~When~~ The parent or parents engaged in egregious conduct or had the opportunity and capability to prevent and knowingly failed to prevent egregious conduct that threatens the life, safety, or physical, mental, or emotional health of the child or the child's sibling.

1. As used in this subsection, the term “sibling” means another child who resides with or is cared for by the parent or parents regardless of whether the child is related legally or by consanguinity.

2. As used in this subsection, the term “egregious conduct” means abuse, abandonment, neglect, or any other conduct of the parent or parents that is deplorable, flagrant, or outrageous by a normal standard of conduct. Egregious conduct may include an act or omission that occurred only once but was of such intensity, magnitude, or severity as to endanger the life of the child.

(g) ~~When~~ The parent or parents have subjected the child or another child to aggravated child abuse as defined in s. 827.03, sexual battery or sexual abuse as defined in s. 39.01, or chronic abuse.

(h) ~~When~~ The parent or parents have been convicted of the murder, manslaughter, aiding or abetting the murder, or conspiracy or solicitation to murder the other parent or another child, or a felony battery that resulted in serious bodily injury to the child or to another child ~~committed murder or voluntary manslaughter of another child, or a felony assault that results in serious bodily injury to the child or another child, or aided or abetted, attempted, conspired, or solicited to commit such a murder or voluntary manslaughter or felony assault.~~

(i) ~~When~~ The parental rights of the parent to a sibling of the child have been terminated involuntarily.

(j) *The parent or parents have a history of extensive, abusive, and chronic use of alcohol or a controlled substance which renders them incapable of caring for the child, and have refused or failed to complete available treatment for such use during the 3-year period immediately preceding the filing of the petition for termination of parental rights.*

(k) *A test administered at birth that indicated that the child’s blood, urine, or meconium contained any amount of alcohol or a controlled substance or metabolites of such substances, the presence of which was not the result of medical treatment administered to the mother or the newborn infant, and the biological mother of the child is the biological mother of at least one other child who was adjudicated dependent after a finding of harm to the child’s health or welfare due to exposure to a controlled substance or alcohol as defined in s. 39.01(31)(g), after which the biological mother had the opportunity to participate in substance abuse treatment.*

(l) *On three or more occasions the child or another child of the parent or parents has been placed in out-of-home care pursuant to this chapter, and the conditions that led to the child’s out-of-home placement were caused by the parent or parents.*

(2) Reasonable efforts to preserve and reunify families are not required if a court of competent jurisdiction has determined that any of the events described in paragraphs (1)(e)-(l) ~~(1)(e)-(i)~~ have occurred.

(3) ~~If~~ ~~When~~ a petition for termination of parental rights is filed under subsection (1), a separate petition for dependency need not be filed and the department need not offer the parents a case plan *having with* a goal of reunification, but may instead file with the court a case plan *having with* a goal of termination of parental rights to allow continuation of services until the termination is granted or until further orders of the court are issued.

(4) ~~If~~ ~~When~~ an expedited termination of parental rights petition is filed, reasonable efforts shall be made to place the child in a timely manner in accordance with the permanency plan, and to complete whatever steps are necessary to finalize the permanent placement of the child.

Section 18. Section 39.810, Florida Statutes, is amended to read:

39.810 Manifest best interests of the child.—In a hearing on a petition for termination of parental rights, the court shall consider the manifest best interests of the child. This consideration shall not include a comparison between the attributes of the parents and those of any persons providing a present or potential placement for the child. For the purpose of determining the manifest best interests of the child, the court shall consider and evaluate all relevant factors, including, but not limited to:

(1) Any suitable permanent custody arrangement with a relative of the child. However, the availability of a nonadoptive placement with a

relative may not receive greater consideration than any other factor weighing on the manifest best interest of the child and may not be considered as a factor weighing against termination of parental rights. If a child has been in a stable or preadoptive placement for not less than 6 months, the availability of a different placement, including a placement with a relative, may not be considered as a ground to deny the termination of parental rights.

(2) The ability and disposition of the parent or parents to provide the child with food, clothing, medical care or other remedial care recognized and permitted under state law instead of medical care, and other material needs of the child.

(3) The capacity of the parent or parents to care for the child to the extent that the child’s safety, well-being, and physical, mental, and emotional health will not be endangered upon the child’s return home.

(4) The present mental and physical health needs of the child and such future needs of the child to the extent that such future needs can be ascertained based on the present condition of the child.

(5) The love, affection, and other emotional ties existing between the child and the child’s parent or parents, siblings, and other relatives, and the degree of harm to the child that would arise from the termination of parental rights and duties.

(6) The likelihood of an older child remaining in long-term foster care upon termination of parental rights, due to emotional or behavioral problems or any special needs of the child.

(7) The child’s ability to form a significant relationship with a parental substitute and the likelihood that the child will enter into a more stable and permanent family relationship as a result of permanent termination of parental rights and duties.

(8) The length of time that the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity.

(9) The depth of the relationship existing between the child and the present custodian.

(10) The reasonable preferences and wishes of the child, if the court deems the child to be of sufficient intelligence, understanding, and experience to express a preference.

(11) The recommendations for the child provided by the child’s guardian ad litem or legal representative.

If the court finds that termination of parental rights is in the manifest best interests of the child, the court shall also find that termination of parental rights is the least restrictive means of protecting the child.

Section 19. Subsection (4) of section 322.142, Florida Statutes, is amended to read:

322.142 Color photographic or digital imaged licenses.—

(4) The department may maintain a film negative or print file. The department shall maintain a record of the digital image and signature of the licensees, together with other data required by the department for identification and retrieval. Reproductions from the file or digital record are exempt from the provisions of s. 119.07(1) and shall be made and issued only for departmental administrative purposes; for the issuance of duplicate licenses; in response to law enforcement agency requests; to the Department of State pursuant to an interagency agreement to facilitate determinations of eligibility of voter registration applicants and registered voters in accordance with ss. 98.045 and 98.075; to the Department of Revenue pursuant to an interagency agreement for use in establishing paternity and establishing, modifying, or enforcing support obligations in Title IV-D cases; to the Department of Children and Family Services pursuant to an interagency agreement to conduct protective investigations under part III of chapter 39; or to the Department of Financial Services pursuant to an interagency agreement to facilitate the location of owners of unclaimed property, the validation of unclaimed property claims, and the identification of fraudulent or false claims, ~~and are exempt from the provisions of s. 119.07(1).~~

Section 20. Section 402.401, Florida Statutes, is amended to read:

402.401 Florida Child Welfare Student Loan Forgiveness Program.—

(1) There is created the Florida Child Welfare Student Loan Forgiveness Program to be administered by the Department of *Children and Family Services Education*. The program shall provide loan reimbursement assistance to eligible employees in child welfare positions that are critical to the department's mission, as determined by the department, and that are within the department, sheriff's offices, or contracted community-based care agencies students for upper-division undergraduate and graduate study. The primary purpose of the program is to attract capable and promising students to the child welfare profession, increase employment and retention of individuals who are working towards or who have received either a bachelor's degree or a master's degree in social work, or any human services subject area that qualifies the individual for employment as a family services worker, and provide opportunities for persons making midcareer decisions to enter the child welfare profession. The State Board of Education shall adopt rules necessary to administer the program.

(2)(a) To be eligible for a program loan, the employee's outstanding student loans may not be in a default status. a candidate shall:

1. Be a full-time student at the upper-division undergraduate or graduate level in a social work program approved by the Council on Social Work Education leading to either a bachelor's degree or a master's degree in social work or an accredited human services degree program.

2. Have declared an intent to work in child welfare for at least the number of years for which a forgivable loan is received at the Department of Children and Family Services or its successor, or with an eligible lead community-based provider as defined in s. 409.1671.

3. If applying for an undergraduate forgivable loan, have maintained a minimum cumulative grade point average of at least a 2.5 on a 4.0 scale for all undergraduate work. Renewal applicants for undergraduate loans shall have maintained a minimum cumulative grade point average of at least a 2.5 on a 4.0 scale for all undergraduate work and have earned at least 12 semester credits per term, or the equivalent.

4. If applying for a graduate forgivable loan, have maintained an undergraduate cumulative grade point average of at least a 3.0 on a 4.0 scale or have attained a Graduate Record Examination score of at least 1,000. Renewal applicants for graduate loans shall have maintained a minimum cumulative grade point average of at least a 3.0 on a 4.0 scale for all graduate work and have earned at least 9 semester credits per term, or the equivalent.

(b) An undergraduate forgivable loan may be awarded for 2 undergraduate years, not to exceed \$4,000 per year.

(c) A graduate forgivable loan may be awarded for 2 graduate years, not to exceed \$8,000 per year. In addition to meeting criteria specified in paragraph (a), a loan recipient at the graduate level shall:

1. Hold a bachelor's degree from a school or department of social work at any college or university accredited by the Council on Social Work Education, or hold a degree in a human services field from an accredited college or university.

2. Not have received an undergraduate forgivable loan as provided for in paragraph (b).

(d) The State Board of Education shall adopt by rule repayment schedules and applicable interest rates under ss. 1009.82 and 1009.95. A forgivable loan must be repaid within 10 years after completion of a program of studies.

1. Credit for repayment of an undergraduate or graduate forgivable loan shall be in an amount not to exceed \$4,000 in loan principal plus applicable accrued interest for each full year of eligible service in the child welfare profession.

2. Any forgivable loan recipient who fails to work at the Department of Children and Family Services or its successor, or with an eligible lead community-based provider as defined in s. 409.1671, is responsible for repaying the loan plus accrued interest at 8 percent annually.

3. Forgivable loan recipients may receive loan repayment credit for child welfare service rendered at any time during the scheduled repay-

ment period. However, such repayment credit shall be applicable only to the current principal and accrued interest balance that remains at the time the repayment credit is earned. No loan recipient shall be reimbursed for previous cash payments of principal and interest.

(3) This section shall be implemented only as specifically funded.

Section 21. Paragraphs (h) and (j) of subsection (1) of section 409.1671, Florida Statutes, are amended to read:

409.1671 Foster care and related services; outsourcing.—

(1)

(h) Other than an entity to which s. 768.28 applies, any eligible lead community-based provider, as defined in paragraph (e), or its employees or officers, except as otherwise provided in paragraph (i), must, as a part of its contract, obtain a minimum of \$1 million per claim/\$3 million per incident in general liability insurance coverage. The eligible lead community-based provider must also require that staff who transport client children and families in their personal automobiles in order to carry out their job responsibilities obtain minimum bodily injury liability insurance in the amount of \$100,000 per claim, \$300,000 per incident, on their personal automobiles. *In lieu of personal motor vehicle insurance, the lead community-based provider's casualty, liability, or motor vehicle insurance carrier may provide nonowned automobile liability coverage. This insurance provides liability insurance for automobiles that the provider uses in connection with the provider's business but does not own, lease, rent, or borrow. This coverage includes automobiles owned by the employees of the provider or a member of the employee's household but only while the automobiles are used in connection with the provider's business. The nonowned automobile coverage for the provider applies as excess coverage over any other collectible insurance. The personal automobile policy for the employee of the provider shall be primary insurance and the nonowned automobile coverage of the provider acts as excess insurance to the primary insurance. The provider shall provide a minimum limit of \$1 million in nonowned automobile coverage.* In any tort action brought against such an eligible lead community-based provider or employee, net economic damages shall be limited to \$1 million per liability claim and \$100,000 per automobile claim, including, but not limited to, past and future medical expenses, wage loss, and loss of earning capacity, offset by any collateral source payment paid or payable. In any tort action brought against such an eligible lead community-based provider, noneconomic damages shall be limited to \$200,000 per claim. A claims bill may be brought on behalf of a claimant pursuant to s. 768.28 for any amount exceeding the limits specified in this paragraph. Any offset of collateral source payments made as of the date of the settlement or judgment shall be in accordance with s. 768.76. The lead community-based provider shall not be liable in tort for the acts or omissions of its subcontractors or the officers, agents, or employees of its subcontractors.

(j) Any subcontractor of an eligible lead community-based provider, as defined in paragraph (e), which is a direct provider of foster care and related services to children and families, and its employees or officers, except as otherwise provided in paragraph (i), must, as a part of its contract, obtain a minimum of \$1 million per claim/\$3 million per incident in general liability insurance coverage. The subcontractor of an eligible lead community-based provider must also require that staff who transport client children and families in their personal automobiles in order to carry out their job responsibilities obtain minimum bodily injury liability insurance in the amount of \$100,000 per claim, \$300,000 per incident, on their personal automobiles. *In lieu of personal motor vehicle insurance, the subcontractor's casualty, liability, or motor vehicle insurance carrier may provide nonowned automobile liability coverage. This insurance provides liability insurance for automobiles that the subcontractor uses in connection with the subcontractor's business but does not own, lease, rent, or borrow. This coverage includes automobiles owned by the employees of the subcontractor or a member of the employee's household but only while the automobiles are used in connection with the subcontractor's business. The nonowned automobile coverage for the subcontractor applies as excess coverage over any other collectible insurance. The personal automobile policy for the employee of the subcontractor shall be primary insurance and the nonowned automobile coverage of the subcontractor acts as excess insurance to the primary insurance. The subcontractor shall provide a minimum limit of \$1 million in non-owned automobile coverage.* In any tort action brought against such subcontractor or employee, net economic damages shall be limited to \$1

million per liability claim and \$100,000 per automobile claim, including, but not limited to, past and future medical expenses, wage loss, and loss of earning capacity, offset by any collateral source payment paid or payable. In any tort action brought against such subcontractor, noneconomic damages shall be limited to \$200,000 per claim. A claims bill may be brought on behalf of a claimant pursuant to s. 768.28 for any amount exceeding the limits specified in this paragraph. Any offset of collateral source payments made as of the date of the settlement or judgment shall be in accordance with s. 768.76.

Section 22. Paragraph (a) of subsection (4) of section 409.175, Florida Statutes, is amended to read:

409.175 Licensure of family foster homes, residential child-caring agencies, and child-placing agencies; public records exemption.—

(4)(a) A person, family foster home, or residential child-caring agency ~~may shall not provide receive a child for~~ continuing full-time child care or custody unless such person, home, or agency has first procured a license from the department to provide such care. This requirement does not apply to a person who is a relative of the child by blood, marriage, or adoption, ~~or to a permanent legal guardian established under s. 39.6221, a person who has received the child from the department,~~ a licensed child-placing agency, or an intermediary for the purposes of adoption pursuant to chapter 63.

Section 23. Subsection (3) of section 787.04, Florida Statutes, is amended to read:

787.04 Removing minors from state or concealing minors contrary to state agency order or court order.—

(3) It is unlawful for any person, ~~with criminal intent,~~ to knowingly and willfully lead, take, entice, or remove a minor beyond the limits of this state, or to knowingly and willfully conceal the location of a minor, during the pendency of a dependency proceeding affecting such minor or during the pendency of any investigation, action, or proceeding concerning the alleged abuse or neglect of such minor, after having received actual or constructive notice of the pendency of such investigation, action, or proceeding and without the permission of the state agency or court in which the investigation, action, or proceeding is pending.

Section 24. Subsection (1) of section 937.021, Florida Statutes, is amended to read:

937.021 Missing child reports.—

(1) Upon the filing of a police report that a child is missing by the parent or guardian, *the Department of Children and Family Services, a community-based care provider, or a sheriff's office providing investigative services for the department,* the law enforcement agency receiving the report shall immediately inform all on-duty law enforcement officers of the ~~existence of~~ the missing child report, communicate the report to every other law enforcement agency having jurisdiction in the county, and transmit the report for inclusion within the Florida Crime Information Center computer. *A law enforcement agency may not require a reporter to present an order that a child be taken into custody or any other such order before accepting a report that a child is missing.*

Section 25. Paragraph (c) of subsection (4) of section 985.04, Florida Statutes, is amended to read:

985.04 Oaths; records; confidential information.—

(4)

(c) The department shall disclose to the school superintendent the presence of any child in the care and custody or under the jurisdiction or supervision of the department who has a known history of criminal sexual behavior with other juveniles; is an alleged juvenile sexual offender or a child who has exhibited inappropriate sexual behavior, as defined in s. 39.01; or has pled guilty or nolo contendere to, or has been found to have committed, a violation of chapter 794, chapter 796, chapter 800, s. 827.071, or s. 847.0133, regardless of adjudication. ~~Any~~ employee of a district school board who knowingly and willfully discloses such information to an unauthorized person commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 26. Effective upon this act becoming a law and operating retroactively to June 29, 2008, subsection (3) of section 1 of chapter 2007-174, Laws of Florida, is amended to read:

(3) This section expires June 30, 2009 ~~2008~~.

Section 27. Paragraph (b) of subsection (3) of section 39.0015, Florida Statutes, is amended to read:

39.0015 Child abuse prevention training in the district school system.—

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

(b) “Child abuse” means *abandonment, abuse, harm, mental injury, neglect, physical injury, or sexual abuse of a child as those terms are defined in s. 39.01* ~~those acts as defined in ss. 39.01(1), (2), (31), (41), (43), (55), and (66), 827.04, and 984.03~~ ~~984.03(1), (2), and (37)~~.

Section 28. Subsection (5) of section 39.205, Florida Statutes, is amended to read:

39.205 Penalties relating to reporting of child abuse, abandonment, or neglect.—

(5) If the department or its authorized agent has determined after its investigation that a report is false, the department shall, with the consent of the alleged perpetrator, refer the report to the local law enforcement agency having jurisdiction for an investigation to determine whether sufficient evidence exists to refer the case for prosecution for filing a false report as defined in s. 39.01 ~~s. 39.01(28)~~. During the pendency of the investigation ~~by the local law enforcement agency,~~ the department must notify the local law enforcement agency of, and the local law enforcement agency must respond to, all subsequent reports concerning children in that same family in accordance with s. 39.301. If the law enforcement agency believes that there are indicators of abuse, abandonment, or neglect, it must immediately notify the department, which must ~~ensure~~ ~~assure~~ the safety of the children. If the law enforcement agency finds sufficient evidence for prosecution for filing a false report, it must refer the case to the appropriate state attorney for prosecution.

Section 29. Subsection (1) of section 39.302, Florida Statutes, is amended to read:

39.302 Protective investigations of institutional child abuse, abandonment, or neglect.—

(1) The department shall conduct a child protective investigation of each report of institutional child abuse, abandonment, or neglect. Upon receipt of a report that alleges that an employee or agent of the department, or any other entity or person covered by s. 39.01(33) or (47) ~~s. 39.01(32) or (46)~~, acting in an official capacity, has committed an act of child abuse, abandonment, or neglect, the department shall initiate a child protective investigation within the timeframe established ~~by the central abuse hotline~~ under s. 39.201(5) and orally notify the appropriate state attorney, law enforcement agency, and licensing agency, ~~which~~ ~~These agencies~~ shall immediately conduct a joint investigation, unless independent investigations are more feasible. When conducting investigations onsite or having face-to-face interviews with the child, ~~such~~ investigation visits shall be unannounced unless it is determined by the department or its agent that the unannounced visits ~~would~~ threaten the safety of the child. ~~If~~ ~~When~~ a facility is exempt from licensing, the department shall inform the owner or operator of the facility of the report. Each agency conducting a joint investigation is entitled to full access to the information gathered by the department in the course of the investigation. A protective investigation must include an onsite visit of the child's place of residence. ~~In all cases,~~ The department shall make a full written report to the state attorney within 3 working days after making the oral report. A criminal investigation shall be coordinated, whenever possible, with the child protective investigation of the department. Any interested person who has information regarding the offenses described in this subsection may forward a statement to the state attorney as to whether prosecution is warranted and appropriate. Within 15 days after the completion of the investigation, the state attorney shall report the findings to the department and shall include in the report a determination of whether or not prosecution is justified and appropriate in view of the circumstances of the specific case.

Section 30. Paragraphs (b) and (c) of subsection (2) of section 39.6011, Florida Statutes, are amended to read:

39.6011 Case plan development.—

(2) The case plan must be written simply and clearly in English and, if English is not the principal language of the child's parent, to the extent possible in the parent's principal language. Each case plan must contain:

(b) The permanency goal ~~as defined in s. 39.01(51).~~

(c) If concurrent planning is being used, a description of the permanency goal of reunification with the parent or legal custodian in addition to a description of one of the remaining permanency goals described in s. 39.01 ~~s. 39.01(51).~~

Section 31. Paragraph (e) of subsection (6) of section 39.811, Florida Statutes, is amended to read:

39.811 Powers of disposition; order of disposition.—

(6) The parental rights of one parent may be severed without severing the parental rights of the other parent only under the following circumstances:

(e) If the parent whose rights are being terminated meets any of the criteria specified in s. 39.806(1)(d) and ~~(f)-(l) (f)-(i).~~

Section 32. Paragraph (a) of subsection (1) of section 39.828, Florida Statutes, is amended to read:

39.828 Grounds for appointment of a guardian advocate.—

(1) The court shall appoint the person named in the petition as a guardian advocate with all the powers and duties specified in s. 39.829 for an initial term of 1 year upon a finding that:

(a) The child named in the petition is or was a drug dependent newborn as described in s. 39.01(32)(g) ~~s. 39.01(31)(g);~~

Section 33. Paragraph (d) of subsection (1) of section 419.001, Florida Statutes, is amended to read:

419.001 Site selection of community residential homes.—

(1) For the purposes of this section, the following definitions shall apply:

(d) "Resident" means any of the following: a frail elder as defined in s. 429.65; a physically disabled or handicapped person as defined in s. 760.22(7)(a); a developmentally disabled person as defined in s. 393.063; a nondangerous mentally ill person as defined in s. 394.455(18); or a child who is found to be dependent *as defined in s. 39.01 or s. 984.03*, or a child in need of services as defined in s. 984.03 ~~s. 39.01(14), s. 984.03(9) or (12), or s. 985.03.~~

Section 34. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon becoming a law, this act shall take effect July 1, 2008.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to child protection; amending s. 39.01, F.S.; redefining the terms "abandoned" and "harm"; defining the term "child who has exhibited inappropriate sexual behavior"; amending s. 39.0121, F.S.; authorizing the Department of Children and Family Services to adopt rules providing for locating and recovering missing children who are involved with the department; providing requirements for reports; amending s. 39.0138, F.S.; requiring a criminal history check of persons being considered for placement of a child to include a search of the department's automated abuse information system; authorizing the department to adopt rules establishing standards for evaluating such information; creating s. 39.0141, F.S.; requiring the department, the community-based care provider, or sheriff's office to file a report following a determination that a child involved with the department is missing; amending s. 39.201, F.S.; revising provisions relating to reporting child abuse, abandonment, or neglect to the central abuse hotline to allow for reports by fax or e-mail; amending s. 39.301, F.S.; conforming provisions to changes made by the act; providing certain exceptions to the requirements that a child protective investigation be closed within 60 days; amending s. 39.307, F.S.; revising provision relating to the provision of services to a child in cases of child-on-child sexual abuse to include a child who has exhibited inappropriate sexual behavior; amending s. 39.401, F.S.; requiring a law enforcement officer who takes a child into

custody to release such child to an adoptive parent of the child's sibling, if the sibling was previously adopted and if it is in the best interest of the child; requiring judicial approval for the placement of a child with a nonrelative; amending s. 39.502, F.S.; providing for notice to foster or preadoptive parents of any hearings involving the child in their care; amending s. 39.503, F.S.; revising the minimum inquiries a petitioner for dependency or shelter must make in trying to locate an identified parent or prospective parent; amending s. 39.504, F.S.; revising procedures related to injunctions issued to protect a child; requiring that such injunctions remain in effect until modified or dissolved by the court; amending s. 39.507, F.S.; limiting a court to one order adjudicating dependency; providing for supplemental findings; amending s. 39.521, F.S.; providing an exception from the requirement for a predisposition study in dependency proceedings; conforming cross-references; amending s. 39.621, F.S.; requiring that an adoptive parent of a child's sibling be given the opportunity to apply to adopt such child if the child is available for adoption; requiring that such application be given the same consideration as a relative's application for adoption; amending s. 39.701, F.S.; requiring that notice of a judicial review of a child's status be served on certain persons regardless of whether they attended a prior hearing at which the hearing was announced; amending s. 39.8055, F.S.; revising provisions relating to filing a petition to terminate parental rights; expanding the grounds for terminating parental rights to include conviction for the murder, manslaughter, or conspiracy to murder another child of the parent; amending s. 39.806, F.S.; adding additional grounds for terminating parental rights; amending s. 39.810, F.S.; providing that if termination of parental rights is in the best interests of the child, it is also the least restrictive means of protecting the child; amending s. 322.142, F.S.; authorizing the Department of Children and Family Services to be provided copies of driver's license files maintained by the Department of Highway Safety and Motor Vehicles for the purpose of conducting protective investigations; amending s. 402.401, F.S., relating to the Florida Child Welfare Student Loan Forgiveness Program; transferring administration of the program to the Department of Children and Family Services; amending s. 409.1671, F.S.; providing that a community-based provider or a subcontractor of a community-based provider may provide nonowned automobile liability coverage in lieu of providing personal motor vehicle insurance; providing terms, conditions, and applicability for nonowned automobile insurance coverage; requiring a community-based provider or a subcontractor of a community-based provider to provide a minimum limit for nonowned automobile insurance coverage; amending s. 409.175, F.S.; revising requirements for licensure as a foster home or child-caring agency; deleting the exemption from licensure for persons who receive a child from the department; clarifying that a permanent guardian is exempt from licensure; amending s. 787.04, F.S.; prohibiting a person from knowingly and willfully taking or removing a minor from the state or concealing the location of a minor during the pendency of a dependency proceeding or any other action concerning alleged abuse or neglect of the minor; amending s. 937.021, F.S.; requiring that a report of a missing child made by the department, a community-based care provider, or a sheriff's office be treated as a missing child report filed by a parent or guardian; prohibiting a law enforcement agency from requiring an order that a child be taken into custody or any other such order before accepting a missing child report for investigation; amending s. 985.04, F.S.; providing for the disclosure of certain records relating to children having a history of inappropriate sexual behavior to schools superintendents; amending chapter 2007-174, Laws of Florida; extending the date for the repeal of provisions authorizing the reorganization of the Department of Children and Family Services; providing for retroactive application; amending ss. 39.0015, 39.205, 39.302, 39.6011, 39.811, 39.828, and 419.001, F.S.; conforming cross-references; providing effective dates.

MOTION

On motion by Senator Storms, the rules were waived to allow the following amendments to be considered:

Senator Storms moved the following amendments to **Amendment 1** which were adopted:

Amendment 1A (657828)(with title amendment)—Delete line(s) 1228-1244 and renumber subsequent sections.

And the title is amended as follows:

Delete line(s) 1472-1475 and insert: investigation; amending chapter 2007-174, Laws of

Amendment 1B (209944)(with title amendment)—Delete line(s) 514-886 and insert:

(5) *Judicial review and approval is required within 24 hours after placement for all nonrelative placements. A nonrelative placement must be for a specific and predetermined period of time, not to exceed 12 months, and shall be reviewed by the court at least every 6 months. If the nonrelative placement continues for longer than 12 months, the department shall request the court to establish permanent guardianship or require that the nonrelative seek licensure as a foster care provider within 30 days after the court decision. Failure to establish permanent guardianship or obtain licensure does not require the court to change a child's placement unless it is in the best interest of the child to do so.*

Section 9. Subsection (17) of section 39.502, Florida Statutes, is amended to read:

39.502 Notice, process, and service.—

(17) The parent or legal custodian of the child, the attorney for the department, the guardian ad litem, *the foster or preadoptive parents*, and all other parties and participants shall be given reasonable notice of all proceedings and hearings provided for under this part. *All foster or preadoptive parents must be provided with at least 72 hours' notice, verbally or in writing, of all proceedings or hearings relating to children in their care or children they are seeking to adopt to ensure the ability to provide input to the court.*

Section 10. Subsection (6) of section 39.503, Florida Statutes, is amended to read:

39.503 Identity or location of parent unknown; special procedures.—

(6) The diligent search required by subsection (5) must include, at a minimum, inquiries of all relatives of the parent or prospective parent made known to the petitioner, inquiries of all offices of program areas of the department likely to have information about the parent or prospective parent, inquiries of other state and federal agencies likely to have information about the parent or prospective parent, inquiries of appropriate utility and postal providers, *a thorough search of at least one electronic database specifically designed for locating persons*, and inquiries of appropriate law enforcement agencies. Pursuant to s. 453 of the Social Security Act, 42 U.S.C. s. 653(c)(4), the department, as the state agency administering Titles IV-B and IV-E of the act, shall be provided access to the federal and state parent locator service for diligent search activities.

Section 11. Section 39.504, Florida Statutes, is amended to read:

39.504 Injunction pending disposition of petition; penalty.—

(1)(a) *At any time after a protective investigation has been initiated pursuant to part III of this chapter* ~~When a petition for shelter placement or a petition for dependency has been filed or when a child has been taken into custody and reasonable cause, as defined in paragraph (b), exists, the court, upon the request of the department, a law enforcement officer, the state attorney, or other responsible person, or upon its own motion, may, if there is reasonable cause, shall have the authority to issue an injunction to prevent any act of child abuse or any unlawful sexual offense involving a child.~~

(b) Reasonable cause for the issuance of an injunction exists if there is evidence of child abuse ~~or an unlawful sexual offense involving a child~~ or if there is a reasonable likelihood of such abuse ~~or offense~~ occurring based upon a recent overt act or failure to act.

(2) Notice shall be provided to the parties as set forth in the Florida Rules of Juvenile Procedure, unless the child is reported to be in imminent danger, in which case the court may issue an injunction immediately. A judge may issue an emergency injunction pursuant to this section without notice *if at times when the court is closed for the transaction of judicial business. If when such an immediate injunction is issued, the court must shall hold a hearing on the next day of judicial business either to dissolve the injunction or to continue or modify it in accordance with the other provisions of this section.*

(3)(a) *If in every instance in which an injunction is issued under this section, the primary purpose of the injunction must be shall be primarily to protect and promote the best interests of the child, taking the preservation of the child's immediate family into consideration. The effective*

~~period of the injunction shall be determined by the court, except that the injunction will expire at the time of the disposition of the petition for shelter placement or dependency.~~

(a)(b) The injunction shall apply to the alleged or actual offender in a case of child abuse or acts of domestic violence ~~an unlawful sexual offense involving a child~~. The conditions of the injunction shall be determined by the court, which conditions may include ordering the alleged or actual offender to:

1. Refrain from further abuse or acts of domestic violence ~~unlawful sexual activity involving a child~~.
2. Participate in a specialized treatment program.
3. Limit contact or communication with the child victim, other children in the home, or any other child.
4. Refrain from contacting the child at home, school, work, or wherever the child may be found.
5. Have limited or supervised visitation with the child.
6. Pay temporary support for the child or other family members; the costs of medical, psychiatric, and psychological treatment for the child ~~victim~~ incurred as a result of the offenses; and similar costs for other family members.
7. Vacate the home in which the child resides.

(b)(c) *If the intent of the injunction is to protect the child from domestic violence, the conditions may also include:*

1. *Awarding the exclusive use and possession of the dwelling to the caregiver or excluding the alleged or actual offender from the residence of the caregiver.*
2. *Awarding temporary custody of the child to the caregiver.*
3. *Establishing temporary support for the child. At any time prior to the disposition of the petition, the alleged or actual offender may offer the court evidence of changed circumstances as a ground to dissolve or modify the injunction.*

This paragraph does not preclude the adult victim of domestic violence from seeking protection under s. 741.30.

(c) *The terms of the injunction shall remain in effect until modified or dissolved by the court. The petitioner, respondent, or caregiver may move at any time to modify or dissolve the injunction. The injunction is valid and enforceable in all counties in the state.*

(4) *Service of process on the respondent shall be carried out pursuant to s. 741.30. The department shall deliver a copy of any injunction issued pursuant to this section shall be delivered to the protected party; or to a parent, or caregiver, or individual acting in the place of a parent who is not the respondent, and to any law enforcement agency having jurisdiction to enforce such injunction. Law enforcement officers may exercise their arrest powers as provided in s. 901.15(6) to enforce the terms of the injunction. Upon delivery of the injunction to the appropriate law enforcement agency, the agency shall have the duty and responsibility to enforce the injunction.*

(5) Any person who fails to comply with an injunction issued pursuant to this section ~~commits is guilty of a misdemeanor of the first degree,~~ punishable as provided in s. 775.082 or s. 775.083.

Section 12. Subsection (7) of section 39.507, Florida Statutes, is amended to read:

39.507 Adjudicatory hearings; orders of adjudication.—

(7)(a) *For as long as a court maintains jurisdiction over a dependency case, only one order adjudicating each child in the case dependent shall be entered. This order establishes the legal status of the child for purposes of proceedings under this chapter and may be based on the conduct of one parent, both parents, or a legal custodian.*

(b) *However, the court must determine whether each parent or legal custodian identified in the case abused, abandoned, or neglected the child*

in a subsequent evidentiary hearing. If the evidentiary hearing is conducted subsequent to the adjudication of the child, the court shall supplement the adjudicatory order, disposition order, and the case plan, as necessary. With the exception of proceedings pursuant to s. 39.811, the child's dependency status may not be retried or readjudicated.

(c) If a court adjudicates a child dependent and the child is in out-of-home care, the court shall inquire of the parent or parents whether the parents have relatives who might be considered as a placement for the child. The court shall advise the parents that, if the parents fail to substantially comply with the case plan, their parental rights may be terminated and that the child's out-of-home placement may become permanent. The parent or parents shall provide to the court and all parties identification and location information of the relatives.

Section 13. Paragraphs (a) and (f) of subsection (1) and paragraph (c) of subsection (3) of section 39.521, Florida Statutes, are amended to read:

39.521 Disposition hearings; powers of disposition.—

(1) A disposition hearing shall be conducted by the court, if the court finds that the facts alleged in the petition for dependency were proven in the adjudicatory hearing, or if the parents or legal custodians have consented to the finding of dependency or admitted the allegations in the petition, have failed to appear for the arraignment hearing after proper notice, or have not been located despite a diligent search having been conducted.

(a) A written case plan and a predisposition study prepared by an authorized agent of the department must be filed with the court, and served upon the parents of the child, provided to the representative of the guardian ad litem program, if the program has been appointed, and provided to all other parties, not less than 72 hours before the disposition hearing. All such case plans must be approved by the court. If the court does not approve the case plan at the disposition hearing, the court must set a hearing within 30 days after the disposition hearing to review and approve the case plan. *The court may grant an exception to the requirement for a predisposition study by separate order or within the judge's order of disposition upon finding that all the family and child information required by subsection (2) is available in other documents filed with the court.*

(f) If the court places the child in an out-of-home placement, the disposition order must include a written determination that the child cannot safely remain at home with reunification or family preservation services and that removal of the child is necessary to protect the child. If the child ~~is~~ *has been* removed before the disposition hearing, the order must also include a written determination as to whether, after removal, the department ~~has~~ *has* made a reasonable effort to reunify the parent and child, ~~if reasonable efforts are required.~~ Reasonable efforts to reunify are not required if the court ~~finds~~ *has found* that any of the acts listed in s. 39.806(1)(f)-(l) ~~s. 39.806(1)(f)-(i)~~ have occurred. The department has the burden of demonstrating that it ~~has~~ *has* made reasonable efforts ~~under this paragraph.~~

1. For the purposes of this paragraph, the term "reasonable effort" means the exercise of reasonable diligence and care by the department to provide the services ordered by the court or delineated in the case plan.

2. In support of its determination as to whether reasonable efforts have been made, the court shall:

a. Enter written findings as to whether ~~or not~~ prevention or reunification efforts were indicated.

b. If prevention or reunification efforts were indicated, include a brief written description of what appropriate and available prevention and reunification efforts were made.

c. Indicate in writing why further efforts could or could not have prevented or shortened the separation of the parent and child.

3. A court may find that the department ~~has~~ made a reasonable effort to prevent or eliminate the need for removal if:

a. The first contact of the department with the family occurs during an emergency;

b. The appraisal by the department of the home situation indicates ~~that it presents~~ a substantial and immediate danger to the child's safety or physical, mental, or emotional health which cannot be mitigated by the provision of preventive services;

c. The child cannot safely remain at home, ~~either~~ because there are no preventive services that can ensure the health and safety of the child or, even with appropriate and available services being provided, the health and safety of the child cannot be ensured; or

d. The parent is alleged to have committed any of the acts listed as grounds for expedited termination of parental rights *under s. 39.806(1)(f)-(l) in s. 39.806(1)(f)-(i).*

4. A reasonable effort by the department for reunification ~~of the parent and child~~ has been made if the appraisal of the home situation by the department indicates that the severity of the conditions of dependency is such that reunification efforts are inappropriate. The department has the burden of demonstrating to the court that reunification efforts were inappropriate.

5. If the court finds that the prevention or reunification effort of the department would not have permitted the child to remain safely at home, the court may commit the child to the temporary legal custody of the department or take any other action authorized by this chapter.

(3) When any child is adjudicated by a court to be dependent, the court shall determine the appropriate placement for the child as follows:

(c) If no fit parent is willing or available to assume care and custody of the child, place the child in the temporary legal custody of an adult relative, *the adoptive parent of the child's sibling, or other another* adult approved by the court who is willing to care for the child, under the protective supervision of the department. The department must supervise this placement until the child reaches permanency status in this home, and in no case for a period of less than 6 months. Permanency in a relative placement shall be by adoption, long-term custody, or guardianship.

Protective supervision continues until the court terminates it or until the child reaches the age of 18, whichever date is first. Protective supervision shall be terminated by the court whenever the court determines that permanency has been achieved for the child, whether with a parent, another relative, or a legal custodian, and that protective supervision is no longer needed. The termination of supervision may be with or without retaining jurisdiction, at the court's discretion, and shall in either case be considered a permanency option for the child. The order terminating supervision by the department shall set forth the powers of the custodian of the child and shall include the powers ordinarily granted to a guardian of the person of a minor unless otherwise specified. Upon the court's termination of supervision by the department, no further judicial reviews are required, so long as permanency has been established for the child.

Section 14. Subsection (5) of section 39.701, Florida Statutes, is amended to read:

39.701 Judicial review.—

(5) Notice of a judicial review hearing or a citizen review panel hearing, and a copy of the motion for judicial review, if any, must be served by the clerk of the court upon *all of the following persons, if available to be served, regardless of whether the person was present at the previous hearing at which the date, time, and location of the hearing was announced:*

(a) The social service agency charged with the supervision of care, custody, or guardianship of the child, if that agency is not the movant.

(b) The foster parent or legal custodian in whose home the child resides.

(c) The parents.

(d) The guardian ad litem for the child, or the representative of the guardian ad litem program if the program has been appointed.

(e) *The attorney for the child.*

(f) *The child, if the child is 13 years of age or older.*

(g)(e) Any preadoptive parent.

(h)(f) Such other persons as the court may ~~in its discretion~~ direct.

~~Service of notice is not required on any of the persons listed in paragraphs (a)–(f) if the person was present at the previous hearing during which the date, time, and location of the hearing was announced.~~

Section 15. Subsection (1) of section 39.8055, Florida Statutes, is amended to read:

39.8055 Requirement to file a petition to terminate parental rights; exceptions.—

(1) The department shall file a petition to terminate parental rights within 60 days after any of the following if:

(a) At the time of the 12-month judicial review hearing, a child is not returned to the physical custody of the parents;

(b) A petition for termination of parental rights has not otherwise been filed, and the child has been in out-of-home care under the responsibility of the state for ~~12~~ 15 of the most recent 22 months, calculated on a cumulative basis, but not including any trial home visits or time during which the child was a runaway;

(c) A parent has been convicted of ~~the murder of the other parent, manslaughter of the other parent, aiding or abetting the murder, or conspiracy or solicitation to murder the other parent or another child of the parent, or a felony battery that resulted in serious bodily injury to the child or to another~~ ~~any other~~ child of the parent; or

(d) A court determines that reasonable efforts to reunify the child and parent are not required.

Section 16. Paragraphs (e) through (h) of subsection (1) of section 39.806, Florida Statutes, are amended, paragraphs (j), (k), and (l) are added to that subsection, and subsections (2), (3), and (4) of that section are amended, to read:

39.806 Grounds for termination of parental rights.—

(1) Grounds for the termination of parental rights may be established under any of the following circumstances:

(e) When a child has been adjudicated dependent, a case plan has been filed with the court, and:

1. The child continues to be abused, neglected, or abandoned by the ~~parent or parents. In this case,~~ The failure of the ~~parent or parents~~ to substantially comply with the case plan for a period of ~~9~~ 12 months after an adjudication of the child as a dependent child or the child's placement into shelter care, whichever ~~occurs~~ ~~came~~ first, constitutes evidence of continuing abuse, neglect, or abandonment unless the failure to substantially comply with the case plan was due ~~either~~ to the ~~parent's~~ lack of financial resources of the ~~parents~~ or to the failure of the department to make reasonable efforts to reunify the parent and child. The ~~9-month~~ 12-month period begins to run only after the child's placement into shelter care or the entry of a disposition order placing the custody of the child with the department or a person other than the parent and the ~~court's approval by the court~~ of a case plan ~~having the~~ with a goal of reunification with the parent, whichever ~~occurs~~ ~~came~~ first; or

2. The parent ~~or parents have~~ has materially breached the case plan ~~by making it unlikely that he or she will be able to substantially comply with the case plan before the time for compliance expires.~~ Time is of the essence for permanency of children in the dependency system. In order to prove the parent ~~or parents have~~ has materially breached the case plan, the court must find by clear and convincing evidence that the parent ~~or parents are~~ is unlikely or unable to substantially comply with the case plan before time ~~expires~~ to comply with the case plan ~~expires~~.

(f) ~~When~~ The parent or parents engaged in egregious conduct or had the opportunity and capability to prevent and knowingly failed to prevent egregious conduct that threatens the life, safety, or physical, mental, or emotional health of the child or the child's sibling.

1. As used in this subsection, the term "sibling" means another child who resides with or is cared for by the parent or parents regardless of whether the child is related legally or by consanguinity.

2. As used in this subsection, the term "egregious conduct" means abuse, abandonment, neglect, or any other conduct ~~of the parent or parents~~ that is deplorable, flagrant, or outrageous by a normal standard of conduct. Egregious conduct may include an act or omission that occurred only once but was of such intensity, magnitude, or severity as to endanger the life of the child.

(g) ~~When~~ The parent or parents have subjected the child ~~or another child~~ to aggravated child abuse as defined in s. 827.03, sexual battery or sexual abuse as defined in s. 39.01, or chronic abuse.

(h) ~~When~~ The parent or parents have ~~committed the murder, manslaughter, aiding or abetting the murder, or conspiracy or solicitation to murder the other parent or another child, or a felony battery that resulted in serious bodily injury to the child or to another child~~ ~~committed murder or voluntary manslaughter of another child, or a felony assault that results in serious bodily injury to the child or another child, or aided or abetted, attempted, conspired, or solicited to commit such a murder or voluntary manslaughter or felony assault.~~

And the title is amended as follows:

Delete line(s) 1417-1425 and insert: findings; amending s. 39.521, F.S.; providing an exception from the requirement for a predisposition study in dependency proceedings; conforming cross-references; authorizing the court to place a dependent child with the adoptive parent of the child's sibling if no fit parent is willing or available to assume care and custody; amending s. 39.701, F.S.; requiring that notice

Amendment 1C (072084)(with title amendment)—Delete line(s) 928-986 and renumber subsequent sections.

And the title is amended as follows:

Delete line(s) 1435-1438 and insert: rights; amending s. 322.142, F.S.;

Amendment 1D (498052)(with title amendment)—Delete line(s) 41-305 and insert:

(14) "*Child who has exhibited inappropriate sexual behavior*" means a child who is 12 years of age or younger and who has been found by the department or the court to have committed an inappropriate sexual act.

(32)(31) "Harm" to a child's health or welfare can occur when any person:

(e) Abandons the child. Within the context of the definition of "harm," the term "*abandoned the child*" or "*abandonment of the child*" means a situation in which the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the caregiver, while being able, makes no provision for the child's support and has failed to establish or maintain a substantial and positive relationship with the child. For purposes of this paragraph, "*establish or maintain a substantial and positive relationship*" includes, but is not limited to, frequent and regular contact with the child through frequent and regular visitation or frequent and regular communication to or with the child, and the exercise of parental rights and responsibilities. Marginal efforts and incidental or token visits or communications are not sufficient to establish or maintain a substantial and positive relationship with a child "*abandons the child*" means that the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the person responsible for the child's welfare, while being able, makes no provision for the child's support and makes no effort to communicate with the child, which situation is sufficient to evince a willful rejection of parental obligation. If the efforts of the parent or legal custodian or person primarily responsible for the child's welfare to support and communicate with the child are only marginal efforts that do not evince a settled purpose to assume all parental duties, the child may be determined to have been abandoned. The term "abandoned" does not include an abandoned newborn infant as described in s. 383.50.

(g) Exposes a child to a controlled substance or alcohol. Exposure to a controlled substance or alcohol is established by:

1. A test, administered at birth, which indicated that the child's blood, urine, or meconium contained any amount of alcohol or a controlled substance or metabolites of such substances, the presence of which was not the result of medical treatment administered to the mother or the newborn infant ~~Use by the mother of a controlled substance or alcohol during pregnancy when the child, at birth, is demonstrably adversely affected by such usage; or~~

2. Evidence of extensive, abusive, and ~~Continued~~ chronic and severe use of a controlled substance or alcohol by a parent when the child is demonstrably adversely affected by such usage.

As used in this paragraph, the term "controlled substance" means prescription drugs not prescribed for the parent or not administered as prescribed and controlled substances as outlined in Schedule I or Schedule II of s. 893.03.

Section 2. Subsection (16) is added to section 39.0121, Florida Statutes, to read:

39.0121 Specific rulemaking authority.—Pursuant to the requirements of s. 120.536, the department is specifically authorized to adopt, amend, and repeal administrative rules which implement or interpret law or policy, or describe the procedure and practice requirements necessary to implement this chapter, including, but not limited to, the following:

(16) Provisions for reporting, locating, recovering, and stabilizing children whose whereabouts become unknown while they are involved with the department and for preventing recurrences of such incidents. At a minimum, the rules must:

(a) Provide comprehensive, explicit, and consistent guidelines to be followed by the department's employees and contracted providers when the whereabouts of a child involved with the department is unknown.

(b) Include criteria to determine when a child is missing for purposes of making a report to a law enforcement agency, and require that in all cases in which a law enforcement agency has accepted a case for criminal investigation pursuant to s. 39.301(2)(c) and the child's whereabouts are unknown, the child shall be considered missing and a report made.

(c) Include steps to be taken by employees and contracted providers to ensure and provide evidence that parents and guardians have been advised of the requirements of s. 787.04(3) and that violations are reported.

Section 3. Subsection (1) of section 39.0138, Florida Statutes, is amended to read:

39.0138 Criminal history records check; limit on placement of a child.—

(1) The department shall conduct a criminal history records check on ~~for~~ all persons being considered by the department ~~for approval~~ for placement of a child subject to a placement decision under this chapter, including all nonrelative placement decisions, all members of the household of the person being considered, and frequent visitors to the household. For purposes of this section, a criminal history records check may include, but is not limited to, submission of fingerprints to the Department of Law Enforcement for processing and forwarding to the Federal Bureau of Investigation for state and national criminal history information, and local criminal records checks through local law enforcement agencies. A criminal history records check must also include a search of the department's automated abuse information system. The department shall establish by rule standards for evaluating any information contained in the automated system relating to a person who must be screened for purposes of making a placement decision.

Section 4. Section 39.0141, Florida Statutes, is created to read:

39.0141 Missing children; report required.—Whenever the whereabouts of a child involved with the department becomes unknown, the department, the community-based care provider, or the sheriff's office providing investigative services for the department shall make reasonable efforts, as defined by rule, to locate the child. If, pursuant to criteria established by rule, the child is determined to be missing, the department, the community-based care provider, or the sheriff's office shall file a report that the child is missing in accordance with s. 937.021.

Section 5. Subsections (2), (4), and (7) of section 39.201, Florida Statutes, are amended to read:

39.201 Mandatory reports of child abuse, abandonment, or neglect; mandatory reports of death; central abuse hotline.—

(2)(a) Each report of known or suspected child abuse, abandonment, or neglect by a parent, legal custodian, caregiver, or other person responsible for the child's welfare as defined in this chapter, except those solely under s. 827.04(3), and each report that a child is in need of supervision and care and has no parent, legal custodian, or responsible adult relative immediately known and available to provide supervision and care shall be made immediately to the department's central abuse hotline. *Such reports may be made on the single statewide toll-free telephone number or via fax or web-based report.* Personnel at the department's central abuse hotline shall determine if the report received meets the statutory definition of child abuse, abandonment, or neglect. Any report meeting one of these definitions shall be accepted for the protective investigation pursuant to part III of this chapter.

(b) If the report is of an instance of known or suspected child abuse by someone other than a parent, legal custodian, caregiver, or other person responsible for the child's welfare as defined in this chapter, the report or call shall be immediately electronically transferred to the appropriate county sheriff's office by the central abuse hotline.

(c) If the report is of an instance of known or suspected child abuse, abandonment, or neglect that occurred out of state and the alleged perpetrator and the child alleged to be a victim live out of state, the central abuse hotline shall not accept the report or call for investigation, but shall transfer the information on the report to the appropriate state.

(d) If the report is of an instance of known or suspected child abuse involving impregnation of a child under 16 years of age by a person 21 years of age or older solely under s. 827.04(3), the report shall be made immediately to the appropriate county sheriff's office or other appropriate law enforcement agency. If the report is of an instance of known or suspected child abuse solely under s. 827.04(3), the reporting provisions of this subsection do not apply to health care professionals or other persons who provide medical or counseling services to pregnant children when such reporting would interfere with the provision of medical services.

(e) Reports involving known or suspected institutional child abuse or neglect shall be made and received in the same manner as all other reports made pursuant to this section.

(f) Reports involving a known or suspected juvenile sexual offender or a child who has exhibited inappropriate sexual behavior shall be made and received by the department.

1. The department shall determine the age of the alleged ~~juvenile~~ sexual offender, if known.

2. ~~If When the alleged juvenile sexual offender is 12 years of age or younger, the central abuse hotline shall immediately electronically transfer the report or call to the county sheriff's appropriate law enforcement agency office.~~ The department shall conduct an assessment and assist the family in receiving appropriate services pursuant to s. 39.307, and send a written report of the allegation to the appropriate county sheriff's office within 48 hours after the initial report is made to the central abuse hotline.

3. ~~If When the alleged juvenile sexual offender is 13 years of age or older, the central abuse hotline department shall immediately electronically transfer the report or call to the appropriate county sheriff's office by the central abuse hotline, and send a written report to the appropriate county sheriff's office within 48 hours after the initial report to the central abuse hotline.~~

(g) Reports involving abandoned newborn infants as described in s. 383.50 shall be made and received by the department.

1. If the report is of an abandoned newborn infant as described in s. 383.50 and there is no indication of abuse, neglect, or abandonment other than that necessarily entailed in the infant having been left at a hospital, emergency medical services station, or fire station, the department shall provide to the caller the name of a licensed child-placing agency on a rotating basis from a list of licensed child-placing agencies

eligible and required to accept physical custody of and to place newborn infants left at a hospital, emergency medical services station, or fire station. The report shall not be considered a report of abuse, neglect, or abandonment solely because the infant has been left at a hospital, emergency medical services station, or fire station pursuant to s. 383.50.

2. If the *call, fax, or web-based report includes caller reports* indications of abuse or neglect beyond that necessarily entailed in the infant having been left at a hospital, emergency medical services station, or fire station, the report shall be considered as a report of abuse, neglect, or abandonment and shall be subject to the requirements of s. 39.395 and all other relevant provisions of this chapter, notwithstanding any provisions of chapter 383.

(h) Hotline counselors shall receive periodic training in encouraging reporters to provide their names when reporting abuse, abandonment, or neglect. Callers shall be advised of the confidentiality provisions of s. 39.202. The department shall secure and install electronic equipment that automatically provides to the hotline the number from which the call or fax is placed or the Internet protocol (IP) address from which the report is received. This number shall be entered into the report of abuse, abandonment, or neglect and become a part of the record of the report, but shall enjoy the same confidentiality as provided to the identity of the reporter ~~caller~~ pursuant to s. 39.202.

(i) The department shall voice-record all incoming or outgoing calls that are received or placed by the central abuse hotline which relate to suspected or known child abuse, neglect, or abandonment. *The department shall maintain an electronic copy of each fax and web-based report.* The recording or electronic copy of each fax and web-based report shall become a part of the record of the report but, notwithstanding s. 39.202, shall be released in full only to law enforcement agencies and state attorneys for the purpose of investigating and prosecuting criminal charges pursuant to s. 39.205, or to employees of the department for the purpose of investigating and seeking administrative penalties pursuant to s. 39.206. Nothing in this paragraph shall prohibit the use of the recordings, *the electronic copies of faxes, and web-based reports* by hotline staff for quality assurance and training.

(4) The department shall establish and maintain a central abuse hotline to receive all reports made pursuant to this section in writing, *via fax, via web-based reporting, or through a single statewide toll-free telephone number, which any person may use to report known or suspected child abuse, abandonment, or neglect at any hour of the day or night, any day of the week.* The central abuse hotline shall be operated in such a manner as to enable the department to:

(a) Immediately identify and locate prior reports or cases of child abuse, abandonment, or neglect through utilization of the department's automated tracking system.

(b) Monitor and evaluate the effectiveness of the department's program for reporting and investigating suspected abuse, abandonment, or neglect of children through the development and analysis of statistical and other information.

(c) Track critical steps in the investigative process to ensure compliance with all requirements for any report of abuse, abandonment, or neglect.

(d) Maintain and produce aggregate statistical reports monitoring patterns of child abuse, child abandonment, and child neglect. The department shall collect and analyze child-on-child sexual abuse reports and include the information in aggregate statistical reports.

(e) Serve as a resource for the evaluation, management, and planning of preventive and remedial services for children who have been subject to abuse, abandonment, or neglect.

(f) Initiate and enter into agreements with other states for the purpose of gathering and sharing information contained in reports on child maltreatment to further enhance programs for the protection of children.

(7) On an ongoing basis, the department's quality assurance program shall review calls, *fax reports, and web-based reports* to the hotline involving three or more unaccepted reports on a single child, where jurisdiction applies, in order to detect such things as harassment and situations that warrant an investigation because of the frequency or

variety of the source of the reports. The Program Director for Family Safety may refer a case for investigation when it is determined, as a result of this review, that an investigation may be warranted.

(Redesignate subsequent sections.)

And the title is amended as follows:

On line(s) 1393, delete "e-mail" and insert: web-based report

MOTION

On motion by Senator Rich, the rules were waived to allow the following amendment to be considered:

Senator Rich moved the following amendment to **Amendment 1** which was adopted:

Amendment 1E (614530)(with title amendment)—Delete line(s) 463-513 and insert:

3. A responsible adult relative or the adoptive parent of the child's sibling who shall be given priority consideration over a nonrelative placement when this is in the best interests of the child; or

4. A responsible adult approved by the department; or

(b) Deliver the child to an authorized agent of the department, stating the facts by reason of which the child was taken into custody and sufficient information to establish probable cause that the child is abandoned, abused, or neglected, or otherwise dependent.

For cases involving allegations of abandonment, abuse, or neglect, or other dependency cases, within 3 days after such release or within 3 days after delivering the child to an authorized agent of the department, the law enforcement officer who took the child into custody shall make a full written report to the department.

(3) If the child is taken into custody by, or is delivered to, an authorized agent of the department, the authorized agent shall review the facts supporting the removal with an attorney representing the department. The purpose of ~~the this~~ review ~~is shall be~~ to determine whether ~~there is~~ probable cause ~~exists~~ for the filing of a shelter petition.

(a) If the facts are not sufficient to support the filing of a shelter petition, the child shall immediately be returned to the custody of the parent or legal custodian.

(b) If the facts are sufficient to support the filing of the shelter petition and the child has not been returned to the custody of the parent or legal custodian, the department shall file the petition and schedule a hearing, and the attorney representing the department shall request that a shelter hearing be held *within as quickly as possible, not to exceed 24 hours after the removal of the child.* While awaiting the shelter hearing, the authorized agent of the department may place the child in licensed shelter care or may release the child to a parent or legal custodian or responsible adult relative or the adoptive parent of the child's sibling who shall be given priority consideration over a licensed placement, or a responsible adult approved by the department ~~if when~~ this is in the best interests of the child. ~~Any~~ Placement of a child which is not in a licensed shelter must be preceded by a *criminal history records check as required under s. 39.0138 local and state criminal records check, as well as a search of the department's automated abuse information system, on all members of the household, to assess the child's safety within the home.* In addition, the department may authorize placement of a housekeeper/homemaker in the home of a child alleged to be dependent until the parent or legal custodian assumes care of the child.

And the title is amended as follows:

Delete line(s) 1403 and 1404 and insert: child's sibling; authorizing the department to release a child awaiting a shelter hearing to an adoptive parent of the child's sibling; requiring

Amendment 1 as amended was adopted.

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

On motion by Senator Geller, by unanimous consent—

CS for CS for CS for SB 2654—A bill to be entitled An act relating to autism spectrum disorder; providing a short title; creating s. 627.6686, F.S.; providing definitions; requiring health insurance plans to provide coverage for screening, diagnosis, intervention, and treatment of autism spectrum disorder in certain children; requiring a treatment plan; prohibiting an insurer from denying or refusing coverage or refusing to renew or reissue or terminate coverage based on a diagnosis of autism spectrum disorder; providing coverage limitations; providing treatment plan requirements; limiting the frequency of requests for updating a treatment plan; providing eligibility requirements; providing a maximum benefit limitation; providing for annual adjustments of the maximum benefit limitation; amending s. 1004.55, F.S.; relocating the regional autism center at Florida State University from the Department of Communication Disorders to the College of Medicine; providing for application of the act; providing an effective date.

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

MOTION

On motion by Senator Geller, the rules were waived to allow the following amendment to be considered:

Senator Geller moved the following amendment which was adopted:

Amendment 1 (454676)—On line 61, delete “behavioral” and insert: *behavior*

MOTION

On motion by Senator Webster, the rules were waived to allow the following amendment to be considered:

Senator Webster moved the following amendment which was adopted:

Amendment 2 (687410)—Delete line(s) 23 and 24 and insert:

Section 1. *This act may be cited as the “Steven A. Geller Autism Coverage Act.”*

On motions by Senator Geller, by two-thirds vote **CS for CS for CS for SB 2654** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Aronberg	Gaetz	Peaden
Atwater	Garcia	Posey
Baker	Geller	Rich
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

CO-INTRODUCERS

All Senators voting yea, not previously shown as co-introducers, were recorded as co-introducers of **CS for CS for CS for SB 2654**.

On motion by Senator Villalobos, by unanimous consent—

CS for CS for SB 2084—A bill to be entitled An act relating to community associations; amending s. 468.431, F.S.; defining the term “community association management firm”; redefining the term “community association manager” to apply only to natural persons; amending s. 468.4315, F.S.; revising membership criteria for members of the Regulatory Council of Community Association Managers; requiring the board

to establish a public education program; providing for board members to serve without compensation but be entitled to receive per diem and travel expenses; providing responsibilities of the board; amending s. 468.432, F.S.; providing for the licensure of community association management firms; providing application, licensure, and fee requirements; providing for the cancellation of the license of a community association management firm under certain circumstances; providing that such firm or similar organization agrees that, by being licensed, it shall employ only licensed persons providing certain services; amending s. 468.433, F.S.; providing for the refusal of an applicant certification under certain circumstances; amending s. 468.436, F.S.; requiring the Department of Business and Professional Regulation to investigate certain complaints and allegations; providing complaint and investigation procedures; providing grounds for which disciplinary action may be taken; amending s. 718.111, F.S.; providing duties of officers, directors, and agents of a condominium association and liability for monetary damages under certain circumstances; providing that a person who knowingly or intentionally fails to create or maintain, or who defaces or destroys certain records, is subject to civil penalties as prescribed by state law; requiring that a copy of the inspection report be maintained as an official record of the association; requiring official records of the association to be maintained for a specified minimum period and be made available at certain locations and in specified formats; providing that any person who knowingly or intentionally defaces, destroys, or fails to create or maintain accounting records is subject to civil and criminal sanctions; prohibiting accessibility to certain personal identifying information of unit owners by fellow unit owners; requiring that the Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation adopt certain rules; requiring certain audits and reports to be paid for by the developer if done before control of the association is turned over; restricting a condominium association from waiving a financial report for more than a specified period; amending s. 718.112, F.S.; prohibiting a voting interest or a consent right allocated to a unit owner from being exercised under certain circumstances; requiring the board to address certain agenda items proposed by a petition of a specified percentage of the unit owners; providing requirements for the location of annual unit owner meetings; revising terms of service for board members; prohibiting certain persons from serving on the board; requiring the association to provide a certification form to unit owners for specified purposes; authorizing an association consisting of a specified maximum number of units to provide for different voting and election procedures in its bylaws by affirmative vote of a majority of the association’s voting interests; revising requirements related to the annual budget; requiring proxy questions relating to reserves to contain a specified statement; providing for the removal of board members under certain circumstances; requiring that directors who are delinquent in certain payments owed in excess of certain periods of time be suspended from office or deemed to have abandoned their offices; requiring that directors charged with certain offenses involving an association’s funds or property be suspended from office pending resolution of the charge; providing for the reinstatement of such officers or directors under certain circumstances; amending s. 718.1124, F.S.; providing that any unit owner may give notice of his or her intent to apply to the circuit court for the appointment of a receiver to manage the affairs of the association under certain circumstances; providing a form for such notice; providing for the delivery of such notice; providing procedures for resolving a petition submitted pursuant to such notice; requiring that all unit owners be provided written notice of the appointment of a receiver; amending s. 718.113, F.S.; providing a statement of clarification; authorizing the board to install certain hurricane protection; prohibiting the board from installing hurricane shutters under certain circumstances; requiring that the board inspect certain condominium buildings and a issue a report thereupon; prohibiting the board from refusing a request for reasonable accommodation for the attachment to a unit of religious objects meeting certain size specifications; amending s. 718.117, F.S.; requiring that all unit owners be provided written notice of the appointment of a receiver; providing for the delivery of such notice; amending s. 718.121, F.S.; providing requirements and restrictions for liens filed by the association against a condominium unit; providing for notice and delivery thereof; creating s. 718.1224, F.S.; prohibiting strategic lawsuits against public participation; providing legislative findings and intent; prohibiting a governmental entity, business organization, or individual from filing certain lawsuits made upon specified bases against a unit owner; providing rights of a unit owner who has been served with such a lawsuit; providing procedures for the resolution of claims that such suit violates certain provisions of state law; providing for the award of damages and attorney’s fees; prohibiting associations from expending association funds in prosecuting such a suit against a unit owner; amending

s. 718.1255, F.S.; revising legislative intent concerning alternative dispute resolution; creating s. 718.1265, F.S.; authorizing an association to exercise certain powers in instances involving damage caused by an event for which a state of emergency has been declared; limiting the applicability of such powers; creating s. 718.127, F.S.; requiring that all unit owners be provided written notice of the appointment of a receiver; providing for the delivery of such notice; amending s. 718.301, F.S.; providing circumstances under which unit owners other than a developer may elect not fewer than a majority of the members of the board of administration of an association; requiring that a developer deliver certain property of the unit owners and the association within a specified period after such election and upon relinquishing control of the association; requiring a turnover inspection report; requiring that the report contain certain information; amending s. 718.3025, F.S.; requiring that maintenance and management services contracts disclose certain information; amending s. 718.3026, F.S.; removing a provision authorizing certain associations to opt out of provisions relating to contracts for products and services; removing provisions relating to competitive bid requirements for contracts executed before a specified date; providing requirements for any contract or transaction between an association and one or more of its directors or any other entity in which one or more of its directors are directors or officers or have a financial interest; amending s. 718.303, F.S.; providing that hearings regarding noncompliance with a declaration be held before certain persons; amending s. 718.501, F.S.; providing authority and responsibilities of the division; providing for enforcement actions brought by the division in its own name; providing for the imposition of penalties by the division; requiring that the division issue a subpoena requiring production of certain requested records under certain circumstances; providing for the issuance of notice of a declaratory statement with respect to documents governing a condominium community; requiring that the division provide training and education for condominium association board members and unit owners; authorizing the division to include certain training components and review or approve training programs offered by providers; requiring that certain individuals cooperate with the division in any investigation conducted by the division; amending s. 718.50151, F.S.; redesignating the Advisory Council on Condominiums as the “Community Association Living Study Council”; providing for the creation of the council; providing functions of the council; amending s. 718.503, F.S.; providing for disclosure of certain information upon the sale of a unit by a nondeveloper; requiring the provisions of a governance form by the seller to the prospective buyer; requiring that such form contain certain information and a specified statement; providing an effective date.

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

Amendments were considered and adopted to conform **CS for CS for SB 2084 to CS for HB 995**.

Pending further consideration of **CS for CS for SB 2084** as amended, on motion by Senator Villalobos, by two-thirds vote **CS for HB 995** was withdrawn from the Committees on Regulated Industries; Community Affairs; and Judiciary.

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

CS for HB 995—A bill to be entitled An act relating to community associations; amending s. 468.431, F.S.; defining the term “community association management firm”; redefining the term “community association manager” to apply only to natural persons; amending s. 468.4315, F.S.; revising membership criteria for members of the Regulatory Council of Community Association Managers; requiring the council to establish a public education program; providing for council members to serve without compensation but be entitled to receive per diem and travel expenses; providing responsibilities of the council; amending s. 468.432, F.S.; providing for the licensure of community association management firms; providing application, licensure, and fee requirements; providing for the cancellation of the license of a community association management firm under certain circumstances; providing that such firm or similar organization agrees that, by being licensed, it shall employ only licensed persons providing certain services; amending s. 468.433, F.S.; providing for the refusal of an applicant certification under certain circumstances; amending s. 468.436, F.S.; requiring the Department of Business and Professional Regulation to investigate certain complaints and allegations; providing complaint and investigation procedures; providing grounds for which disciplinary action may be taken; amending s. 718.111, F.S.; providing that a director of the association who abstains from voting on any action taken on any corporate matter shall be presumed to have taken no position with regard to the action; providing

duties of officers, directors, and agents of a condominium association and liability for monetary damages under certain circumstances; providing that a person who knowingly or intentionally fails to create or maintain, or who defaces or destroys certain records, is subject to civil penalties as prescribed by state law; requiring that a copy of the inspection report be maintained as an official record of the association; requiring official records of the association to be maintained for a specified minimum period and be made available at certain locations and in specified formats; providing that any person who knowingly or intentionally defaces, destroys, or fails to create or maintain accounting records is subject to civil and criminal sanctions; prohibiting accessibility to certain personal identifying information of unit owners by fellow unit owners; requiring that the Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation adopt certain rules; requiring certain audits and reports to be paid for by the developer if done before control of the association is turned over; restricting a condominium association from waiving a financial report for more than a specified period; amending s. 718.112, F.S.; prohibiting a voting interest or a consent right allocated to a unit owner from being exercised under certain circumstances; requiring the board to address certain agenda items proposed by a petition of a specified percentage of the unit owners; providing requirements for the location of annual unit owner meetings; revising terms of service for board members; prohibiting certain persons from serving on the board; requiring the association to provide a certification form to unit owners for specified purposes; authorizing an association consisting of a specified maximum number of units to provide for different voting and election procedures in its bylaws by affirmative vote of a majority of the association’s voting interests; revising requirements related to the annual budget; requiring proxy questions relating to reserves to contain a specified statement; providing for the removal of board members under certain circumstances; requiring that directors who are delinquent in certain payments owed in excess of certain periods of time be suspended from office or deemed to have abandoned their offices; requiring that directors charged with certain offenses involving an association’s funds or property be suspended from office pending resolution of the charge; providing for the reinstatement of such officers or directors under certain circumstances; amending s. 718.1124, F.S.; providing that any unit owner may give notice of his or her intent to apply to the circuit court for the appointment of a receiver to manage the affairs of the association under certain circumstances; providing a form for such notice; providing for the delivery of such notice; providing procedures for resolving a petition submitted pursuant to such notice; requiring that all unit owners be provided written notice of the appointment of a receiver; amending s. 718.113, F.S.; providing a statement of clarification; authorizing the board to install certain hurricane protection; prohibiting the board from installing hurricane shutters under certain circumstances; providing for the maintenance, repair, and replacement of hurricane shutters or other hurricane protection; providing that a vote of the owners is not required under certain conditions; prohibiting a board from refusing to approve the installation or replacement of hurricane shutters by a unit owner under certain conditions; requiring that the board inspect certain condominium buildings and issue a report thereupon; providing an exception; prohibiting the board from refusing a request for reasonable accommodation for the attachment to a unit of religious objects meeting certain size specifications; amending s. 718.115, F.S.; providing the expense of installation, replacement, operation, repair, and maintenance of hurricane shutters or other hurricane protection shall constitute either a common expense or shall be charged individually to the unit owners under certain conditions; amending s. 718.117, F.S.; requiring that all unit owners be provided written notice of the appointment of a receiver; providing for the delivery of such notice; amending s. 718.121, F.S.; providing requirements and restrictions for liens filed by the association against a condominium unit; providing for notice and delivery thereof; creating s. 718.1224, F.S.; prohibiting strategic lawsuits against public participation; providing legislative findings and intent; prohibiting a governmental entity, business organization, or individual from filing certain lawsuits made upon specified bases against a unit owner; providing rights of a unit owner who has been served with such a lawsuit; providing procedures for the resolution of claims that such suit violates certain provisions of state law; providing for the award of damages and attorney’s fees; prohibiting associations from expending association funds in prosecuting such a suit against a unit owner; amending s. 718.1255, F.S.; revising legislative intent concerning alternative dispute resolution; creating s. 718.1265, F.S.; authorizing an association to exercise certain powers in instances involving damage caused by an event for which a state of emergency has been declared; limiting the applicability of such powers; creating s. 718.127, F.S.; requiring that all unit owners be provided written notice

of the appointment of a receiver; providing for the delivery of such notice; amending s. 718.301, F.S.; providing circumstances under which unit owners other than a developer may elect not fewer than a majority of the members of the board of administration of an association; requiring a turnover inspection report; requiring that the report contain certain information; amending s. 718.3025, F.S.; requiring that maintenance and management services contracts disclose certain information; amending s. 718.3026, F.S.; revising a provision authorizing certain associations to opt out of provisions relating to contracts for products and services; removing provisions relating to competitive bid requirements for contracts executed before a specified date; providing requirements for any contract or transaction between an association and one or more of its directors or any other entity in which one or more of its directors are directors or officers or have a financial interest; amending s. 718.303, F.S.; providing that hearings regarding noncompliance with a declaration be held before certain persons; amending s. 718.501, F.S.; providing authority and responsibilities of the division; providing for enforcement actions brought by the division in its own name; providing for the imposition of penalties by the division; requiring that the division issue a subpoena requiring production of certain requested records under certain circumstances; providing for the issuance of notice of a declaratory statement with respect to documents governing a condominium community; requiring that the division provide training and education for condominium association board members and unit owners; authorizing the division to include certain training components and review or approve training programs offered by providers; requiring that certain individuals cooperate with the division in any investigation conducted by the division; amending s. 718.5012, F.S.; providing additional powers of the ombudsman; amending s. 718.50151, F.S.; redesignating the Advisory Council on Condominiums as the "Community Association Living Study Council"; providing for the creation of the council; revising legislative intent with respect to the appointment of council members; providing functions of the council; amending s. 718.503, F.S.; providing for disclosure of certain information upon the sale of a unit by a non-developer; requiring the provision of a governance form by the seller to the prospective buyer; requiring that such form contain certain information and a specified statement; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2084** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 995** was placed on the calendar of Bills on Third Reading.

On motion by Senator Gaetz, by unanimous consent—

CS for CS for SB 1012—A bill to be entitled An act relating to health insurance; amending s. 624.443, F.S.; authorizing the Office of Insurance Regulation to waive the requirement that each multiple-employer welfare arrangement maintain its principal place of business in this state if the arrangement meets certain specified conditions and has a minimum specified fund balance at the time of licensure; amending s. 627.638, F.S.; authorizing the payment of health insurance policy benefits directly to a licensed ambulance provider; requiring that an insurer make payments directly to the preferred provider for the delivery of health care services; creating s. 627.64731, F.S.; providing requirements for the rent, lease, or granting of access to the health care services of a preferred provider or exclusive provider under a health care contract; amending s. 627.662, F.S.; applying the requirements for the rent, lease, or granting of access to the health care services of a preferred provider or exclusive provider under a health care contract to group health insurance, blanket health insurance, and franchise health insurance policies; amending s. 641.31; providing that a health maintenance contract may not prohibit and a claims form must provide an option for direct payment to specified providers; authorizing a health maintenance organization to require a provider to make available a written attestation of assignment of benefits; authorizing the attestation to be submitted to the health maintenance organization in electronic form; amending s. 641.3155, F.S.; decreasing the amount of time in which a health maintenance organization may make a claim for overpayment against a provider; amending s. 627.6131, F.S.; reducing the period for a health insurer to submit a claim to a provider for overpayment; amending s. 627.6471, F.S.; requiring that a nonpreferred provider, upon request of the insured, provide to the insured the estimated range of charges for the services requested; specifying that the provider is not liable if the final charge exceeds the initial estimate; providing applicability; providing an effective date.

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

Senator Gaetz moved the following amendment which was adopted:

Amendment 1 (182378)(with title amendment)—Delete line(s) 85-301 and insert:

Section 3. Subsections (18) and (19) are added to section 627.6131, Florida Statutes, to read:

627.6131 Payment of claims.—

(18) *Notwithstanding the 30-month period provided in subsection (6), all claims for overpayment submitted to a provider licensed under chapter 458, chapter 459, chapter 460, chapter 461, or chapter 466 must be submitted to the provider within 12 months after the health insurer's payment of the claim. A claim for overpayment may not be permitted beyond 12 months after the health insurer's payment of a claim, except that claims for overpayment may be sought beyond that time from providers convicted of fraud pursuant to s. 817.234.*

(19) *Notwithstanding any other provision of this section, all claims for underpayment from a provider licensed under chapter 458, chapter 459, chapter 460, chapter 461, or chapter 466 must be submitted to the insurer within 12 months after the health insurer's payment of the claim. A claim for underpayment may not be permitted beyond 12 months after the health insurer's payment of a claim.*

Section 4. Section 627.64731, Florida Statutes, is created to read:

627.64731 *Leasing, renting, or granting access to a participating provider.—*

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

(a) *"Contracting entity" means any person or entity that is engaged in the act of contracting with participating providers and has a direct contract with a participating provider for the delivery of health care services or the selling or assigning of physicians or physician panels to other health care entities.*

(b) *"Participating provider" means a physician licensed under chapter 458, chapter 459, chapter 460, chapter 461, or chapter 466, or a physician group practice that has a health care contract with a contracting entity and is entitled to reimbursement for health care services rendered to an enrollee under the health care contract and includes both preferred providers as defined in s. 627.6471 and exclusive providers as defined in s. 627.6472.*

(2) *A contracting entity may not sell, lease, rent, or otherwise grant access to the health care services of a participating provider under a health care contract unless expressly authorized by the health care contract. The health care contract must specifically provide that it applies to network rental arrangements and state that one purpose of the contract is selling, renting, or giving the contracting entity rights to the services of the participating provider, including other preferred provider organizations. At the time a health care contract is entered into with a participating provider, the contracting entity shall, to the extent possible, identify any third party to which the contracting entity has granted access to the health care services of the participating provider. The contracting entity may sell, lease, rent, or otherwise grant access to the participating provider's services only to a third party that is:*

(a) *A payer or a third-party administrator or other entity responsible for administering claims on behalf of the payer;*

(b) *A preferred provider organization or preferred provider network that receives access to the participating provider's services pursuant to an arrangement with the preferred provider organization or preferred provider network in a contract with the participating provider and that is required to comply with all of the terms, conditions, and affirmative obligations to which the originally contracted primary participating provider network is bound under its contract with the participating provider, including, but not limited to, obligations concerning patient steering and the timeliness and manner of reimbursement; or*

(c) *An entity that is engaged in the business of providing electronic claims transport between the contracting entity and the payer or third-party administrator and that complies with all of the applicable terms,*

conditions, and affirmative obligations of the contracting entity's contract with the participating provider including, but not limited to, obligations concerning patient steerage and the timeliness and manner of reimbursement.

(3) Upon a request by a participating provider, a contracting entity must provide the identity of any third party that has been granted access to the health care services of the participating provider.

(4) A contracting entity that leases, rents, or otherwise grants access to the health care services of a participating provider must maintain an Internet website or a toll-free telephone number through which the provider may obtain a listing, updated at least every 90 days, of the third parties that have been granted access to the provider's health care services.

(5) A contracting entity that leases, rents, or otherwise grants access to a participating provider's health care services must ensure that an explanation of benefits or remittance advice furnished to the participating provider that delivers health care services under the health care contract identifies the contractual source of any applicable discount.

(6) Subject to applicable continuity-of-care laws, the right of a third party to exercise the rights and responsibilities of a contracting entity under a health care contract terminates on the day following the termination of the participating provider's contract with the contracting entity.

(7) The provisions of this section do not apply if the third party that is granted access to a participating provider's health care services under a health care contract is:

(a) An employer or other entity providing coverage for health care services to the employer's employees or the entity's members and the employer or entity has a contract with the contracting entity or the contracting entity's affiliate for the administration or processing of claims for payment or services provided under the health care contract;

(b) An entity providing administrative services to, or receiving administrative services from, the contracting entity or the contracting entity's affiliate or subsidiary; or

(c) An affiliate or a subsidiary of a contracting entity, or other entity if operating under the same brand licensee program as the contracting entity.

(8) A health care contract may provide for arbitration of disputes arising under this section.

(9) A contracting entity shall ensure that all third parties to which the contracting entity has sold, rented, assigned, or otherwise given access to the participating provider's discounted rate comply with the physician contract, including all requirements to encourage access to the participating provider, and pay the provider pursuant to the rates of payment and methodology set forth in that contract, unless otherwise agreed to by a participating provider.

(10) A contracting entity is deemed in compliance with this section when the insured's identification card provides information, written or electronically, which identifies the preferred provider network or networks to be used to reimburse the provider for covered services.

(11) This section does not apply to a contract between a contracting entity and a discount medical plan organization licensed or exempt under part II of chapter 636.

Section 5. Subsections (11), (12), and (13) of section 627.662, Florida Statutes, are renumbered as subsections (12), (13), and (14), respectively, and a new subsection (11) is added to that section, to read:

627.662 Other provisions applicable.—The following provisions apply to group health insurance, blanket health insurance, and franchise health insurance:

(11) Section 627.64731, relating to leasing, renting, or granting access to a participating provider.

Section 6. Paragraph (v) of subsection (3) of section 627.6699, Florida Statutes, is amended to read:

627.6699 Employee Health Care Access Act.—

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

(v) "Small employer" means, in connection with a health benefit plan with respect to a calendar year and a plan year, any person, sole proprietor, self-employed individual, independent contractor, firm, corporation, partnership, or association that is actively engaged in business, has its principal place of business in this state, employed an average of at least 1 but not more than 50 eligible employees on business days during the preceding calendar year the majority of whom were employed in this state, and employs at least 1 employee on the first day of the plan year, and is not formed primarily for purposes of purchasing insurance. In determining the number of eligible employees, companies that are an affiliated group as defined in s. 1504(a) of the Internal Revenue Code of 1986, as amended, are considered a single employer. For purposes of this section, a sole proprietor, an independent contractor, or a self-employed individual is considered a small employer only if all of the conditions and criteria established in this section are met.

Section 7. Subsection (41) is added to section 641.31, Florida Statutes, to read:

641.31 Health maintenance contracts.—

(41) Whenever, in any health maintenance organization claim form, a subscriber specifically authorizes payment of benefits directly to any contracted hospital, ambulance provider, physician, or dentist, the health maintenance organization shall make such payment to the designated provider of such services if any benefits are due to the subscriber under the terms of the agreement between the subscriber and the health maintenance organization. The health maintenance organization contract may not prohibit, and claims forms must provide an option for, the payment of benefits directly to a licensed hospital, ambulance provider, physician, or dentist for covered services provided, for services provided pursuant to s. 395.1041, and for ambulance transport and treatment provided pursuant to part III of chapter 401. The attestation of assignment of benefits may be in written or electronic form. Payment to the provider from the health maintenance organization may not be more than the amount that the insurer would otherwise have paid without the assignment. This subsection does not affect the applicability of ss. 641.3154 and 641.513 with respect to services provided and payment for such services provided pursuant to the subsection.

Section 8. Subsections (16) and (17) are added to section 641.3155, Florida Statutes, to read:

641.3155 Prompt payment of claims.—

(16) Notwithstanding the 30-month period provided in subsection (5), all claims for overpayment submitted to a provider licensed under chapter 458, chapter 459, chapter 460, chapter 461, or chapter 466 must be submitted to the provider within 12 months after the health maintenance organization's payment of the claim. A claim for overpayment may not be permitted beyond 12 months after the health maintenance organization's payment of a claim, except that claims for overpayment may be sought beyond that time from providers convicted of fraud pursuant to s. 817.234.

(17) Notwithstanding any other provision of this section, all claims for underpayment from a provider licensed under chapter 458, chapter 459, chapter 460, chapter 461, or chapter 466 must be submitted to the health maintenance organization within 12 months after the health maintenance organization's payment of the claim. A claim for underpayment may not be permitted beyond 12 months after the health maintenance organization's payment of a claim.

Section 9. This act shall take effect November 1, 2008, and applies to contracts entered into, issued, or renewed on or after that date, and the amendments made by this act to ss. 627.6131 and 641.3155, Florida Statutes, apply to claims payments made on or after November 1, 2008.

And the title is amended as follows:

Delete line(s) 12-39 and insert: for the delivery of health care services; amending s. 627.6131, F.S.; requiring claims for overpayment and underpayment be submitted to the provider within a certain timeframe; providing exceptions; creating s. 627.64731, F.S.; providing definitions; providing requirements, limitations, and procedures for leasing, renting,

or granting access to participating providers by third parties; providing exceptions; providing for arbitration; providing for application; amending s. 627.662, F.S.; expanding the list of sections applicable to certain types of insurance; amending s. 627.6699, F.S.; revising the definition of the term "small employer" with regard to the Employee Health Care Access Act; amending s. 641.31, F.S.; requiring health maintenance organizations to pay benefits directly to certain providers under certain circumstances; prohibiting health maintenance contracts from prohibiting and requiring claims forms to provide the option for payment of benefits directly to certain providers; amending s. 641.3155, F.S.; providing time limitations for and prohibitions against submitting certain claims for overpayment and claims for underpayment; providing for applicability; providing an effective date.

Pursuant to Rule 4.19, **CS for CS for SB 1012** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Gaetz, by unanimous consent—

CS for SB 2462—A bill to be entitled An act relating to group self-insurance funds; amending s. 624.4621, F.S.; authorizing the board of trustees of certain self-insurers to declare any moneys in excess of the amount necessary to fund all obligations of the self-insurer as refundable to the members or policyholders of the self-insurer; authorizing the board to distribute such dividends or premium refunds at the board's discretion, in accordance with the agreement establishing the self-insurer; providing limitations; requiring that such self-insurers receive prior written approval from the office for any dividend or premium refunds during a specified period after such self-insurers commence operations; requiring that a notice or request for refund contain certain information; providing for the submission of certain information to the Office of Insurance Regulation if a self-insurer does not make or declare a dividend or member distribution payable during a given fund year; requiring that the office issue a decision within a specified period after receiving a request; providing an effective date.

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

Pursuant to Rule 4.19, **CS for SB 2462** was placed on the calendar of Bills on Third Reading.

SENATOR GAETZ PRESIDING

On motion by Senator Crist, by two-thirds vote **HB 61** was withdrawn from the Committees on Criminal Justice; Governmental Operations; and Judiciary.

On motion by Senator Crist—

HB 61—A bill to be entitled An act relating to offenses against officers; amending s. 776.051, F.S.; providing that a person is not justified in using force to resist an arrest by a law enforcement officer, or to resist a law enforcement officer engaged in executing a legal duty, if the officer acts in good faith and is known or appears to be a law enforcement officer; providing an effective date.

—a companion measure, was substituted for **CS for SB 654** and read the second time by title.

Pursuant to Rule 4.19, **HB 61** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 2152—A bill to be entitled An act relating to criminal justice; providing legislative intent; requiring state agencies and regulatory boards to submit to the Governor and legislative officers a report that states current restrictions on employment of ex-offenders and possible alternatives that are compatible with public safety; requiring that such report be submitted in 2011 and then every 8 years thereafter; amending s. 112.011, F.S.; providing that a person may not be disqualified from receiving a license, permit, or certificate or from obtaining public employment on the grounds that the person's civil rights have not been restored; providing that a person is not required to secure the restoration of his or her civil rights or prove that his or her civil

rights have been restored in order to receive a license, permit, or certificate or to obtain public employment; amending s. 943.0581, F.S.; authorizing the arresting agency or the agency where the warrant was issued to request an administrative expunction; amending s. 943.0585, F.S.; requiring the clerk of the court to place information about the availability of criminal history sealing and expunction on the court's Internet website and provide a link to the Department of Law Enforcement's website related to such information; clarifying under what circumstances a person may legally deny an expunged criminal history record; authorizing disclosure of the contents of an expunged record upon receipt of a written, notarized request from the record subject; amending s. 943.059, F.S.; clarifying under what circumstances a person may legally deny a sealed criminal history record; authorizing a person to petition the court to seek a second criminal history record sealing under certain circumstances; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study; specifying the research questions for the study; requiring a report to be submitted to the Legislature; providing an effective date.

—was read the second time by title.

On motion by Senator Dockery, further consideration of **CS for CS for SB 2152** was deferred.

On motion by Senator Jones, by two-thirds vote **CS for HB 435** was withdrawn from the Committees on Judiciary; and Banking and Insurance.

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

CS for HB 435—A bill to be entitled An act relating to trust administration; amending s. 736.0703, F.S.; providing exceptions to duties and liabilities of trustees for excluded cotrustees under certain circumstances; relieving excluded cotrustees from specified liabilities and obligations under certain circumstances; providing for liabilities and obligations of included cotrustees; amending s. 736.0802, F.S.; providing an exception for trustee payments of costs and attorney's fees from trust assets except pursuant to court order under certain circumstances; requiring trustees to provide certain notice to beneficiaries; providing notice requirements; providing requirements for obtaining such a court order; specifying remedies; providing for specified refunds and sanctions; preserving certain court remedies; amending s. 736.1008, F.S.; specifying periods of repose barring claims by a beneficiary against a trustee; providing construction; providing an effective date.

—a companion measure, was substituted for **CS for SB 2164** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 435** was placed on the calendar of Bills on Third Reading.

By Senator Joyner—

CS for SB 1474—A bill to be entitled An act relating to dissolution of marriage; amending s. 61.075, F.S.; providing for interim partial distributions during dissolution actions; providing for motions; providing for effect on final distributions; providing factors to be considered; revising the definition of the term "marital assets and liabilities"; providing a presumption concerning certain personal property acquired during the marriage; specifying the burden of proof necessary to overcome the gift presumption; abolishing special equity; providing for claims formerly identified as special equity; amending s. 741.0306, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was read the second time by title.

MOTION

On motion by Senator Joyner, the rules were waived to allow the following amendments to be considered:

Senator Joyner moved the following amendments which were adopted:

Amendment 1 (620860)(with title amendment)—Delete line(s) 30-47 and insert: *the subject of the sworn motion, set apart those non-marital assets and liabilities, and provide for a partial distribution of*

those marital assets and liabilities. An interim order may be entered at any time after the date the dissolution of marriage is filed and served and before the final distribution of marital and nonmarital assets and marital and nonmarital liabilities.

(a) Such an interim order shall be entered only upon good cause shown and upon sworn motion establishing specific factual basis for the motion. The motion may be filed by either party and shall demonstrate good cause why the matter should not be deferred until the final hearing.

(b) The court shall specifically take into account and give appropriate credit for any partial distribution of marital assets or liabilities in its final allocation of marital assets or liabilities. Further, the court shall make specific findings in any interim order under this section that any partial distribution will not cause inequity or prejudice to either party as to either party's claims for support or attorney's fees.

And the title is amended as follows:

Delete line(s) 7 and insert: term "marital assets and liabilities"; conforming provisions to the abolition of special equity; providing a

Amendment 2 (570024)(with title amendment)—Delete line(s) 76-89 and insert:

3. All personal property titled jointly by the parties as tenants by the entireties, whether acquired prior to or during the marriage, shall be presumed to be a marital asset. In the event a party makes a claim to the contrary, the burden of proof shall be on the party asserting the claim that the subject property, or some portion thereof, is nonmarital.

4. The burden of proof to overcome the gift presumption shall be by clear and convincing evidence.

(11) Special equity is abolished. All claims formerly identified as special equity, and all special equity calculations, are abolished and shall be asserted either as a claim for unequal distribution of marital property and resolved by the factors set forth in subsection (1) or as a claim of enhancement in value or appreciation of nonmarital property.

And the title is amended as follows:

Delete line(s) 13 and insert: provisions to the abolition of special equity; providing an

Pursuant to Rule 4.19, **CS for SB 1474** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

By Senator Dean—

CS for SB 740—A bill to be entitled An act relating to retired justices and judges; amending s. 25.073, F.S.; providing exceptions to a prohibition against certain former judges serving as retired justices or retired judges under certain circumstances; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 740** was placed on the calendar of Bills on Third Reading.

By Senator Rich—

CS for CS for SB 766—A bill to be entitled An act relating to public records; amending s. 119.071, F.S.; creating exemptions from public-records requirements for the home addresses and telephone numbers of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers, the home addresses, telephone numbers, and places of employment of the spouses and children of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers, and the names and locations of schools and day care facilities attended by the children of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers; requiring reasonable efforts by the magistrates, judges, and hearing officers to

prevent access through other means; providing for legislative review and repeal of the exemptions; providing a statement of public necessity; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 766** was placed on the calendar of Bills on Third Reading.

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

CS for CS for SB 866—A bill to be entitled An act relating to elections; amending s. 97.012, F.S.; revising provisions relating to the investigative duties of the Secretary of State; amending s. 97.041, F.S.; revising requirements for voter preregistration of minors; amending s. 97.053, F.S.; revising provisions relating to verification of certain information on voter registration applications; amending s. 97.0535, F.S.; revising forms of acceptable identification for certain voter registration applicants; amending s. 97.055, F.S.; providing for change of party affiliation after the closing of the registration books to apply to an upcoming election under certain circumstances; amending s. 98.065, F.S.; revising registration list maintenance provisions; creating s. 98.0655, F.S.; requiring the Department of State to prescribe registration list maintenance forms; providing criteria for such forms; amending s. 98.075, F.S.; providing for the removal of the name of a deceased person from the statewide voter registration system upon receipt by the supervisor of a copy of a death certificate; providing procedures concerning such removal; amending s. 98.0981, F.S.; reducing the time by which supervisors of elections must electronically transmit certain voter history information to the department; requiring the department to prepare a detailed report containing specified voter information to legislative officers after a general election; requiring supervisors of elections to collect and submit data to the department after certain elections; defining the phrase "all ballots cast"; requiring the department to compile precinct-level statistical data for counties before certain elections; amending s. 99.012, F.S.; providing restrictions on individuals qualifying for public office; removing an exception from such restrictions for persons seeking any federal public office; amending s. 99.021, F.S.; deleting a resignation statement from the qualifying oath for candidates for federal office; amending s. 100.221, F.S.; providing circumstances under which early voting is not required; amending s. 100.361, F.S.; revising provisions relating to the recall of municipal or charter county officers, recall committees, recall petitions, recall defense, and offenses related thereto; amending s. 100.371, F.S.; providing that a petition form circulated for signatures may not be bundled with other petitions; deleting requirements relating to the recording and determination of signature forms; providing that an elector may complete and submit a standard petition-revocation form directly to the supervisor of elections under certain circumstances; requiring that the division adopt petition-revocation forms by rule; amending s. 101.041, F.S.; deleting a requirement for the printing and distribution of official ballots; amending s. 101.045, F.S.; authorizing the use of a voter registration application for a name or address change; amending s. 101.111, F.S.; revising methods by which a person's right to vote may be challenged; amending s. 101.23, F.S.; deleting provisions requiring an election inspector to prevent certain persons from voting; amending s. 101.51, F.S.; deleting provisions specifying certain responsibilities of election officials before allowing electors to enter a booth or compartment to vote; amending s. 101.5608, F.S.; revising certain procedures relating to the deposit of ballots; repealing s. 101.573, F.S., relating to the reporting of precinct-level election results; amending s. 101.6102, F.S.; providing exceptions to the types of elections that may not be conducted by mail ballot; amending s. 101.6923, F.S.; revising forms of acceptable identification for certain absentee voters; amending s. 101.733, F.S.; authorizing the Governor to call for a mail ballot election in the event of a declared state of emergency or an impending emergency; requiring that the Department of State adopt rules regarding such election; revising notice requirements for elections rescheduled due to an emergency; amending s. 101.75, F.S.; authorizing municipalities to set by ordinance election dates to coincide with statewide or countywide elections; amending s. 102.014, F.S.; revising provisions relating to the training of poll workers; amending s. 102.031, F.S.; including the term "solicitation" as an equivalent of the term "solicit" as it relates to the unlawful solicitation of voters; providing that such terms do not prohibit exit polling; amending s. 102.112, F.S.; revising the county canvassing board's certification requirements for election returns; amending s. 103.101, F.S.; deleting provisions related to the placement on the ballot of presidential candidates whose names

do not appear on the list submitted to the Secretary of State; amending s. 106.021, F.S.; removing a campaign finance filing requirement for certain candidates; amending s. 106.07, F.S.; clarifying that political subdivisions may impose electronic filing requirements on certain candidates, and that expenditures for such filing system serve a valid public purpose; repealing s. 106.082, F.S., relating to campaign contribution limitations for candidates for the office of Commissioner of Agriculture; amending s. 106.147, F.S.; requiring a disclosure statement for certain telephone calls; revising provisions requiring authorization from the candidate or sponsor for certain telephone calls; amending s. 106.24, F.S.; providing that the Florida Elections Commission is its own agency head rather than the director of the commission; amending s. 190.006, F.S.; deleting certain fee and assessment provisions for candidates seeking election to the board of supervisors of a community redevelopment district; providing effective dates.

—was read the second time by title.

Senator Constantine moved the following amendment which was adopted:

Amendment 1 (402546)(with title amendment)—Delete line(s) 294-382 and redesignate subsequent sections.

And the title is amended as follows:

Delete line(s) 17-21, and insert: criteria for such forms; amending s.

Senator Aronberg moved the following amendment which failed:

Amendment 2 (421232)(with directory and title amendments)—Between line(s) 545 and 546, insert:

(d) In addition to the requirements set forth in paragraph (a), a person seeking to qualify as a write-in candidate shall, at the time of subscribing to the oath or affirmation, state in writing:

1. The party of which the person is a member. If the person is not a member of any party, that person shall so indicate by writing “no party affiliation.”

2. That the person has not been a registered member of any other political party at any time during the 90 days immediately preceding that date.

And the directory clause is amended as follows:

Delete line(s) 482 and insert: 99.021, Florida Statutes, is amended, and paragraph (d) is added to that subsection, to read:

And the title is amended as follows:

On line(s) 37, after the first semicolon (;) insert: requiring a person seeking to qualify as a write-in candidate to state certain information in writing at the time of subscribing to the oath or affirmation;

The vote was:

Yeas—18

Aronberg	Dockery	Justice
Bennett	Garcia	Margolis
Bullard	Geller	Rich
Crist	Hill	Ring
Dean	Jones	Villalobos
Deutch	Joyner	Wilson

Nays—18

Alexander	Fasano	Peaden
Atwater	Gaetz	Posey
Baker	Haridopolos	Siplin
Carlton	King	Storms
Constantine	Lynn	Webster
Diaz de la Portilla	Oelrich	Wise

Senator Constantine moved the following amendment which was adopted:

Amendment 3 (728280)(with title amendment)—Between lines 545 and 546, insert:

Section 12. Paragraph (a) of subsection (2) of section 99.095, Florida Statutes, is amended to read:

99.095 Petition process in lieu of a qualifying fee and party assessment.—

(2)(a) Except as provided in paragraph (b), a candidate must obtain the number of signatures of voters in the geographical area represented by the office sought equal to at least 1 percent of the total number of registered voters of that geographical area, as shown by the compilation by the department for the immediately preceding general election. Signatures may not be obtained until the candidate has filed the appointment of campaign treasurer and designation of campaign depository pursuant to s. 106.021 and are valid only for the qualifying period immediately following such filings.

(Redesignate subsequent sections.)

And the title is amended as follows:

On line 37, after the first semicolon (;) insert: amending s. 99.095, F.S.; providing requirements for candidate qualifying petitions;

Senator Justice moved the following amendment which failed:

Amendment 4 (442990)(with title amendment)—Delete lines 1098-1146 and insert:

(1) When the right to vote of any person who desires to vote is challenged by any elector or poll watcher, the challenge shall be reduced to writing with an oath as provided in this section, giving reasons for the challenge, which shall be delivered to the clerk or inspector. Any elector or poll watcher challenging the right of a person to vote shall execute the oath set forth below:

OATH OF PERSON ENTERING CHALLENGE

State of Florida

County of _____

I do solemnly swear that my name is _____; that I am a member of the _____ Party; that I am a registered voter or pollwatcher; that my residence address is _____, in the municipality of _____; and that I have reason to believe that _____ is attempting to vote illegally and the reasons for my belief are set forth herein to wit:

(Signature of person challenging voter)

Sworn and subscribed to before me this ____ day of _____, (year) .

(Clerk of election)

(2) A voter’s right to register or vote may not be challenged on the basis of the following documents:

(a) A “voter caging document,” which is defined as a nonforwardable document, sent by a person other than a state or local election official, and which is returned to the sender or a third party as undelivered or undeliverable despite an attempt to deliver such document to the address of a registered voter or applicant for registration;

(b) A list of individuals compiled from voter caging documents; or

(c) A list produced by matching the information of registered voters or applicants for voter registration to a list of individuals who are ineligible to vote by virtue of death, conviction, change of address, or otherwise, unless one of the pieces of information matched includes a signature, photograph, or unique identifying number ensuring that the information from each source refers to the same individual.

(3) A person other than a state or local election official may not submit a formal challenge to an individual’s eligibility to register to vote or to vote in any election if the basis for such challenge is evidence consisting of an error or omission on any record or paper relating to any application, registration, or other act requisite to voting, if such error or omission is not material to an individual’s eligibility to vote as provided by law.

(4)(2) The clerk or inspector shall immediately deliver to the challenged person a copy of the oath of the person entering the challenge, and the challenged voter shall be allowed to cast a provisional ballot.

(5)(3) Any elector or poll watcher may challenge the right of any voter to vote not sooner than 30 days before an election by filing a completed copy of the oath contained in subsection (1) to the supervisor of election's office. The challenged voter shall be permitted to cast a provisional ballot.

(6)(4) Any elector or poll watcher filing a frivolous challenge of any person's right to vote commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083; however, electors or poll watchers shall not be subject to liability for any action taken in good faith and in furtherance of any activity or duty permitted of such electors or poll watchers by law. Each instance where any elector or poll watcher files a frivolous challenge of any person's right to vote constitutes a separate offense.

And the title is amended as follows:

Delete lines 55 and 56 and insert: 101.111, F.S.; prohibiting a voter's right to vote from being challenged on the basis of certain documents; providing an exception; prohibiting a person other than a state or local election official from challenging another person's right to register or vote if the basis for such challenge is evidence consisting of certain information; amending s. 101.23, F.S.;

Senator Constantine moved the following amendment which was adopted:

Amendment 5 (661364)(with title amendment)—Delete lines 1204 to 1214 and lines 1290 to 1348 and redesignate subsequent sections.

And the title is amended as follows:

Delete line(s) 65-74, and insert: results; amending s. 101.6923, F.S.; revising forms of acceptable identification for certain absentee voters; amending s. 101.75, F.S.;

Senator Justice moved the following amendment:

Amendment 6 (321150)(with title amendment)—Between line(s) 1624 and 1625, insert:

(e) Any electioneering communication paid for with public funds must include a disclaimer containing the words "paid for at taxpayers' expense."

And the title is amended as follows:

Delete line(s) 97 and insert: calls and communications; revising provisions requiring authorization from

MOTION

On motion by Senator Justice, the rules were waived to allow the following amendment to be considered:

Senator Justice moved the following amendment to **Amendment 6** which was adopted:

Amendment 6A (532486)—Delete line(s) 6-8 and insert:

(e) Any electioneering communication paid for with public funds must include a disclaimer containing the words "paid for by (Name of the government entity paying for the communication)."

Amendment 6 as amended was adopted.

MOTION

On motion by Senator Constantine, the rules were waived to allow the following amendment to be considered:

Senator Constantine moved the following amendment which was adopted:

Amendment 7 (343450)(with title amendment)—Between line(s) 1669 and 1670 insert:

Section 36. Subsection (2) of section 105.041, Florida Statutes, is amended to read:

105.041 Form of ballot.—

(2) LISTING OF CANDIDATES.—

~~The (a) Except as provided in paragraph (b), the order of nonpartisan offices appearing on the ballot shall be determined by the Department of State. The names of candidates for election to each nonpartisan office shall be listed in alphabetical order. With respect to retention of justices and judges, the question "Shall Justice (or Judge) (name of justice or judge) of the (name of the court) be retained in office?" shall appear on the ballot in alphabetical order and thereafter the words "Yes" and "No."~~

~~(b)1. The names of candidates for the office of circuit judge shall be listed on the primary election ballot in the order determined by lot conducted by the director of the Division of Elections of the Department of State after the close of the qualifying period.~~

~~2. Candidates who have secured a position on the general election ballot, after having survived elimination at the primary election, shall have their names listed in the same order as on the primary election ballot, notwithstanding the elimination of any intervening names as a result of the primary election.~~

And the title is amended as follows:

On line(s) 104 after the semicolon (;) insert: amending s. 105.041, F.S.; providing procedure for determining ballot position of candidates for the office of circuit judge;

Pursuant to Rule 4.19, **CS for CS for SB 866** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

By Senator Dockery—

CS for CS for CS for SB 1442—A bill to be entitled An act relating to exploited children; amending s. 92.56, F.S.; permitting use of a pseudonym to designate the victim of a crime involving a victim of production, possession, or promotion of child pornography; revising provisions concerning use of victim pseudonyms to specify that they may be used in civil and criminal proceedings; amending s. 796.035, F.S.; revising provisions relating to the sale or transfer of minors into sex trafficking or prostitution; amending s. 800.04, F.S., relating to lewd or lascivious exhibition, to conform to changes made by the act; amending s. 847.0135, F.S.; conforming provisions to changes made by the act; creating s. 847.002, F.S.; requiring law enforcement officers to provide certain information to the National Center for Missing and Exploited Children; requiring law enforcement officers submitting a case for prosecution that involves the creation, possession, or promotion of child pornography to provide specified information to prosecutors; requiring prosecutors to enter specified information in a database maintained by the Attorney General; creating s. 847.01357, F.S.; providing a civil remedy for any person who, while under the age of 18, was a victim of certain sexual abuse crimes wherein any portion of that abuse was used in the production of child pornography and who suffers personal or psychological injury as a result of the production, promotion, or possession of such images; specifying damages; providing for limitation of actions; providing for confidential pseudonyms to specified claimants; precluding a defense to certain civil actions; permitting the Attorney General to pursue cases on behalf of victims; providing for disposition of damages and attorney's fees; amending s. 960.03, F.S.; expanding the definition of "crime" for purposes of victim compensation to include violations of s. 827.071, s. 847.0135, s. 847.0137, or s. 847.038, related to online sexual exploitation and child pornography; defining the term "identified victim of child pornography;" expanding the definition of "victim" for purposes of victim compensation to include a person less than 18 years of age who was present at the scene of a crime, saw or heard the crime, and suffered a psychiatric or psychological injury because of the crime, but who was not physically injured; creating s. 960.197, F.S.; authorizing victim compensation awards to certain persons who suffer psychiatric or psychological injury as a result of certain crimes; amending ss. 90.404, 92.565, 394.912, 409.2355, 775.082, 775.084, 775.15, 775.21, 784.048, 787.01, 787.02, 787.025, 794.065, 914.16, 921.0022, 921.244, 938.10, 943.04354, 947.1405, 948.03, 948.06, 948.101, 948.30, and 948.31, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was read the second time by title.

Senator Dockery moved the following amendment which was adopted:

Amendment 1 (703292)—Delete line 201 and insert: *victim of child pornography.*

Pursuant to Rule 4.19, **CS for CS for CS for SB 1442** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Dean, the Senate recalled—

CS for SB 740—A bill to be entitled An act relating to retired justices and judges; amending s. 25.073, F.S.; providing exceptions to a prohibition against certain former judges serving as retired justices or retired judges under certain circumstances; providing an effective date.

—for further consideration.

MOTION

On motion by Senator Dean, the rules were waived to allow the following amendment to be considered:

Senator Dean moved the following amendment which was adopted:

Amendment 1 (706276)(with directory and title amendments)—Delete lines 14-33 and insert:

(2) *Notwithstanding subsection (1), a former justice or judge who has failed to win reelection or be retained after more than 12 years of service as a justice or judge, or has served at least one complete term as a justice or judge and has chosen not to stand for retention or reelection at the conclusion of the latest term, may be qualified to serve as a retired justice or judge unless:*

(a) *Such former justice or judge has been reprimanded, fined, suspended, or disciplined by the Florida Supreme Court for violations of the Florida Code of Judicial Conduct or the rules regulating The Florida Bar;*

(b) *The Judicial Qualifications Commission has brought charges against such former justice or judge which were not dismissed, or such former justice or judge was not exonerated of all such charges; or*

(c) *Any party objects to the assignment of such former justice or judge when such former justice or judge is to preside over a civil case, including any appeal of a civil case.*

And the directory clause is amended as follows:

Delete lines 10 and 11 and insert:

Section 1. Present subsections (2) and (3) of section 25.073, Florida Statutes, are renumbered as subsections (3) and (4), respectively, and a new subsection (2) is added to that section, to read:

And the title is amended as follows:

Delete lines 3-5 and insert: s. 25.073, F.S.; providing that a former justice or judge may be qualified to serve as a retired justice or judge under certain conditions; providing circumstances under which such justice or judge is excluded from serving as a retired justice or judge; providing

Pursuant to Rule 4.19, **CS for SB 740** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

The Senate resumed consideration of—

CS for CS for SB 2152—A bill to be entitled An act relating to criminal justice; providing legislative intent; requiring state agencies and regulatory boards to submit to the Governor and legislative officers a report that states current restrictions on employment of ex-offenders and possible alternatives that are compatible with public safety; requiring that such report be submitted in 2011 and then every 8 years thereafter; amending s. 112.011, F.S.; providing that a person may not be disqualified from receiving a license, permit, or certificate or from obtaining public employment on the grounds that the person’s civil rights

have not been restored; providing that a person is not required to secure the restoration of his or her civil rights or prove that his or her civil rights have been restored in order to receive a license, permit, or certificate or to obtain public employment; amending s. 943.0581, F.S.; authorizing the arresting agency or the agency where the warrant was issued to request an administrative expunction; amending s. 943.0585, F.S.; requiring the clerk of the court to place information about the availability of criminal history sealing and expunction on the court’s Internet website and provide a link to the Department of Law Enforcement’s website related to such information; clarifying under what circumstances a person may legally deny an expunged criminal history record; authorizing disclosure of the contents of an expunged record upon receipt of a written, notarized request from the record subject; amending s. 943.059, F.S.; clarifying under what circumstances a person may legally deny a sealed criminal history record; authorizing a person to petition the court to seek a second criminal history record sealing under certain circumstances; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study; specifying the research questions for the study; requiring a report to be submitted to the Legislature; providing an effective date.

—which was previously considered this day.

MOTION

On motion by Senator King, the rules were waived to allow the following amendment to be considered:

Senators Posey and King offered the following amendment which was moved by Senator King and adopted:

Amendment 1 (423910)—On line(s) 116, after the period (.) insert: *However, paragraph (c) does not apply to the issuance of a license for a concealed weapon or firearm or the purchasing of a firearm pursuant to chapter 790.*

On motions by Senator King, by two-thirds vote **CS for CS for SB 2152** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—38

Mr. President	Fasano	Oelrich
Alexander	Gaetz	Peaden
Aronberg	Garcia	Posey
Atwater	Geller	Rich
Baker	Haridopolos	Ring
Bennett	Hill	Saunders
Bullard	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise
Dockery	Margolis	

Nays—None

THE PRESIDENT PRESIDING

On motion by Senator Storms, by two-thirds vote **HB 7007** was withdrawn from the Committees on Children, Families, and Elder Affairs; Health Policy; and Judiciary.

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

HB 7007—A bill to be entitled An act relating to safe haven protection for surrendered newborn infants; amending s. 39.01, F.S.; revising definitions; amending s. 39.201, F.S.; conforming terminology to changes made by the act; amending s. 63.0423, F.S.; providing for presumption of consent to termination of parental rights in cases of surrendered infants; removing a requirement that the child-placing agency conduct a search to identify a parent of a surrendered infant; providing an exception; conforming provisions relating to granting a petition for termination of parental rights; amending s. 383.50, F.S.; increasing the age at which an infant is considered a newborn infant for purposes of treatment

after surrender; providing for anonymity of the infant's parents; providing an effective date.

—a companion measure, was substituted for **CS for SB 1704** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 7007** was placed on the calendar of Bills on Third Reading.

On motion by Senator Storms, by two-thirds vote **HB 7073** was withdrawn from the Committees on Children, Families, and Elder Affairs; Judiciary; and General Government Appropriations.

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

HB 7073—A bill to be entitled An act relating to child support enforcement; amending s. 61.14, F.S.; requiring payments on child support judgments to be applied first to the current child support due, then to the delinquent principal, and then to any interest on the support judgment; amending s. 61.1824, F.S.; requiring the State Disbursement Unit to disburse payments to obligees electronically; amending s. 328.42, F.S.; requiring the Department of Highway Safety and Motor Vehicles to cooperate with the Department of Revenue in establishing an automated method for disclosing owners of registered vessels to the Department of Revenue; authorizing the Department of Highway Safety and Motor Vehicles to suspend the operating privilege of vessel owners who are not in compliance with orders relating to child support when directed by the Department of Revenue; amending s. 409.2558, F.S.; requiring the State Disbursement Unit to disburse payments to obligees electronically; amending s. 409.256, F.S.; requiring the correctional facility to assist an incarcerated putative father in complying with an administrative order to appear for genetic testing; clarifying that an administrative order for genetic testing has the same force and effect as a court order; amending s. 456.004, F.S.; requiring the Department of Health to cooperate with the Department of Revenue in establishing an automated method for disclosing health practitioner licensees to the Department of Revenue; authorizing the Department of Health to suspend or deny the license of a licensee who is not in compliance with orders relating to child support when directed by the Department of Revenue; amending s. 497.167, F.S.; authorizing the Department of Financial Services to suspend or deny the license of a licensee who is not in compliance with orders relating to child support when directed by the Department of Revenue; amending s. 559.79, F.S.; requiring the Department of Business and Professional Regulation to cooperate with the Department of Revenue in establishing a method for disclosing professional licensees to the Department of Revenue; authorizing the Department of Business and Professional Regulation to suspend or deny the license of a licensee who is not in compliance with orders relating to child support when directed by the Department of Revenue; amending s. 1012.21, F.S.; requiring the Department of Education to cooperate with the Department of Revenue in establishing a method for disclosing educators to the Department of Revenue; authorizing the Department of Education to suspend or deny the teaching certificate of a person who is not in compliance with orders relating to child support when directed by the Department of Revenue; amending s. 1012.795, F.S.; requiring the Education Practices Commission to suspend or deny the educator certificate of a person who is not in compliance with orders relating to child support upon notice by the Department of Revenue; repealing s. 409.25645, F.S., relating to administrative orders for genetic testing; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1152** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 7073** was placed on the calendar of Bills on Third Reading.

SENATOR GAETZ PRESIDING

Consideration of **CS for SB 988** was deferred.

On motion by Senator Rich, by two-thirds vote **CS for HB 663** was withdrawn from the Committees on Children, Families, and Elder Affairs; Judiciary; and Criminal and Civil Justice Appropriations.

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

CS for HB 663—A bill to be entitled An act relating to the termination of parental rights; amending s. 39.812, F.S.; requiring a petition for adoption to be accompanied by a statement verifying that adoptive parents have received all information required to be disclosed; amending s. 49.011, F.S.; providing for service of process by publication for termination of parental rights under ch. 63, F.S.; amending s. 63.032, F.S.; redefining terms; amending s. 63.037, F.S.; specifying applicability of exemptions from disclosure requirements for adoption entities under certain circumstances; amending s. 63.039, F.S.; requiring an adoption entity to provide adoption disclosure statements to persons whose consent is required for adoption; requiring attorney's fees and costs in certain actions to be awarded pursuant to the Florida Rules of Civil Procedure; amending s. 63.0425, F.S.; clarifying a grandparent's right to notice; amending s. 63.054, F.S.; providing that an unmarried biological father who fails to register with the Florida Putative Father Registry before the filing of a petition for termination of parental rights may not file a paternity claim under ch. 742, F.S.; providing an exception from the time limitations for filing a paternity claim; providing that if a registrant fails to report a change of address, the adoption entity or adoption petitioner is not obligated to search further for the registrant; requiring a petitioner in a proceeding in which parental rights are terminated simultaneously with entry of final judgment of adoption to contact the Office of Vital Statistics for a search of the registry; providing procedures for searching the registry when termination of parental rights and an adoption proceeding are adjudicated separately; amending s. 63.062, F.S.; revising criteria for serving notice of terminating parental rights to the father of a minor; revising procedures for serving notice of intended adoption plan; providing criteria for avoiding default on providing consent to adoption; providing for the proper venue to file a petition to terminate parental rights; amending s. 63.063, F.S.; revising the standard for compliance with laws relating to adoption; amending s. 63.082, F.S.; revising the notice and consent requirements to adoption to also exclude cases involving sexual activity with certain minors; revising consent requirements that apply to men; limiting the time period for revoking consent to adopt a child older than 6 months of age to 3 business days; revising requirements for withdrawing a consent for adoption; amending s. 63.085, F.S.; revising requirements for required disclosures by an adoption entity; requiring that background information concerning the child be revealed to prospective adoptive parents; amending s. 63.087, F.S.; revising procedures for terminating parental rights pending an adoption; providing the proper venue in which to file a petition to terminate parental rights; providing for joint petitions for termination of parental rights and adoption; providing that failure to appear at certain hearings constitutes grounds for termination of parental rights; removing a provision relating to the procedure for notifying a petitioner of a final hearing; amending s. 63.088, F.S.; providing that a mother's failure to identify an unmarried biological father is not a defense to a termination of parental rights; revising information relating to a court's inquiry about the father of the child who is to be adopted; requiring persons contacted by a petitioner or adoption entity to release certain records; providing that a judgment approving a diligent search is not subject to direct or collateral attack; amending s. 63.089, F.S.; revising provisions relating to service of notice and petition regarding termination of parental rights and consent to adoption; revising conditions for making a finding of abandonment; prohibiting a person who failed to establish parental rights from challenging a judgment terminating parental rights under certain circumstances; amending s. 63.092, F.S.; revising the conditions and timeframe for an adoption entity to report to the court the intent to place a minor for adoption; amending s. 63.102, F.S.; revising procedures for the filing of a petition for adoption; providing the proper venue where the petition may be filed; amending s. 63.122, F.S.; revising whose name may be removed from a petition under certain circumstances; amending s. 63.132, F.S.; providing additional exceptions to the requirement that the adoptive parent and the adoption entity file an affidavit itemizing all expenses and receipts; amending s. 63.135, F.S.; requiring the adoption entity or petitioner to file an affidavit under the Uniform Child Custody Jurisdiction and Enforcement Act in a termination of parental rights proceeding; deleting information required to be submitted under oath to the court; amending s. 63.142, F.S.; requiring that if an adoption petition is dismissed, any further proceedings regarding the minor be brought in a separate custody action under ch. 61, F.S., a dependency action under ch. 39, F.S., or a paternity action under ch. 742, F.S.; revising conditions under which a judgment terminating parental rights is voidable; amending s. 63.192, F.S.; requiring the courts of this state to recognize decrees of termination of parental rights and adoptions from other states and countries; amending s.

63.212, F.S.; revising acts that are unlawful pertaining to adoptions; creating s. 63.236, F.S.; providing that a petition for termination of parental rights filed before the effective date of the act is governed by the law in effect at the time the petition was filed; amending s. 742.021, F.S.; requiring the clerk of court to issue certain notice in cases of complaints concerning determination of paternity; amending s. 742.10, F.S.; providing applicability of chs. 39 and 63, F.S., to jurisdiction and procedures for determination of paternity for children born out of wedlock; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1084** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 663** was placed on the calendar of Bills on Third Reading.

By Senator Storms—

CS for SB 1042—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 63.0541, F.S., relating to a public-records exemption for information contained in the Florida Putative Father Registry; saving the exemption from repeal under the Open Government Sunset Review Act; narrowing the exemption to allow access by the birth mother; removing superfluous provisions; repealing s. 2, ch. 2003-56, Laws of Florida, relating to provisions providing for the repeal of the exemption; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1042** was placed on the calendar of Bills on Third Reading.

By Senator Storms—

SB 1046—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 409.175, F.S.; revising the public-records exemption provided for information held by the Department of Children and Family Services regarding foster parent applicants, foster parents, and persons providing character or neighbor references regarding foster parent applicants or foster parents; removing an exemption provided for social security numbers; saving the exemption from repeal under the Open Government Sunset Review Act; repealing s. 2, ch. 2003-83, Laws of Florida; deleting provisions that provide for the repeal of the exemption; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1046** was placed on the calendar of Bills on Third Reading.

By Senator Alexander—

SB 186—A bill to be entitled An act relating to the University of South Florida Lakeland; creating s. 1004.345, F.S.; establishing and designating the University of South Florida Lakeland campus; providing legislative intent; requiring the Board of Trustees to appoint a Campus Board; providing membership, powers, and duties of the Campus Board; providing that the university is administered by a Campus Executive Officer; requiring the President of the University of South Florida to consult with the Campus Board before hiring or terminating the Campus Executive Officer; providing duties and powers of the Campus Executive Officer; providing that students enrolled at a branch campus of the university have the same rights as other students; requiring the University of South Florida to provide for a system of student registration that meets certain conditions; providing an effective date.

—was read the second time by title.

Senator Alexander moved the following amendments which were adopted:

Amendment 1 (183624)(with title amendment)—On line(s) 23, 26, 28, 31, 33, 36, 43, 55, 61, 67, 94, 97, 105, and 114, delete “Lakeland” and insert: *Polytechnic*

And the title is amended as follows:

On line(s) 3 and 4, delete “Lakeland” and insert: *Polytechnic*

Amendment 2 (909878)—On line 94, delete “2007-2008” and insert: *2008-2009*

Pursuant to Rule 4.19, **SB 186** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett—

CS for CS for SB 818—A bill to be entitled An act relating to financial services; amending s. 20.121, F.S.; providing that the appointment of the director of each office within the Department of Financial Services is subject biennially to reaffirmation, which may be accomplished by a simple majority vote of the Financial Services Commission; requiring that such vote occur by a specified date; amending s. 520.02, F.S.; defining the term “guaranteed asset protection products”; amending s. 520.07, F.S.; setting forth requirements and prohibitions for selling guaranteed asset protection products; amending s. 624.605, F.S.; including debt-cancellation products under casualty insurance; providing a definition; authorizing certain entities to offer debt-cancellation products under certain circumstances; specifying that such products are not insurance; amending ss. 627.553 and 627.679, F.S.; revising limitations on the amount of authorized insurance for debtors; amending s. 627.681, F.S.; revising a limitation on the term of credit disability insurance; amending s. 655.005, F.S.; redefining the terms “federal financial institution” and “financial institution”; defining the term “debt-cancellation products”; amending s. 655.79, F.S.; providing that a deposit account by a husband and wife is a tenancy by the entirety; creating s. 655.947, F.S.; providing a definition; authorizing financial institutions to offer debt-cancellation products; authorizing a fee; requiring the Financial Services Commission to adopt rules; providing that a periodic payment option is not required for certain debt-cancellation products; amending s. 655.954, F.S.; authorizing a financial institution to offer a debt-cancellation product but not as a requirement of receiving a loan; creating s. 655.967, F.S.; providing that state-mandated endowments may be maintained in trust accounts in financial institutions; amending s. 658.21, F.S.; revising an ownership of capital criterion for capital accounts at financial institutions and one-bank holding companies; amending s. 658.34, F.S.; prohibiting certain stock issuance practices for banks; amending s. 658.36, F.S.; requiring a state bank or trust company to file a written notice before increasing its capital stock; amending s. 658.44, F.S.; revising criteria for determining the value of dissenting shares of certain entities; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 818** to **CS for CS for HB 343**.

Pending further consideration of **CS for CS for SB 818** as amended, on motion by Senator Bennett, by two-thirds vote **CS for CS for HB 343** was withdrawn from the Committees on Banking and Insurance; Commerce; and General Government Appropriations.

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

CS for CS for HB 343—A bill to be entitled An act relating to financial services; amending s. 520.02, F.S.; defining the term “guaranteed asset protection product”; amending s. 520.07, F.S.; authorizing certain entities to offer optional guaranteed asset protection products under certain circumstances; prohibiting such entities from requiring purchase of such products as a condition for certain financial transactions; providing requirements for offering such products; providing limitations; amending s. 624.605, F.S.; including debt cancellation products under casualty insurance; providing a definition; authorizing certain entities to offer debt cancellation products under certain circumstances; specifying such products as not constituting insurance; amending ss. 627.553 and 627.679, F.S.; revising limitations on the amount of authorized insurance for debtors; amending s. 627.681, F.S.; revising a limitation on the term of credit disability insurance; amending s. 655.005, F.S.; revising and providing definitions; amending s. 655.79, F.S.; specifying certain accounts as tenancies by the entireties; creating s. 655.967, F.S.; authorizing a state-mandated endowment to be maintained in trust accounts in financial institutions; creating s. 655.947, F.S.; authorizing

financial institutions to offer debt cancellation products; authorizing a fee; providing a definition; providing requirements for financial institutions relating to debt cancellation products; requiring the Financial Services Commission to adopt rules; specifying that periodic payment options are not required to be offered for certain debt cancellation products; amending s. 655.954, F.S.; authorizing certain institutions to offer optional debt cancellation products with certain financial transactions; prohibiting requiring such products as a condition of such transactions; updating definitions; amending s. 658.21, F.S.; revising ownership requirements for capital accounts at opening for a bank or trust company; providing capital investment requirements for owners of certain holding companies; amending s. 658.34, F.S.; revising requirements for shares of capital stock of banks and trust companies; providing restrictions on issuance or sale of certain stock under certain circumstances; amending s. 658.36, F.S.; requiring a state bank or trust company to file a written notice before increasing its capital stock; amending s. 658.44, F.S.; revising certain notice requirements relating to dissenting stockholders; revising criteria for determining the value of dissenting shares of certain entities; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 818** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 343** was placed on the calendar of Bills on Third Reading.

On motion by Senator Posey, by two-thirds vote **CS for HB 535** was withdrawn from the Committees on Banking and Insurance; Health Policy; and General Government Appropriations.

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

CS for HB 535—A bill to be entitled An act relating to health insurance; amending s. 627.4236, F.S.; revising the definition of the term “bone marrow transplant”; amending ss. 627.642, 627.657, and 641.31, F.S.; requiring an identification card containing specified information to be given to insureds under health benefit plans and group health insurance policies and persons having health care services through health maintenance contracts; providing applicability; providing for an exception to certain identification card requirements for cards issued before a certain date; providing an effective date.

—a companion measure, was substituted for **CS for SB 1968** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 535** was placed on the calendar of Bills on Third Reading.

By Senator Posey—

CS for CS for SB 2174—A bill to be entitled An act relating to motor vehicle insurance; amending s. 627.736, F.S.; revising the schedule of maximum charges on which an insurer may base a limited reimbursement for certain medical services, supplies, and care for injured persons covered by personal injury protection; specifying a minimum amount for the applicable fee schedule or payment limitation under Medicare for such reimbursements; providing an effective date.

—was read the second time by title.

Senator Posey moved the following amendment which was adopted:

Amendment 1 (515950)—Delete line 78 and insert: ~~applicable~~ 2007 Medicare Part B for 2007 fee schedule for medical

Pursuant to Rule 4.19, **CS for CS for SB 2174** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

By Senator Lawson—

CS for CS for SB 2264—A bill to be entitled An act relating to motor vehicle warranty associations; amending s. 628.4615, F.S., relating to specialty insurers; conforming a cross-reference to changes made by the

act; amending s. 634.011, F.S.; defining the terms “motor vehicle manufacturer” and “subsidiary” for purposes of part I of ch. 634, F.S.; amending s. 634.041, F.S.; exempting motor vehicle manufacturers applying for licensure as service agreement companies from certain licensing requirements and limitations on claims liabilities; amending s. 634.137, F.S.; authorizing the Office of Insurance Regulation to develop an abbreviated form for statistical reporting of sales of service agreements by motor vehicle manufacturers in lieu of certain other financial reports; amending s. 634.271, F.S.; conforming a cross-reference; amending s. 634.4165, F.S.; requiring warranty service associations that do not collect the names and addresses of warranty holders at the time of sale to provide an alternative method for warranty holders to provide such information; amending s. 634.436, F.S.; prohibiting warranty service associations that do not collect the names and addresses of warranty holders from denying a warranty holder’s claim on the basis that the association cannot confirm that the warranty holder in fact purchased the warranty; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 2264** was placed on the calendar of Bills on Third Reading.

SM 2452—A memorial to the Congress of the United States, urging Congress to support a National Catastrophe Insurance Program.

WHEREAS, during the 2004 and 2005 hurricane seasons, the State of Florida was devastated by eight hurricanes and four tropical storms, causing approximately \$35 billion in estimated gross probable insurance losses, and

WHEREAS, the hurricanes from the 2004 and 2005 hurricane seasons produced high winds, coastal storm surges, torrential rainfalls, and flooding resulting in significant damage to Florida and the Gulf Coast states, which resulted in displacement of policyholders from their dwellings, loss of personal belongings and contents, closing of businesses and financial institutions, and temporary loss of employment and created numerous health and safety issues within our local communities, and

WHEREAS, in 1992, Hurricane Andrew resulted in approximately \$20.8 billion in insured losses and was previously the costliest catastrophe in the United States, but Hurricane Katrina alone left the Gulf Coast states with an estimated loss of approximately \$35 billion, and

WHEREAS, natural disasters continually threaten communities across the United States with extreme weather conditions that pose an immediate danger to the lives, property, and security of the residents of those communities, and

WHEREAS, the insurance industry, state officials, and consumer groups have been striving to develop solutions to insure mega-catastrophic risks, because hurricanes, earthquakes, tornadoes, typhoons, floods, wildfires, ice storms, and other natural catastrophes continue to affect policyholders across the United States, and

WHEREAS, on November 16 and 17, 2005, insurance commissioners from Florida, California, Illinois, and New York convened a summit to devise a national catastrophe insurance plan that would more effectively spread insurance risks and help mitigate the tremendous financial damage survivors contend with following such catastrophes, NOW, THEREFORE,

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

That the Congress of the United States is urged to support a National Catastrophe Insurance Program. Policyholders require a rational insurance mechanism for responding to the economic losses resulting from catastrophic events. The risk of catastrophes must be addressed through a public-private partnership involving individuals, private industry, local and state governments, and the Federal Government. A national catastrophe insurance program is necessary to promote personal responsibility among policyholders; support strong building codes, development plans, and other mitigation tools; maximize the risk-bearing capacity of the private markets; and provide quantifiable risk management through the Federal Government. The program should encompass:

(1) Providing consumers with a private market residential insurance program that provides all-perils protection.

(2) Promoting personal responsibility through mitigation; promoting the retrofitting of existing housing stock; and providing individuals with the ability to manage their own disaster savings accounts that, similar to health savings accounts, accumulate on a tax-advantaged basis for the purpose of paying for mitigation enhancements and catastrophic losses.

(3) Creating tax-deferred insurance company catastrophe reserves to benefit policyholders. These tax-deferred reserves would build up over time and only be eligible to be used to pay for future catastrophic losses.

(4) Enhancing local and state government's role in establishing and maintaining effective building codes, mitigation education, and land use management; promoting state emergency management, preparedness, and response; and creating state or multistate regional catastrophic risk financing mechanisms such as the Florida Hurricane Catastrophe Fund.

(5) Creating a national catastrophe financing mechanism that would provide a quantifiable level of risk management and financing for megacatastrophes; maximizing the risk-bearing capacity of the private markets; and allowing for aggregate risk pooling of natural disasters funded through sound risk-based premiums paid in correct proportion by all policyholders in the United States.

BE IT FURTHER RESOLVED that copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

—was read the second time in full. On motion by Senator Posey, **SM 2452** was adopted and certified to the House.

CS for SM 2488—A memorial to the Congress of the United States, urging Congress to pass legislation that exempts from taxation all reserves placed in escrow for the exclusive use of paying potential future property insurance claims arising out of natural catastrophes.

WHEREAS, rising costs resulting from natural disasters are placing an increasing strain on the ability of property and casualty insurance companies to ensure payment of homeowners' claims and other insurance claims arising from major natural disasters now and in the future, and

WHEREAS, present tax laws do not provide adequate incentives to ensure that natural disaster insurance is provided or, where such insurance is provided, that funds are available for payment of insurance claims in the event of future catastrophic losses from major natural disasters, as present law requires an insurer wanting to accumulate surplus assets for this purpose to do so entirely from its after-tax retained earnings, and

WHEREAS, revising the tax laws applicable to the property and casualty insurance industry to permit carefully controlled accumulation of pretax dollars in separate reserve funds devoted solely to the payment of claims arising from future major natural disasters will provide incentives for property and casualty insurers to make natural disaster insurance available; will give greater protection to the nation's homeowners, small businesses, and -ther insurance consumers; and will help ensure the future financial health of the nation's insurance system as a whole, and

WHEREAS, implementing these changes will reduce the possibility that a significant portion of the private insurance system would fail in the wake of a major natural disaster and that governmental entities would be required to step in to provide relief at taxpayer expense, NOW, THEREFORE,

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

That the Congress of the United States is requested to enact legislation that will allow insurers to establish tax-deferred catastrophe reserves if such reserves are set aside to be used exclusively for paying future property insurance claims arising out of natural catastrophes.

BE IT FURTHER RESOLVED that copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of

Representatives, and to each member of the Florida delegation to the United States Congress.

—was read the second time in full. On motion by Senator Posey, **CS for SM 2488** was adopted and certified to the House.

By Senator Bennett—

CS for CS for SB 428—A bill to be entitled An act relating to workforce innovation; amending s. 445.007, F.S.; authorizing designation of a regional workforce board as a one-stop operator and direct provider of certain services by agreement of the chief elected official and the Governor; requiring that Workforce Florida, Inc., establish procedures for a regional workforce board to request permission to operate and the criteria for granting such permission; providing for the permission to operate not exceed a certain period; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 428** was placed on the calendar of Bills on Third Reading.

By Senator Aronberg—

CS for CS for CS for SB 2016—A bill to be entitled An act relating to public lodging and public food service establishments; amending s. 509.013, F.S.; revising and adding definitions; amending s. 509.032, F.S.; eliminating the requirement for the Division of Hotels and Restaurants to assist the State Fire Marshal in updating the Florida Fire Prevention Code; eliminating the requirement for the division to enforce the Florida Fire Prevention Code in conducting its inspections; requiring the division, or its agent, to notify firesafety officials of certain readily observable violations of the Florida Fire Prevention Code rules; revising state preemption authority; amending s. 509.039, F.S.; decreasing the amount of time in which a food service manager is required to obtain certification after employment; requiring public food service establishments to provide proof of certification upon request by the division; amending s. 509.101, F.S.; deleting the requirement that a transient establishment maintain a copy of ch. 509, F.S., on its premises; amending s. 509.142, F.S.; requiring the operator of a public lodging establishment or public food service establishment to accommodate any person using a child conveyance; amending s. 509.211, F.S.; deleting a requirement for division notification of local firesafety officials or the State Fire Marshal of violations of rules under ch. 633, F.S.; amending s. 509.221, F.S.; providing that certain sanitary regulations for a public lodging establishment for its guests and employees and for a public food service establishment for its employees be in compliance with the Florida Building Code as approved by the local building authority; providing for wastewater disposal procedures for public food service establishments; requiring public lodging establishment and public food service establishment public restroom requirements to be in accordance with the Florida Building Code as approved by the local building authority; amending s. 509.242, F.S.; clarifying public lodging establishment classifications; amending s. 509.261, F.S.; authorizing the division to levy sanctions for failing to comply with final orders of the division; authorizing the division to require payment of outstanding fines before renewing or issuing a license; providing an effective date.

—was read the second time by title.

MOTION

On motion by Senator Crist, the rules were waived to allow the following amendment to be considered:

Senator Crist moved the following amendment:

Amendment 1 (256358)(with title amendment)—Between line(s) 321 and 322, insert:

(c) Each toilet facility located on the premises of the public food service establishment must be completely enclosed and provided with a tight-fitting, self-closing door or have entrances and exits constructed in such a manner as to ensure the privacy of occupants. Such door may not be left open except during cleaning or maintenance.

(d) Toilet facilities that are used by patrons must be situated so that a patron does not pass through food-preparation or utensil-washing areas.

(e) Toilet fixtures must be cleanable.

(f) Toilet facilities, including rooms and fixtures, must be kept clean and in good repair.

(g) The floors must be made of a nonabsorbent material and cleaned daily. The requirement that floors be made of a nonabsorbent material applies only to public food service establishments that are constructed or substantially remodeled on or after July 1, 2008.

(h) Receptacles must be provided for waste material and such receptacles must contain a trash-can liner and must be covered. Receptacles must be emptied as necessary to prevent excessive accumulation of waste material.

(i) A supply of hand-cleansing, antibacterial soap or detergent must be available in each toilet facility, and running water must be available at each hand-washing sink within a toilet facility. A supply of sanitary towels or a hand-drying device providing heated air must be located in each toilet facility. Applicable to public food service establishments that are constructed or substantially remodeled on or after July 1, 2008, hot and cold running water must be available at each hand-washing sink within a toilet facility, and hand-washing sinks that have an automatic shut-off must run for a minimum of 20 seconds. Hand-washing sinks, soap dispensers, hand-drying devices, and all related fixtures must be kept clean and in good repair.

(j) A supply of toilet tissue must be provided in each toilet stall at all times.

(k) Each toilet facility must be lighted and ventilated. This requirement applies only to public food service establishments that are constructed or substantially remodeled on or after July 1, 2008.

(l) A sign or poster that notifies food service employees to wash their hands must be provided at each hand-washing sink used by public food service employees and must be clearly visible to the food service employees.

This section does not apply to restrooms in a public airport as defined in s. 330.27 which are not located within a public food service establishment.

And the title is amended as follows:

On line(s) 33, after the semicolon (;) insert: providing the minimum sanitation standards for toilet facilities in food service establishments; providing certain exemptions; providing an exemption for a restroom in a public airport;

MOTION

On motion by Senator Aronberg, the rules were waived to allow the following amendment to be considered:

Senator Aronberg moved the following substitute amendment which was adopted:

Amendment 2 (499878)(with title amendment)—Between line(s) 321 and 322 insert:

(c) Each toilet facility located on the premises of the public food service establishment must be completely enclosed and provided with a tight-fitting, self-closing door or have entrances and exits constructed in such a manner as to ensure the privacy of occupants. Such door may not be left open except during cleaning or maintenance.

(d) Toilet facilities that are used by patrons must be situated so that a patron does not pass through food-preparation or utensil-washing areas.

(e) Toilet fixtures must be cleanable.

(f) Toilet facilities, including rooms and fixtures, must be kept clean and in good repair.

(g) The floors must be made of a nonabsorbent material and be kept clean.

(h) Receptacles must be provided for waste material and such receptacles must contain a trash-can liner and must be covered. Receptacles must be emptied as necessary to prevent excessive accumulation of waste material.

(i) A supply of hand-cleansing, antibacterial soap or detergent must be available in each toilet facility, and running water must be available at each hand-washing sink within a toilet facility. A supply of sanitary towels or a hand-drying device providing heated air must be located in each toilet facility. Running water must be available at each hand-washing sink within a toilet facility, and hand-washing sinks that have an automatic shut-off must run for a minimum of 15 seconds. Hand-washing sinks, soap dispensers, hand-drying devices, and all related fixtures must be kept clean and in good repair.

(j) A supply of toilet tissue must be provided in each toilet stall.

(k) Each toilet facility must be lighted and ventilated.

(l) A sign or poster that notifies food service employees to wash their hands must be provided at each hand-washing sink used by public food service employees and must be clearly visible to the food service employees.

And the title is amended as follows:

On line(s) 33, after the semicolon (;) insert: providing the minimum sanitation standards for toilet facilities in food service establishments;

Pursuant to Rule 4.19, **CS for CS for CS for SB 2016** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

By Senator King—

CS for CS for SB 1076—A bill to be entitled An act relating to the dismantling and destruction of motor vehicles and mobile homes; amending s. 319.30, F.S.; revising definitions; defining “certificate of title,” “derelict motor vehicle,” “derelict motor vehicle certificate,” “recreational vehicle,” and “salvage certificate of title”; revising provisions requiring that certain documents accompany a motor vehicle or mobile home sold, transported, or delivered to a salvage motor vehicle dealer or a secondary metals recycler; providing requirements for the transfer of a derelict motor vehicle to a salvage motor vehicle dealer or a secondary metals recycler; requiring the purchaser to record and maintain certain information; providing for the use of a derelict motor vehicle certificate if the certificate of title, salvage certificate of title, or certificate of destruction is not available; restricting reassignment of a derelict motor vehicle certificate; providing penalties; revising provisions for reporting to the Department of Highway Safety and Motor Vehicles and cancellation of title records; providing for an electronic notification system to be established by the department; providing for the placement of a hold on a motor vehicle or mobile home in the possession of a salvage motor vehicle dealer or secondary metals recycler by an agent or employee of the department or a law enforcement officer who has reason to believe that the motor vehicle or mobile home was stolen or is fraudulently titled; authorizing the department to adopt rules and charge described fees; amending s. 319.14, F.S.; correcting a cross-reference; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1076** was placed on the calendar of Bills on Third Reading.

By Senator Haridopolos—

CS for SB 2582—A bill to be entitled An act relating to motor vehicle dealers; amending s. 320.64, F.S.; prohibiting licensees from certain actions intended to coerce a dealer to improve its facilities after the licensee has approved those facilities; allowing licensees to offer certain loan or grant programs to induce the dealer to relocate or improve the existing facilities, if such inducement is not discriminatory or designed

to force the dealer to do so; prohibiting certain adverse actions against a dealer who does not participate in such programs; declaring certain inducement programs void; authorizing a licensee to set reasonable standards for dealer sales and facilities; prohibiting licensees from altering allocations or supplies of new vehicles to achieve goals that are prohibited in this state by statute; clarifying a provision relating to a prohibition against a dealer selling a motor vehicle to a customer who exported or resold the vehicle; requiring the licensee to prove the dealer had actual knowledge of the customer's intent to export or resell the vehicle; creating a conclusive presumption that the dealer had no actual knowledge if the vehicle was titled or registered in this country; authorizing licensees to audit dealers to determine the validity of paid claims if the licensee complies with applicable statutory requirements; creating s. 320.6412, F.S.; providing a burden of proof in actions to terminate a motor vehicle dealer franchise based on fraud or misrepresentation; amending s. 320.696, F.S.; substantially revising provisions relating to the licensee's responsibility to timely and reasonably compensate a dealer who performs warranty, service contract maintenance plan, or other vehicle preparation work; providing methods of determining the cost for parts and labor to be paid to a dealer as compensation for performing warranty repairs and vehicle preparation for the licensee; prohibiting the licensee from taking certain adverse actions against a dealer for seeking to obtain compensation for such work; prohibiting certain acts by a licensee to reduce the amount of compensation to be paid to a dealer or to offset or recover from the dealer compensation previously received; providing for severability; providing an effective date.

—was read the second time by title.

MOTION

On motion by Senator Bennett, the rules were waived to allow the following amendments to be considered:

Senators Bennett and Haridopolos offered the following amendments which were moved by Senator Bennett and adopted:

Amendment 1 (291400)—Delete lines 264-266 and insert: *the licensee or its common entity, unless issued by a common entity that is not a manufacturer; to fulfill a licensee's delivery or preparation*

Amendment 2 (804822)—Delete lines 110-112 and insert:

(f) *Any portion of a licensee-offered program for a bonus, incentive, or other benefit that, in whole or in part, is based upon or aimed at inducing a dealer's relocation, expansion, improvement, remodeling, renovation, or alteration of the dealer's sales or service facility, or both, is void as to each of the licensee's motor vehicle dealers in this state who, nevertheless, shall be eligible for the entire amount of the bonuses, incentives, or benefits offered in the program upon compliance with the other eligibility provisions in the program.*

(g) *A licensee may set and uniformly apply reasonable standards for a motor vehicle dealer's sales and service facilities which are related to upkeep, repair, and cleanliness.*

Pursuant to Rule 4.19, **CS for SB 2582** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for CS for SB 802** was deferred.

By Senator Baker—

CS for CS for SB 1946—A bill to be entitled An act relating to motor vehicles; amending s. 316.515, F.S.; revising restrictions on use of certain agriculture-related vehicles; providing for exemptions from width limitations for certain farming or agricultural equipment; providing conditions for use of such equipment; authorizing certain movements without an overwidth permit from the Department of Transportation; providing lighting requirements for certain overwidth equipment; providing an effective date.

—was read the second time by title.

Senator Baker moved the following amendment which was adopted:

Amendment 1 (850218)—On line 61, after the period (.) insert: *Equipment being delivered by a dealer to a purchaser is not subject to the 50-mile limitation.*

Pursuant to Rule 4.19, **CS for CS for SB 1946** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

By Senator Posey—

SB 2296—A bill to be entitled An act relating to commercial motor vehicles; amending s. 316.003, F.S.; exempting certain vehicles that occasionally transport personal property to and from closed-course motorsport facilities from the definition of "commercial motor vehicle" for purposes of statutory provisions relating to state uniform traffic control; amending ss. 320.01 and 322.01, F.S.; exempting certain vehicles that occasionally transport personal property to and from closed-course motorsport facilities from the definition of "commercial motor vehicle" for purposes of statutory provisions governing motor vehicle licenses and driver's licenses; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 2296** was placed on the calendar of Bills on Third Reading.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Constantine, by two-thirds vote **CS for CS for SB 1994** was withdrawn from the Committee on General Government Appropriations.

On motion by Senator Saunders, by two-thirds vote **CS for CS for SB 2756** was withdrawn from the Committee on Health and Human Services Appropriations.

MOTIONS

On motion by Senator King, a deadline of one hour after the availability of engrossed bills was set for filing amendments to Bills on Third Reading to be considered Thursday, April 24.

On motion by Senator King, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Thursday, April 24.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator King, the rules were waived and the Special Order Calendar Group was granted permission to meet this day from 5:30 p.m. until completion.

REPORTS OF COMMITTEES

The Law and Justice Policy and Calendar Committee submits the following bills to be placed on the Special Order Calendar for Wednesday, April 23, 2008: CS for CS for SB 108, SB 1606, CS for SB 1464, CS for SB 624, CS for SB 522, CS for SB 654, CS for CS for SB 2152, CS for SB 2164, CS for SB 1474, CS for SB 740, CS for CS for SB 766, CS for CS for SB 866, CS for CS for CS for SB 1442

Respectfully submitted,
Paula Dockery, Chair

The Social Responsibility Policy and Calendar Committee submits the following bills to be placed on the Special Order Calendar for Wednesday, April 23, 2008: CS for SB 1704, CS for CS for CS for SB 1048, CS for CS for SB 1152, CS for SB 988, CS for CS for SB 1084, CS for SB 1042, SB 1046, SB 186

Respectfully submitted,
Burt L. Saunders, Chair

The Economic Opportunities Policy and Calendar Committee submits the following bills to be placed on the Special Order Calendar for Wednesday, April 23, 2008: CS for CS for SB 818, CS for SB 1968, CS for CS for SB 2174, CS for CS for SB 2264, CS for SB 2462, CS for CS for CS for SB 2654, SM 2452, CS for SM 2488, CS for CS for SB 428, CS for CS for CS for SB 2016, CS for CS for SB 2084, CS for CS for SB 1076, CS for SB 2582, CS for CS for CS for SB 802, CS for CS for SB 1946, SB 2296, CS for CS for SB 1012

Respectfully submitted,
Jeff Atwater, Chair

The Committee on Environmental Preservation and Conservation recommends the following pass: SB 2602 with 1 amendment

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

The Committee on Transportation recommends the following pass: SB 1274 with 1 amendment

The bill was referred to the Committee on Children, Families, and Elder Affairs under the original reference.

The Committee on Community Affairs recommends the following pass: CS for SB 402

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

The Committee on Health and Human Services Appropriations recommends the following pass: SB 1456

The Committee on Judiciary recommends the following pass: CS for SB 792 with 1 amendment; CS for SB 1086

The bills contained in the foregoing reports were referred to the Committee on Criminal and Civil Justice Appropriations under the original reference.

The Committee on Community Affairs recommends the following pass: SB 2524 with 1 amendment; SB 2678

The bills were referred to the Committee on Education Pre-K - 12 under the original reference.

The Committee on Community Affairs recommends the following pass: SB 822 with 1 amendment; SB 1418

The Committee on Governmental Operations recommends the following pass: SB 330

The bills contained in the foregoing reports were referred to the Committee on Finance and Tax under the original reference.

The Committee on Community Affairs recommends the following pass: SB 432; SB 1554 with 1 amendment; SB 2078; CS for SB 2080

The Committee on Environmental Preservation and Conservation recommends the following pass: SB 1634 with 1 amendment

The Committee on Finance and Tax recommends the following pass: CS for SB 1492; SB 1974

The Committee on Governmental Operations recommends the following pass: CS for SB 614; CS for SB 1018; SB 1516

The Committee on Judiciary recommends the following pass: CS for SB 886; SB 1638; CS for SB 2048; CS for SB 2532 with 7 amendments; CS for SB 2640 with 2 amendments

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

The Committee on Community Affairs recommends the following pass: CS for SB 2484

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

The Committee on Community Affairs recommends the following pass: CS for CS for SB 1580

The bill was referred to the Committee on Health and Human Services Appropriations under the original reference.

The Committee on Community Affairs recommends the following pass: CS for SB 2394

The Special Master on Claims recommends the following pass: SB 46 with 1 amendment

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

The Committee on Community Affairs recommends the following pass: SB 530; SB 1578; CS for SB 2470

The Committee on Criminal Justice recommends the following pass: CS for SB 1950; CS for SB 2374

The Committee on Governmental Operations recommends the following pass: CS for SB 1496

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

The Committee on Governmental Operations recommends the following pass: SB 2298 with 1 amendment

The bill was referred to the Committee on Military Affairs and Domestic Security under the original reference.

The Committee on Community Affairs recommends the following pass: CS for SB 222 with 1 amendment

The Committee on Criminal Justice recommends the following pass: CS for SB 1996

The Committee on Governmental Operations recommends the following pass: SB 1700

The bills contained in the foregoing reports were referred to the Committee on Transportation and Economic Development Appropriations under the original reference.

The Committee on Community Affairs recommends the following pass: SB 42; CS for SB 522

The Committee on Criminal and Civil Justice Appropriations recommends the following pass: SB 496; CS for SB 1384

The Committee on Criminal Justice recommends the following pass: SB 1044; CS for SB 2044

The Committee on Education Pre-K - 12 Appropriations recommends the following pass: CS for SB 2546

The Committee on General Government Appropriations recommends the following pass: SB 432; CS for SB 800; CS for CS for SB 920; CS for CS for SB 1310; CS for CS for SB 1598; SB 1982

The Committee on Governmental Operations recommends the following pass: CS for SB 940; CS for SB 948

The Committee on Health and Human Services Appropriations recommends the following pass: CS for SB 1694

The Committee on Higher Education Appropriations recommends the following pass: CS for CS for CS for SB 996

The Committee on Judiciary recommends the following pass: CS for SB 2084

The Committee on Transportation and Economic Development Appropriations recommends the following pass: CS for SB 698; SB 1700; CS for SB 2660

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Environmental Preservation and Conservation recommends the following not pass: CS for SB 774 with 1 amendment; SB 2406 with 1 amendment

The bills were laid on the table.

The Committee on Community Affairs recommends a committee substitute for the following: CS for SB 2594

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

The Committee on Criminal Justice recommends a committee substitute for the following: SB 2490

The bill with committee substitute attached was referred to the Committee on Children, Families, and Elder Affairs under the original reference.

The Committee on Criminal Justice recommends a committee substitute for the following: CS for SB 1800

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

The Committee on Governmental Operations recommends a committee substitute for the following: CS for SB 706

The Committee on Judiciary recommends committee substitutes for the following: CS for SB 1128; CS for SB 1430; SB 2300; SB 2676

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Criminal and Civil Justice Appropriations under the original reference.

The Committee on Community Affairs recommends committee substitutes for the following: SB 976; CS for SB 2388

The bills with committee substitutes attached were referred to the Committee on Criminal Justice under the original reference.

The Committee on Community Affairs recommends a committee substitute for the following: SB 2648

The bill with committee substitute attached was referred to the Committee on Education Pre-K - 12 under the original reference.

The Committee on Criminal and Civil Justice Appropriations recommends a committee substitute for the following: CS for CS for SB 700

The bill with committee substitute attached was referred to the Committee on Education Pre-K - 12 Appropriations under the original reference.

The Committee on Community Affairs recommends committee substitutes for the following: SB 512; CS for SB 850

The Committee on Criminal Justice recommends a committee substitute for the following: SB 658

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Finance and Tax under the original reference.

The Committee on Criminal Justice recommends a committee substitute for the following: CS for SB 1310

The Committee on Environmental Preservation and Conservation recommends a committee substitute for the following: SB 1304

The Committee on Finance and Tax recommends committee substitutes for the following: SB 1552; CS for SB 2040; SB 2094

The Committee on Governmental Operations recommends a committee substitute for the following: CS for SB 1684

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on General Government Appropriations under the original reference.

The Committee on Community Affairs recommends committee substitutes for the following: CS for SB 1242; SB 2710

The Committee on Judiciary recommends committee substitutes for the following: CS for SB's 2086 and 2498; CS for SB 2644

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Governmental Operations under the original reference.

The Committee on Governmental Operations recommends committee substitutes for the following: CS for SB 862; SB 1694; CS for SB 1998; CS for SB 2652; CS for CS for SB 2762

The Committee on Judiciary recommends committee substitutes for the following: CS for SB 1150; CS for SB 2756

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Health and Human Services Appropriations under the original reference.

The Committee on Community Affairs recommends a committee substitute for the following: SB 2494

The Committee on Criminal Justice recommends committee substitutes for the following: SB 1408; SB 1438; CS for SB 1722 and SB 2478

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.

The Committee on Governmental Operations recommends a committee substitute for the following: SB 1090

The Committee on Judiciary recommends a committee substitute for the following: SB 2574

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Rules under the original reference.

The Committee on Community Affairs recommends a committee substitute for the following: SB 2148

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

The Committee on Criminal Justice recommends a committee substitute for the following: SB 668

The Committee on Judiciary recommends committee substitutes for the following: CS for SB 866; SB 2492

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Transportation and Economic Development Appropriations under the original reference.

The Committee on Criminal and Civil Justice Appropriations recommends committee substitutes for the following: CS for SB 546; CS for SB 858; CS for CS for CS for SB 1614; CS for SB 2676

The Committee on Education Pre-K - 12 Appropriations recommends committee substitutes for the following: CS for SB 318; CS for SB 1458; CS for SB 2700

The Committee on Environmental Preservation and Conservation recommends a committee substitute for the following: SB 64

The Committee on Governmental Operations recommends a committee substitute for the following: CS for SB 928

The Committee on Health and Human Services Appropriations recommends committee substitutes for the following: SB 500; CS for SB 788; CS for CS for SB 1150; SB 2192; CS for CS for SB 2626; CS for CS for SB 2652

The Committee on Higher Education Appropriations recommends a committee substitute for the following: SB 1768

The Committee on Judiciary recommends committee substitutes for the following: SB 994; SB 1308; CS for SB 1582; SB 2716

The Committee on Transportation and Economic Development Appropriations recommends committee substitutes for the following: CS for SB 222; SB 342; CS for SB 544; CS for CS for CS for SB 1670; CS for SB 1732; CS for SB 1978; SB 2666

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

The Committee on Environmental Preservation and Conservation recommends that the Senate confirm the following appointments made by the Governor:

<i>Office and Appointment</i>	<i>For Term Ending</i>
Governing Board of the Northwest Florida Water Management District Appointee: Antonacci, Peter	03/01/2012
Governing Board of the South Florida Water Management District Appointees: Huck, Paul C., Jr. Montgomery, Robert G.	03/01/2012 03/01/2012

Office and Appointment

For Term Ending

Governing Board of the Southwest Florida Water Management District
Appointee: Joerger, Albert G. 03/01/2011

The Committee on Environmental Preservation and Conservation recommends that the Senate confirm the following appointments made by the Governing Board:

<i>Office and Appointment</i>	<i>For Term Ending</i>
Executive Director of Northwest Florida Water Management District Appointee: Barr, Douglas E.	Pleasure of the Board
Executive Director of St. Johns River Water Management District Appointee: Green, Kirby B. III	Pleasure of the Board
Executive Director of South Florida Water Management District Appointee: Wehle, Carol Ann	Pleasure of the Board
Executive Director of Southwest Florida Water Management District Appointee: Moore, David L.	Pleasure of the Board
Executive Director of Suwannee River Water Management District Appointee: Still, David	Pleasure of the Board

The Committee on Governmental Operations recommends that the Senate confirm the following appointments made by the Board of Administration:

<i>Office and Appointment</i>	<i>For Term Ending</i>
Investment Advisory Council Appointees: Hill, John H., Jr. Jaeb, John R. Konrad, Robert L. McCague, Beth Ayers	12/12/2011 12/12/2011 12/12/2010 12/12/2010

The Committee on Transportation recommends that the Senate confirm the following appointments made by the Governor:

<i>Office and Appointment</i>	<i>For Term Ending</i>
Tampa-Hillsborough County Expressway Authority Appointee: Diaco, Stephen C.	07/01/2010
Florida Transportation Commission Appointees: Criser, Marshall M. III Pullum, Bart R.	09/30/2011 09/30/2010

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

INTRODUCTION AND REFERENCE OF BILLS

ADDITIONAL REFERENCE

By Senator Lawson—

SB 46—A bill to be entitled An act for the relief of Marissa Amora; providing an appropriation to compensate her, a minor, by and through her legal guardians, Dawn and Rick Amora, for injuries she sustained as a result of the negligence of employees of the Department of Children

and Family Services; providing a limitation on the payment of fees and costs; providing an effective date.

—was also referred to the Committee on Health Regulation.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Environmental Preservation and Conservation; and Senator Diaz de la Portilla—

CS for SB 64—A bill to be entitled An act relating to the South Florida Water Management District; providing for the relief of Brian Daiagi; authorizing and directing the South Florida Water Management District to compensate Mr. Daiagi for personal injuries that he suffered due to the negligence of the South Florida Water Management District; providing a limitation on the payment of fees and costs; providing an effective date.

By the Committees on Transportation and Economic Development Appropriations; Transportation; and Senators Wise and Baker—

CS for CS for SB 222—A bill to be entitled An act relating to license plates; amending s. 320.06, F.S.; requiring counties to issue license plates that have the name of the county in which the plate is sold and the state motto or the words “Sunshine State” printed on the plate; providing conditions; providing an effective date.

By the Committees on Education Pre-K - 12 Appropriations; Education Pre-K - 12; and Senator Constantine—

CS for CS for SB 318—A bill to be entitled An act relating to exceptional students with a disability; amending s. 1003.57, F.S.; providing definitions; requiring the Department of Children and Family Services, the Agency for Health Care Administration, and residential facilities licensed by the Agency for Persons with Disabilities to notify a school district under certain circumstances; requiring the review of a student’s individual educational plan; providing for a determination of responsibility for educational instruction; requiring the school district to report the student for funding purposes; requiring the Department of Education, in consultation with specified agencies, to develop procedures for the placement of students in residential care facilities; requiring the State Board of Education and the Agency for Persons with Disabilities to adopt rules; requiring certain agencies to implement procedures; requiring a cooperative agreement; providing an exception; providing an effective date.

By the Committee on Transportation and Economic Development Appropriations; and Senator Lynn—

CS for SB 342—A bill to be entitled An act relating to candidates for public office; amending s. 99.012, F.S.; authorizing a law enforcement officer to qualify as a candidate for public office without resigning his or her law enforcement position; providing an exception; providing for reinstatement to the law enforcement office; amending s. 99.095, F.S.; authorizing a candidate to pay a pro rata portion of the qualifying fee under certain conditions; providing an effective date.

By the Committee on Health and Human Services Appropriations; and Senators Bullard, Wilson, Margolis, Lawson, Dawson and Storms—

CS for SB 500—A bill to be entitled An act relating to children’s zones; creating s. 409.147, F.S.; providing legislative findings and intent; providing policy and purpose; providing definitions; providing a process for nominating and selecting a children’s zone; providing for the governing body of a county or municipality to adopt a resolution designating a children’s zone; specifying contents of the resolution; requiring the governing body to establish a children’s zone planning team; providing powers and responsibilities of the planning team; requiring the planning

team to designate working groups; specifying focus areas for the working groups; providing for the development of a strategic community plan; providing objectives for each focus area; requiring the governing body to create a corporation not for profit for specified purposes; establishing the Magic City Children’s Zone, Inc., pilot project; providing for management by an entity organized as a corporation not for profit; providing geographic boundaries for the zone; providing for designation and appointment of a board of directors; providing for meetings and duties of the board of directors; providing per diem and travel expenses; requiring the board to enter into a contract to develop a business plan; providing for reports to the Legislature; providing for contingent implementation of the zone; providing an effective date.

By the Committee on Community Affairs; and Senators Fasano and Justice—

CS for SB 512—A bill to be entitled An act relating to property assessments; amending s. 195.096, F.S.; requiring the Department of Revenue to review the assessment of certain property owned or controlled by property appraisers; requiring property appraisers to identify such property and make certain information available to the department; requiring the department to comply with certain standards when conducting its review; providing an effective date.

By the Committees on Transportation and Economic Development Appropriations; Transportation; and Senator Baker—

CS for CS for SB 544—A bill to be entitled An act relating to temporary motor vehicle license tags; amending s. 320.131, F.S.; revising provisions for the placement of temporary tags on vehicles; revising provisions for implementation of an electronic, print-on-demand temporary tag issuance system; authorizing a motor vehicle dealer to charge a fee in certain circumstances; authorizing the department to adopt rules; repealing s. 320.96, F.S., relating to implementation of an electronic print-on-demand temporary license plate system; providing an effective date.

By the Committees on Criminal and Civil Justice Appropriations; Governmental Operations; and Senator Wilson—

CS for CS for SB 546—A bill to be entitled An act relating to the Council on the Social Status of Black Men and Boys; amending s. 16.615, F.S.; removing outdated provisions; providing additional duties and powers of the council; removing certain duties of the Attorney General; removing a provision that discontinues the council under certain conditions; creating s. 16.616, F.S.; creating a direct-support organization; specifying duties and requiring a contract; providing contract requirements; providing for appointment of members of the board of directors; requiring the direct-support organization to form strategic partnerships for specified purposes, including in specified counties; requiring certain reports; providing additional duties and powers of the direct-support organization; requiring the direct-support organization to consider expansion of participation in certain counties and initiation of participation of certain other counties; providing an effective date.

By the Committee on Criminal Justice; and Senator Bennett—

CS for SB 658—A bill to be entitled An act relating to motor vehicles; creating the “Highway Safety Act”; providing legislative intent relating to road rage and aggressive careless driving; amending s. 316.003, F.S.; defining the term “road rage”; amending s. 316.083, F.S.; requiring an operator of a motor vehicle to yield the left lane when being overtaken on a multilane highway; providing exceptions; amending s. 316.1923, F.S.; revising the number of specified acts necessary to qualify as an aggressive careless driver; providing specified punishments for aggressive careless driving; specifying the allocation of moneys received from the increased fine imposed for aggressive careless driving; amending s. 318.19, F.S.; providing that a second or subsequent infraction as an aggressive careless driver requires attendance at a mandatory hearing; providing for the disposition of the increased penalties; requiring the

Department of Highway Safety and Motor Vehicles to provide information about the Highway Safety Act in driver's license educational materials; reenacting s. 316.650(1)(a), F.S., relating to traffic citations, to incorporate the amendments made to s. 316.1923, F.S., in a reference thereto; providing an effective date.

By the Committee on Criminal Justice; and Senators Posey, Oelrich, Ring and Deutch—

CS for SB 668—A bill to be entitled An act relating to child-restraint requirements; amending s. 316.003, F.S.; defining “for compensation” for specified purposes; amending s. 316.613, F.S.; providing child-restraint requirements for children ages 4 through 7; redefining the term “motor vehicle” so as to exclude certain vehicles from such requirements; providing a grace period; providing exceptions to such requirements; providing effective dates.

By the Committees on Criminal and Civil Justice Appropriations; Judiciary; Criminal Justice; and Senator Crist—

CS for CS for CS for SB 700—A bill to be entitled An act relating to juvenile justice; amending s. 29.008, F.S.; conforming cross-references; amending s. 790.22, F.S.; revising provisions relating to community service programs; amending s. 939.185, F.S.; providing diversion options; amending s. 984.05, F.S., conforming cross-references; amending s. 984.09, F.S.; deleting duplicative provisions relating to contempt of court and alternative sanctions; amending s. 985.02, F.S.; providing diversion options; amending s. 985.03, F.S.; defining the term “ordinary medical care”; amending and renumbering provisions of s. 985.037, F.S., relating to alternative sanctions; creating s. 985.0375, F.S.; providing for alternative sanctions; amending s. 985.04, F.S.; providing that confidential information obtained during an official's service with juvenile delinquents may be shared with authorized personnel of the Department of Children and Family Services; amending s. 985.245, F.S.; providing for additional representatives to be included on the committee formed to advise the Department of Juvenile Justice on the risk assessment instrument; requiring periodic evaluation of the risk assessment instrument; amending s. 985.265, F.S.; providing an exception to required supervision in direct supervision housing; amending s. 985.601, F.S.; requiring the Department of Juvenile Justice to adopt rules to establish procedures to provide ordinary medical care, mental health, substance abuse, and developmental disabilities services to youth within the juvenile justice continuum; requiring that, to the extent possible within available fiscal resources, the procedures must be commensurate with procedures that youth receive in the community; amending s. 985.606, F.S.; revising provisions governing data collection; amending s. 985.632, F.S.; authorizing the department to conduct a demonstration project in order to create an accountable juvenile justice system that is outcome-based; amending s. 985.644, F.S., relating to departmental contracting powers; removing references to the Department of Children and Family Services; amending s. 985.66, F.S.; transferring the responsibility for the juvenile justice training program from the Juvenile Justice Standards and Training Commission to the Department of Juvenile Justice; requiring the department to adopt rules; amending s. 985.664, F.S., relating to the juvenile justice circuit boards and juvenile justice county councils; providing a reference to the Children and Youth Cabinet; requiring that juvenile justice circuit boards and county councils participate in facilitating interagency cooperation and information sharing with certain entities; requiring that such collaborations specify certain information; providing requirements for the annual reports required to be submitted by each juvenile justice circuit board; amending s. 985.668, F.S.; encouraging each juvenile justice circuit board, in consultation with the juvenile justice county council, to propose an innovation zone within the circuit; amending s. 985.676, F.S.; including the development and implementation of a strategic plan; amending s. 985.721, F.S.; conforming a cross-reference; amending s. 1006.13, F.S.; removing the reference of zero tolerance; providing an effective date.

By the Committees on Governmental Operations; Criminal Justice; and Senators Baker, Rich, Bennett, Deutch, Wilson, Saunders, Diaz de la Portilla, Gaetz, Jones, Lynn, Ring, Posey, Aronberg and Atwater—

CS for CS for SB 706—A bill to be entitled An act relating to Special Risk Class retirement benefits; amending s. 121.091, F.S.; prohibiting certain members of the Special Risk Class from being reemployed or contracting with the same employing agency from which the member retired; extending the period of time during which certain Special Risk Class members may participate in the Florida Retirement System Deferred Retirement Option program; providing requirements for extended participation; deleting obsolete provisions; providing legislative findings with respect to the state's interest in protecting the public's safety and welfare by extending retirement benefits for officers and funding increased retirement benefits in an actuarially sound manner; providing an effective date.

By the Committees on Health and Human Services Appropriations; Transportation and Economic Development Appropriations; and Senator Fasano—

CS for CS for SB 788—A bill to be entitled An act relating to transportation services for the transportation disadvantaged; amending s. 409.908, F.S.; authorizing the Agency for Health Care Administration to continue to contract for Medicaid nonemergency transportation services in a specified agency service area with managed care plans under certain conditions; amending s. 427.011, F.S.; revising definitions; defining the term “purchasing agency”; amending s. 427.012, F.S.; revising the number of members required for a quorum at a meeting of the Commission for the Transportation Disadvantaged; amending s. 427.013, F.S.; revising responsibilities of the commission; deleting a requirement that the commission establish by rule acceptable ranges of trip costs; removing a provision for functioning and oversight of the quality assurance and management review program; requiring the commission to incur expenses for promotional services and items; amending s. 427.0135, F.S.; revising and creating duties and responsibilities for agencies that purchase transportation services for the transportation disadvantaged; providing requirements for the payment of rates; requiring an agency to negotiate with the commission before procuring transportation disadvantaged services; requiring an agency to identify its allocation for transportation disadvantaged services in its legislative budget request; amending s. 427.015, F.S.; revising provisions relating to the function of the metropolitan planning organization or designated official planning agency; amending s. 427.0155, F.S.; revising duties of community transportation coordinators; amending s. 427.0157, F.S.; revising duties of coordinating boards; amending s. 427.0158, F.S.; deleting provisions requiring the school board to provide information relating to school buses to the transportation coordinator; providing for the transportation coordinator to request certain information regarding public transportation; amending s. 427.0159, F.S.; revising provisions relating to the Transportation Disadvantaged Trust Fund; providing for the deposit of funds by an agency purchasing transportation services; amending s. 427.016, F.S.; providing for construction and application of specified provisions to certain acts of a purchasing agency in lieu of the Medicaid agency; requiring that an agency identify the allocation of funds for transportation disadvantaged services in its legislative budget request; providing an effective date.

By the Committees on Community Affairs; Commerce; and Senators Fasano, Crist and Haridopolos—

CS for CS for SB 850—A bill to be entitled An act relating to corporate income tax credits; creating part XIII of ch. 288, F.S., consisting of s. 288.991, F.S.; creating the New Markets Tax Credit Program; providing definitions; authorizing the Office of Tourism, Trade, and Economic Development to develop a list of industries, in consultation with Enterprise Florida, Inc., in which equity investments can be made; qualify certain equity investments as eligible for tax credits; providing an application process; requiring an application fee; providing for the certification of an investment; providing for notice to the applicant and the Department of Revenue; providing for a limit on the amount of investments the office may certify; requiring the certified equity investments to be issued within a certain timeframe; providing that a taxpayer who holds a qualified equity investment in a qualified low-income business

on the credit allowance date of the investment is entitled to a nonrefundable, nontransferable tax credit for the taxable year in which the credit allowance date falls; limiting the amount of the tax credit that may be redeemed in a fiscal year; authorizing a taxpayer to carry over any amount of the tax credit that the taxpayer is prohibited from redeeming in a taxable year to a subsequent taxable year; providing for the redemption of tax credits earned by certain business entities and by the partners, members, or shareholders of those entities; specifying how tax credits may be claimed by insurance companies; providing how the amount of tax credits available to the taxpayer will be calculated; requiring the calculations to be certified and accompanied by audited financial statements and notarized affidavits; requiring the office to disqualify community development entities under certain circumstances; requiring the department to recapture tax credits from certain taxpayers under certain circumstances; requiring notice; requiring community development entities that have certified investments to report certain information to the office; requiring the office to prepare annual reports on low-income community investments made in this state; authorizing the department to conduct examinations to verify receipt and application of tax credits; authorizing the department to pursue recovery of certain funds; authorizing the office to revoke or modify certain decisions relating to eligibility for tax credits under certain circumstances; providing for applicant liability for costs and fees relating to investigations of fraudulent claims; providing for taxpayer liability for reimbursement of fraudulently claimed tax credits; providing a penalty; authorizing the office and the department to adopt rules; providing for future repeal of the tax credit program; amending s. 220.02, F.S.; revising legislative intent with respect to the order of tax credits to include the New Markets Tax Credit; amending s. 220.13, F.S.; revising a definition; amending s. 213.053, F.S.; authorizing the Department of Revenue to share confidential taxpayer information with the Office of Tourism, Trade, and Economic Development; providing for application of the tax credit; providing an effective date.

By the Committees on Criminal and Civil Justice Appropriations; Judiciary; and Senator Joyner—

CS for CS for SB 858—A bill to be entitled An act relating to community service for infractions of noncriminal traffic offenses; amending s. 318.18, F.S.; requiring a court to allow a person to satisfy a civil penalty for an infraction of a noncriminal traffic offense by participating in community service if the person is unable to pay the civil penalty due to a demonstrable financial hardship; requiring that a person participating in community service receive credit for the civil penalty at the specified hourly credit rate per hour of community service performed or at the prevailing wage rate for a trade or profession; defining the term “specified hourly credit rate”; providing responsibilities for community service agencies; defining the terms “community service” and “community service agency”; providing an effective date.

By the Committees on Governmental Operations; Children, Families, and Elder Affairs; and Senators Fasano and Lynn—

CS for CS for SB 862—A bill to be entitled An act relating to developmental disabilities institutions; creating s. 393.35, F.S.; providing legislative intent; requiring the Agency for Persons with Disabilities to submit a plan to the Governor and the Legislature if the agency proposes to close or reduce by a certain percentage the resident population of a developmental disabilities institution; providing for content of the plan; requiring the Governor to forward the Legislature’s comments on the plan to the head of the agency after he or she considers such comments; requiring the agency to provide quarterly reports; providing for content of the reports; providing an effective date.

By the Committees on Judiciary; Ethics and Elections; and Senator Constantine—

CS for CS for SB 866—A bill to be entitled An act relating to elections; amending s. 97.012, F.S.; revising provisions relating to the investigative duties of the Secretary of State; amending s. 97.041, F.S.; revising requirements for voter preregistration of minors; amending s. 97.053, F.S.; revising provisions relating to verification of certain information on voter registration applications; amending s. 97.0535, F.S.;

revising forms of acceptable identification for certain voter registration applicants; amending s. 97.055, F.S.; providing for change of party affiliation after the closing of the registration books to apply to an upcoming election under certain circumstances; amending s. 98.065, F.S.; revising registration list maintenance provisions; creating s. 98.0655, F.S.; requiring the Department of State to prescribe registration list maintenance forms; providing criteria for such forms; amending s. 98.075, F.S.; providing for the removal of the name of a deceased person from the statewide voter registration system upon receipt by the supervisor of a copy of a death certificate; providing procedures concerning such removal; amending s. 98.0981, F.S.; reducing the time by which supervisors of elections must electronically transmit certain voter history information to the department; requiring the department to prepare a detailed report containing specified voter information to legislative officers after a general election; requiring supervisors of elections to collect and submit data to the department after certain elections; defining the phrase “all ballots cast”; requiring the department to compile precinct-level statistical data for counties before certain elections; amending s. 99.012, F.S.; providing restrictions on individuals qualifying for public office; removing an exception from such restrictions for persons seeking any federal public office; amending s. 99.021, F.S.; deleting a resignation statement from the qualifying oath for candidates for federal office; amending s. 100.221, F.S.; providing circumstances under which early voting is not required; amending s. 100.361, F.S.; revising provisions relating to the recall of municipal or charter county officers, recall committees, recall petitions, recall defense, and offenses related thereto; amending s. 100.371, F.S.; providing that a petition form circulated for signatures may not be bundled with other petitions; deleting requirements relating to the recording and determination of signature forms; providing that an elector may complete and submit a standard petition-revocation form directly to the supervisor of elections under certain circumstances; requiring that the division adopt petition-revocation forms by rule; amending s. 101.041, F.S.; deleting a requirement for the printing and distribution of official ballots; amending s. 101.045, F.S.; authorizing the use of a voter registration application for a name or address change; amending s. 101.111, F.S.; revising methods by which a person’s right to vote may be challenged; amending s. 101.23, F.S.; deleting provisions requiring an election inspector to prevent certain persons from voting; amending s. 101.51, F.S.; deleting provisions specifying certain responsibilities of election officials before allowing electors to enter a booth or compartment to vote; amending s. 101.5608, F.S.; revising certain procedures relating to the deposit of ballots; repealing s. 101.573, F.S., relating to the reporting of precinct-level election results; amending s. 101.6102, F.S.; providing exceptions to the types of elections that may not be conducted by mail ballot; amending s. 101.6923, F.S.; revising forms of acceptable identification for certain absentee voters; amending s. 101.733, F.S.; authorizing the Governor to call for a mail ballot election in the event of a declared state of emergency or an impending emergency; requiring that the Department of State adopt rules regarding such election; revising notice requirements for elections rescheduled due to an emergency; amending s. 101.75, F.S.; authorizing municipalities to set by ordinance election dates to coincide with statewide or countywide elections; amending s. 102.014, F.S.; revising provisions relating to the training of poll workers; amending s. 102.031, F.S.; including the term “solicitation” as an equivalent of the term “solicit” as it relates to the unlawful solicitation of voters; providing that such terms do not prohibit exit polling; amending s. 102.112, F.S.; revising the county canvassing board’s certification requirements for election returns; amending s. 103.101, F.S.; deleting provisions related to the placement on the ballot of presidential candidates whose names do not appear on the list submitted to the Secretary of State; amending s. 106.021, F.S.; removing a campaign finance filing requirement for certain candidates; amending s. 106.07, F.S.; clarifying that political subdivisions may impose electronic filing requirements on certain candidates, and that expenditures for such filing system serve a valid public purpose; repealing s. 106.082, F.S., relating to campaign contribution limitations for candidates for the office of Commissioner of Agriculture; amending s. 106.147, F.S.; requiring a disclosure statement for certain telephone calls; revising provisions requiring authorization from the candidate or sponsor for certain telephone calls; amending s. 106.24, F.S.; providing that the Florida Elections Commission is its own agency head rather than the director of the commission; amending s. 190.006, F.S.; deleting certain fee and assessment provisions for candidates seeking election to the board of supervisors of a community redevelopment district; providing effective dates.

By the Committees on Governmental Operations; Commerce; and Senator Diaz de la Portilla—

CS for CS for SB 928—A bill to be entitled An act relating to economic development; amending ss. 11.908 and 11.911, F.S.; requiring that the report of the Small Business Regulatory Advisory Council be included in recommendations of the Joint Legislative Sunset Committee; amending s. 11.919, F.S.; requiring agency assistance to the Small Business Regulatory Advisory Council; authorizing the council to inspect agency documents; amending s. 120.54, F.S.; requiring state agencies to prepare statements of estimated regulatory costs; requiring agency notification to the Small Business Regulatory Advisory Council relating to proposed agency action affecting small businesses; requiring the agency to adopt regulatory alternatives offered by the council under certain circumstances; providing for extending the period for filing a rule when regulatory alternatives are offered by the council; providing for outside review of regulatory alternatives that are not adopted by the agency and for the agency to respond; amending s. 120.74, F.S.; requiring biennial rule review by each agency to consider the impact of rules on small businesses; requiring that the results be included in a report to the Legislature; creating s. 288.001, F.S.; designating the Florida Small Business Development Center Network as the principal business assistance organization for small businesses in the state; creating s. 288.7001, F.S.; providing a short title; providing definitions; creating the Small Business Regulatory Advisory Council; providing for appointments, membership, and meetings; providing an administrative location for the council; providing powers and limitations of the council; providing for coordinated review of agency rules by the council as part of agency sunset review; providing timelines for review; requiring that the council issue a business-friendly scorecard of agency rules; creating s. 288.7002, F.S.; providing definitions; providing for the selection of a Small Business Advocate; providing for preferred qualifications of the advocate; providing duties of the advocate; providing for agency cooperation with the advocate; providing for an annual report by the advocate to the Governor and Legislature; providing an effective date.

By the Committee on Community Affairs; and Senator Jones—

CS for SB 976—A bill to be entitled An act relating to firefighter and municipal police pensions; amending s. 175.032, F.S.; revising the definition of “creditable service” for purposes of determining credit for prior service as a firefighter; revising the definition of “firefighter”; amending s. 175.061, F.S.; authorizing the terms of office for the board of trustees of the firefighters’ pension trust fund to be revised under certain circumstances; authorizing the firefighters’ pension trust fund plan administrator to withhold funds to pay for premiums for accident, health, and long-term care insurance for the retiree and the retiree’s spouse and dependents; providing an exemption from liability under certain circumstances; amending s. 175.071, F.S.; specifying that trustees are subject to certain standards; authorizing certain individuals to sign drafts issued upon the firefighters’ pension trust fund; amending s. 175.101, F.S.; clarifying boundaries of a special fire control district for purposes of assessment and imposition of the excise tax on property insurance premiums; amending s. 175.171, F.S.; authorizing retired firefighters to change their designation of joint annuitant or beneficiary up to two times without the approval of the board of trustees or the prior joint annuitant or beneficiary; amending s. 175.361, F.S.; revising fund distribution procedures with respect to plan termination; requiring the Department of Management Services to effect the termination of the fund; amending s. 185.02, F.S.; revising the definition of “creditable service” for purposes of determining credit for prior service as a police officer; amending s. 185.05, F.S.; revising municipal police officers’ retirement trust fund board of trustee selection procedures; authorizing the terms of office for the board of trustees of the municipal police officers’ retirement trust fund to be revised under certain circumstances; authorizing the plan administrator to withhold funds to pay for premiums for accident, health, and long-term care insurance for the retiree and the retiree’s spouse and dependents; providing an exemption from liability under certain circumstances; amending s. 185.06, F.S.; specifying that trustees are subject to certain standards; authorizing certain individuals to sign drafts issued upon the municipal police officers’ retirement trust fund; amending s. 185.161, F.S.; authorizing retired police officers to change their designation of joint annuitant or beneficiary up to two times without the approval of the board of trustees or the prior joint annuitant or beneficiary; amending s. 185.37, F.S.; revising fund distribution procedures with respect to plan termination; requiring that the Department

of Management Services effect the termination of the fund; providing an effective date.

By the Committee on Judiciary; and Senators Fasano and Crist—

CS for SB 994—A bill to be entitled An act relating to sexual violence; amending s. 741.313, F.S.; defining the term “sexual violence”; providing specified employee leave benefits to employees who are victims of sexual violence or who have a family or household member who is a victim of sexual violence; providing an effective date.

By the Committees on Governmental Operations; and Health Policy—

CS for SB 1090—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 409.821, F.S., relating to a public-records exemption for certain records pertaining to the Florida Kidcare program; clarifying provisions authorizing the release of certain information to the legal guardian of an enrollee; saving the exemption from repeal under the Open Government Sunset Review Act; repealing s. 2, chapter 2003-104, Laws of Florida; deleting provisions providing for repeal of the exemption; repealing s. 624.91(8), F.S., relating to a public-records exemption for the Florida Healthy Kids Corporation; providing an effective date.

By the Committees on Judiciary; Criminal Justice; and Senator Fasano—

CS for CS for SB 1128—A bill to be entitled An act relating to material harmful to minors; amending s. 847.001, F.S.; redefining the term “harmful to minors”; amending s. 847.011, F.S.; providing that it is a third-degree felony for any person to sell, distribute, transmit, advertise, or possess with the intent to sell, distribute, transmit, or advertise certain materials to minors; providing that ignorance of a minor’s age or the minor’s consent is not a defense in a prosecution for such a violation if the minor is younger than 12 years of age; providing penalties; amending s. 847.012, F.S.; prohibiting a person from knowingly using a minor in the production of certain materials, regardless of whether those materials are intended for distribution to minors or actually distributed to minors; providing a penalty; providing that ignorance of a minor’s age or the minor’s consent is not a defense in a prosecution for specified violations if the minor is younger than 12 years of age; amending s. 847.013, F.S.; providing that ignorance of a minor’s age or the minor’s consent is not a defense in a prosecution for specified violations if the minor is younger than 12 years of age; revising legislative intent concerning the enforcement of such laws with respect to minors; amending s. 847.0133, F.S.; revising terminology; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code; establishing offense levels to conform to changes made by the act; providing an exemption to laws amended by the act for providers of communications services and providers of information services in certain circumstances; providing an effective date.

By the Committees on Judiciary; Children, Families, and Elder Affairs; and Senator Storms—

CS for CS for SB 1150—A bill to be entitled An act relating to mental health and substance abuse; amending s. 394.4572, F.S.; requiring level II screening for all personnel who work with persons with mental illness; amending s. 394.462, F.S.; providing for HIV testing of persons being transported for mental health services upon the request of law enforcement officers or other designated agents who come into contact with the person’s body fluids; requiring the county health department to provide HIV testing at no cost to such officers and agents; amending s. 394.67, F.S.; removing an obsolete reference to a corporation’s contract with the Department of Children and Family Services and adding a reference to a corporation’s licensure by the Agency for Health Care Administration to the definition of residential treatment center for children and adolescents; amending s. 394.674, F.S.; establishing priority populations who are eligible for services funded by the Department of Children and Family Services; authorizing the department to adopt rules; creating s. 394.4996, F.S.; authorizing the department to establish facilities that

provide services as an integrated adult mental health crisis stabilization unit and addictions receiving facility; requiring licensure; providing eligibility criteria for treatment services; authorizing the department to adopt rules; amending s. 553.80, F.S.; requiring that local construction regulations for secure mental health treatment facilities be enforced by the department; amending s. 916.111, F.S.; requiring that a forensic evaluator training course be provided annually in order for mental health experts to be placed on the forensic evaluator registry; providing that mental health professionals that have taken the course within the last 5 years remain on the registry; requiring mental health professionals on the registry to maintain training course documentation and provide the department with current information; amending s. 916.115, F.S.; allowing certain persons who are supervised by a person who has taken the forensic evaluator training course to assist in the forensic evaluation process; amending s. 916.13, F.S.; requiring defendants in the custody of the Department of Corrections who are adjudicated incompetent to remain in the custody of the Department of Corrections and receive treatment from the department; requiring the Department of Children and Family Services to determine whether the inmate has regained competency; providing timelines for competency hearings; amending s. 916.15, F.S.; providing a timeline for holding a commitment hearing for defendants who no longer meet the criteria for continued commitment by reason of insanity; providing an exception for defendants in the custody of the Department of Corrections; requiring defendants in the custody of the Department of Corrections who are charged with a new felony and found not guilty by reason of insanity to remain in the department's custody for the remainder of their sentence; requiring the Department of Children and Family Services to evaluate the inmate and file a report with the court requesting a hearing for determining continued commitment placement; amending s. 985.19, F.S.; requiring that experts appointed in juvenile incompetent-to-proceed cases be a psychiatrist, licensed psychologist, or physician and have completed the forensic evaluator training within 5 years prior to conducting evaluations for the court; providing that, beginning July 1, 2009, experts who have completed or retaken the course within the last 5 years remain on the registry; requiring experts on the registry to maintain training course documentation and provide the Department of Children and Family Services with current information; requiring the Department of Children and Family Services and the Agency for Health Care Administration to prepare a mental health plan to be submitted to the Legislature and the Governor; requiring a study by the Office of Program Policy Analysis and Governmental Accountability on mental health issues; providing an effective date.

By the Committees on Health and Human Services Appropriations; Judiciary; Children, Families, and Elder Affairs; and Senator Storms—

CS for CS for CS for SB 1150—A bill to be entitled An act relating to mental health and substance abuse; amending s. 394.4572, F.S.; requiring level II screening for all personnel who work with persons with mental illness; amending s. 394.462, F.S.; providing for HIV testing of persons being transported for mental health services upon the request of law enforcement officers or other designated agents who come into contact with the person's body fluids; requiring the county health department to provide HIV testing at no cost to such officers and agents; amending s. 394.67, F.S.; removing an obsolete reference to a corporation's contract with the Department of Children and Family Services and adding a reference to a corporation's licensure by the Agency for Health Care Administration to the definition of residential treatment center for children and adolescents; amending s. 394.674, F.S.; establishing priority populations who are eligible for services funded by the Department of Children and Family Services; authorizing the department to adopt rules; creating s. 394.4996, F.S.; authorizing the department to establish facilities that provide services as an integrated adult mental health crisis stabilization unit and addictions receiving facility; requiring licensure; providing eligibility criteria for treatment services; authorizing the department to adopt rules; amending s. 553.80, F.S.; requiring that local construction regulations for secure mental health treatment facilities be enforced by the department or the Agency for Health Care Administration; amending s. 916.111, F.S.; requiring that a forensic evaluator training course be provided annually in order for mental health experts to be placed on the forensic evaluator registry; providing that mental health professionals that have taken the course within the last 5 years remain on the registry; requiring mental health professionals on the registry to maintain training course documentation and provide the department with current information; amending s. 916.115,

F.S.; allowing certain persons who are supervised by a person who has taken the forensic evaluator training course to assist in the forensic evaluation process; amending s. 916.13, F.S.; requiring defendants in the custody of the Department of Corrections who are adjudicated incompetent to remain in the custody of the Department of Corrections and receive treatment from the department; requiring the Department of Children and Family Services to determine whether the inmate has regained competency; providing timelines for competency hearings; amending s. 916.15, F.S.; providing a timeline for holding a commitment hearing for defendants who no longer meet the criteria for continued commitment by reason of insanity; providing an exception for defendants in the custody of the Department of Corrections; requiring defendants in the custody of the Department of Corrections who are charged with a new felony and found not guilty by reason of insanity to remain in the department's custody for the remainder of their sentence; requiring the Department of Children and Family Services to evaluate the inmate and file a report with the court requesting a hearing for determining continued commitment placement; amending s. 985.19, F.S.; requiring that experts appointed in juvenile incompetent-to-proceed cases be a psychiatrist, licensed psychologist, or physician and have completed the forensic evaluator training within 5 years prior to conducting evaluations for the court; providing that, beginning July 1, 2009, experts who have completed or retaken the course within the last 5 years remain on the registry; requiring experts on the registry to maintain training course documentation and provide the Department of Children and Family Services with current information; requiring the Department of Children and Family Services and the Agency for Health Care Administration to prepare a mental health plan to be submitted to the Legislature and the Governor; requiring a study by the Office of Program Policy Analysis and Governmental Accountability on mental health issues; providing an effective date.

By the Committees on Community Affairs; Environmental Preservation and Conservation; and Senators Jones and Bennett—

CS for CS for SB 1242—A bill to be entitled An act relating to environmental permitting; requiring the Department of Environmental Protection to conduct a study and implement a plan to provide parity in salaries for permitting staff and submit such plan to the President of the Senate, the Speaker of the House of Representatives, and the Legislative Committee on Intergovernmental Relations; requiring the department to develop a plan to implement the remaining phases of an e-permitting program and submit such plan to the President of the Senate, the Speaker of the House of Representatives, and the Legislative Committee on Intergovernmental Relations; prohibiting local governments from requiring the production of certain written documentation from the Department of Environmental Protection or a water management district showing that a project does not require a particular permit; amending s. 403.061, F.S.; revising the department's powers and duties to include maintaining a list of projects or activities that applicants may consider when developing proposals for certain projects or activities; amending s. 403.813, F.S.; prohibiting a local government from requiring further verification from the department for certain projects that are exempt from permit requirements other than a general permit; revising a provision relating to the replacement or repair of existing docks and piers; authorizing local governments to require permitting or a one-time registration for the construction of certain private docks; providing an effective date.

By the Committee on Environmental Preservation and Conservation; and Senator Saunders—

CS for SB 1304—A bill to be entitled An act relating to fish and wildlife conservation; consolidating chapters 370 and 372, F.S., to create chapter 379, F.S., entitled "Fish and Wildlife Conservation"; creating part I of chapter 379, F.S., relating to general provisions; creating part II of chapter 379, F.S., relating to marine life; creating part III of chapter 379, F.S., relating to freshwater aquatic life; creating part IV of chapter 379, F.S., relating to wild animal life; creating part V of chapter 379, F.S., relating to law enforcement; creating part VI of chapter 379, F.S., relating to licenses for recreation activities; creating part VII of chapter 379, F.S., relating to nonrecreational licenses; creating part VIII of chapter 379, F.S., relating to penalties; renumbering, amending, creating, and repealing various statutory provisions to conform; renumbering and

amending ss. 370.021, 370.06, 370.061, 370.063, 370.16, 370.22, 370.26, 370.028, 370.07, 370.08, 370.11, 370.1107, 370.1121, 370.135, 370.14, 370.143, 370.1535, 370.1603, 370.31, 370.73, 372.07, 372.071, 372.0715, 372.0025, 372.023, 372.0725, 372.16, 372.26, 372.551, 372.561, 372.562, 372.65, 372.57, 372.5704, 372.5705, 372.571, 372.5711, 372.5714, 372.5717, 372.5718, 372.574, 372.58, 372.581, 372.59, 372.651, 372.653, 372.66, 372.661, 372.662, 372.663, 372.664, 372.6645, 372.665, 372.6671, 372.6672, 372.6673, 372.6674, 372.6678, 372.671, 372.673, 372.70, 372.701, 372.7015, 372.7016, 372.76, 372.761, 372.83, 372.84, 372.86, 372.87, 372.88, 372.921, 372.922, 372.935, 372.988, 372.99, 372.9901, 372.99021, 372.99022, 372.9903, 372.9904, 372.9905, and 372.992, F.S.; correcting cross-references; conforming provisions to changes made by this act; renumbering and amending s. 370.12, F.S.; deleting an obsolete provision relating to certain annual use fees; correcting cross-references; renumbering and amending s. 370.13, F.S.; deleting an obsolete provision relating to stone crab trap tag fees; correcting cross-references; renumbering and amending s. 370.142, F.S.; deleting an obsolete provision relating to spiny lobster trap tag fees; correcting cross-references; renumbering and amending s. 370.151, F.S.; deleting legislative intent relating to shrimp beds; conforming provisions relating to shrimping license violations; renumbering and amending s. 372.5701, F.S.; deleting provisions requiring an annual legislative appropriation for specified activities and programs; correcting cross-references; creating s. 379.3711, F.S.; establishing an annual license fee for private game preserves and farms; providing for payment of such fees to the commission; requiring proceeds to be deposited in the State Game Trust Fund; creating 379.414, F.S.; providing additional civil penalties for violations of record requirements by saltwater products dealers; requiring fees collected for such violations are deposited in the Marine Resources Conservation Trust Fund; specifying the use of such funds; amending ss. 72.011, 97.05831, 125.01, 142.01, 161.053, 201.15, 212.06, 212.08, 213.053, 215.20, 290.004, 320.08058, 327.02, 327.41, 327.73, 328.66, 328.72, 328.76, 373.046, 403.41315, 403.813, 597.010, 777.04, 810.09, 921.0022, and 932.7055, F.S.; correcting cross-references to conform to changes made by this act; repealing s. 370.081, F.S., relating to illegal importation or possession of nonindigenous marine plants and animals to conform to changes made by this act; repealing s. 370.0821, F.S., relating to use of nets in St. Johns County to conform to changes made by this act; repealing s. 370.09, F.S., relating to industrial hazards and prohibited oil deposits discharge to conform to changes made by this act; repealing s. 370.1105, F.S., relating to saltwater finfish trap regulation to conform to changes made by this act; repealing ss. 370.15 and 370.154, F.S., relating to shrimp regulations to conform to changes made by this act; repealing s. 370.155, F.S., relating to shrimp fishing to conform to changes made by this act; repealing 372.001, F.S., relating to wildlife definitions to conform to changes made by this act; repealing s. 372.0225, F.S., relating to freshwater organisms to conform to changes made by this act; repealing s. 372.107, F.S., relating to the Fish and Wildlife Conservation Commission Federal Law Enforcement Trust Fund to conform to changes made by this act; repealing s. 372.27, F.S., relating to the prohibition of fishing in Silver Springs and Rainbow Springs to conform to changes made by this act; repealing s. 372.667, F.S., relating to the unlawful feeding or enticement of alligators or crocodiles to conform to changes made by this act; repealing s. 372.85, F.S., relating to the contamination of fresh waters to conform to changes made by this act; repealing s. 372.98, F.S., relating to the possession of nutria to conform to changes made by this act; repealing s. 372.981, F.S., relating to the regulation of importation of caiman to conform to changes made by this act; repealing s. 372.993, F.S., relating to land-based commercial and recreational fishing activities to conform to changes made by this act; providing an effective date.

By the Committee on Judiciary; and Senator Bennett—

CS for SB 1308—A bill to be entitled An act relating to cemeteries; amending s. 497.270, F.S.; prohibiting the taking of certain cemetery property by eminent domain; providing exceptions; prohibiting governmental entities from requiring the transfer of cemetery property as a condition of obtaining any regulatory approval; providing an effective date.

By the Committees on Criminal Justice; Military Affairs and Domestic Security; and Senator Baker—

CS for CS for SB 1310—A bill to be entitled An act relating to sellers of travel; amending s. 559.927, F.S.; revising the definition of “prearranged travel, tourist-related services, or tour-guide services”; defining “certifying party” and “terrorist state”; amending s. 559.928, F.S.; revising provisions relating to registration as a seller of travel; revising registration fees; creating s. 559.9285, F.S.; requiring a seller of travel to annually certify to the Department of Agriculture and Consumer Services the scope of its business activities by filing a disclosure statement; categorizing certifying parties; providing requirements of a certifying party that changes its scope of business; requiring that such certifying party provide to the department an appropriate bond; requiring the department to specify by rule the form of certification; specifying required certification information; amending s. 559.929, F.S.; revising requirements with respect to the performance bond that must accompany registration or an application for registration as a seller of travel; specifying amounts of bonds for certification categories; eliminating alternative means of satisfying security requirements; providing for priority of payment with respect to such bonds; revising conditions under which the department may annually waive the bond; precluding specified certification categories from waiver of bond; amending s. 559.9335, F.S.; providing that it is a violation of the Florida Sellers of Travel Act to offer to sell, at wholesale or retail, prearranged travel, tourist-related services, or tour-guide services for individuals or groups directly to any terrorist state which originate in Florida without disclosing such business activities in a certification filed with the department and to violate any state or federal law restricting or prohibiting commerce with terrorist states; amending s. 559.935, F.S.; revising provisions that exempt certain sellers of travel and affiliates thereof from specified registration, security, disclosure, and recordkeeping requirements; amending s. 559.9355, F.S.; imposing an administrative fine for each act or omission in violation of the prohibited offer to sell, at wholesale or retail, prearranged travel, tourist-related services, or tour-guide services for individuals or groups directly to any terrorist state which originate in Florida without disclosing such business activities in a certification or in violation of any state or federal law restricting or prohibiting commerce with terrorist states; amending s. 559.936, F.S.; authorizing the department to seek a specified civil penalty for each act or omission in violation of the prohibited offer to sell, at wholesale or retail, prearranged travel, tourist-related services, or tour-guide services for individuals or groups directly to any terrorist state which originate in Florida without disclosing such business activities in a certification or in violation of any state or federal law restricting or prohibiting commerce with terrorist states; amending s. 559.937, F.S.; providing a criminal penalty for a violation of the Florida Sellers of Travel Act which directly or indirectly pertains to an offer to sell, at wholesale or retail, prearranged travel, tourist-related services, or tour-guide services for individuals or groups directly to any terrorist state which originate in Florida; providing an effective date.

By the Committee on Criminal Justice; and Senators Rich and Fasano—

CS for SB 1408—A bill to be entitled An act relating to residential tenancies; creating s. 83.683, F.S.; defining terms; prohibiting a landlord from terminating, failing to renew, or refusing to enter into a residential rental agreement because the tenant, applicant, or family or household member is a victim of domestic violence, dating violence, repeat violence, or sexual violence; prohibiting a landlord from including in a residential rental agreement a provision that authorizes the landlord to terminate a rental agreement or impose a penalty on a tenant for calling for assistance from a law enforcement agency or other emergency assistance in response to domestic violence, dating violence, repeat violence, or sexual violence; providing for evidence of the domestic violence, dating violence, repeat violence, or sexual violence which may be provided to the landlord; requiring a landlord to change door and other locks of the dwelling unit of a victim of domestic violence, dating violence, repeat violence, or sexual violence under certain circumstances within a specified period; requiring the protected tenant to pay the costs of changing the door and other locks of the dwelling unit; prohibiting waiver of the provisions of the act; providing an effective date.

By the Committees on Judiciary; Criminal Justice; and Senator Aronberg—

CS for CS for SB 1430—A bill to be entitled An act relating to public safety; amending s. 775.21, F.S.; revising provisions relating to reimbursement of specified costs by sexual predators; revising provisions relating to the residence of sexual predators; providing criminal penalties; creating s. 775.215, F.S.; specifying residency distance limitations for persons convicted of certain sexual offenses; preempting certain local ordinances and providing for repeal of such ordinances; amending s. 775.24, F.S.; revising provisions relating to the duty of the court to uphold certain laws; amending s. 794.065, F.S.; providing additional residency restrictions for certain offenders; providing penalties; creating s. 794.0701, F.S.; providing for enhanced penalties for loitering or prowling by persons convicted of certain sex offenses; providing definitions; providing an exemption; amending s. 947.1405, F.S.; providing additional conditional release restrictions for certain offenders; providing an exemption; amending s. 948.06, F.S.; revising provisions relating to probation or community control for sexual predators and sexual offenders; amending s. 948.30, F.S.; revising provisions relating to terms and conditions of probation or community control for certain sex offenses; providing additional restrictions for certain probationers or community controllees who committed sexual offenses against a minor younger than 16 years of age; providing an effective date.

By the Committee on Criminal Justice; and Senator Aronberg—

CS for SB 1438—A bill to be entitled An act relating to unlawful use of utility services; amending s. 812.14, F.S.; providing definitions; prohibiting trespass and larceny in relation to utility fixtures for the purpose of manufacturing a controlled substance; providing for prima facie evidence of the intent to commit such offense; providing that trespass and larceny in relation to utility fixtures for the purpose of manufacturing a controlled substance is a third-degree felony; providing that prosecution for trespass and larceny in relation to utility fixtures does not preclude prosecution for theft of utility services; providing that theft of utility services for the purpose of manufacturing a controlled substance is a third-degree felony; providing that prosecution of theft of utility services for the purpose of manufacturing a controlled substance is in lieu of prosecution for theft pursuant to s. 812.014, F.S.; providing for prima facie evidence of intent to commit theft of utility services for the purpose of manufacturing a controlled substance; providing an effective date.

By the Committees on Education Pre-K - 12 Appropriations; Education Pre-K - 12; and Senators Wise, Gaetz, Fasano and Siplin—

CS for CS for SB 1458—A bill to be entitled An act relating to school food service programs; amending s. 1006.06, F.S.; requiring school breakfast programs in middle and high schools; providing procedures for school breakfast programs; specifying requirements for setting prices of breakfast meals; requiring district school boards to consider policies for the provision of universal-free school breakfast meals in certain schools; requiring information to be communicated to students and parents; clarifying the allocation of funds for school breakfast programs; directing the Office of Program Policy Analysis and Government Accountability to submit a report on school district food service programs; providing an effective date.

By the Committee on Finance and Tax; and Senator Saunders—

CS for SB 1552—A bill to be entitled An act relating to Everglades restoration bonds; amending s. 215.619, F.S.; extending the period during which such bonds may be issued each fiscal year; providing an effective date.

By the Committees on Judiciary; Children, Families, and Elder Affairs; and Senator Joyner—

CS for CS for SB 1582—A bill to be entitled An act relating to guardians ad litem; amending s. 61.402, F.S.; authorizing a person affli-

ated with a not-for-profit legal aid organization to serve as a guardian ad litem under certain circumstances; requiring that such person undergo a security background investigation; requiring not-for-profit legal aid organizations to provide training developed by The Florida Bar before a person is certified as a guardian ad litem; providing for interim training developed by a curriculum committee; providing an effective date.

By the Committees on Criminal and Civil Justice Appropriations; Judiciary; Children, Families, and Elder Affairs; Criminal Justice; and Criminal Justice—

CS for CS for CS for CS for SB 1614—A bill to be entitled An act relating to the Department of Corrections; amending s. 921.187, F.S.; deleting certain provisions limiting circumstances under which an offender may be placed in community control; amending s. 940.061, F.S.; specifying that the Department of Corrections meets its statutory obligation to assist released offenders with completing the application for the restoration of civil rights by sending an electronic list to the Parole Commission each month of those inmates and offenders who were released from incarceration or terminated from supervision during the preceding month; amending s. 943.16, F.S.; eliminating provisions requiring that a law enforcement officer reimburse the employing agency for wages and benefits paid by the employing agency if the officer terminates employment before the end of a 2-year commitment period; eliminating wages and benefits from the costs that employing agencies may recover; eliminating the definition of the term “academy training period”; amending s. 944.1905, F.S.; authorizing the department to assign certain inmates younger than 18 years of age to a facility for youthful offenders until the inmate reaches a specified age; deleting provisions requiring that certain offenders younger than 18 years of age be housed and provided certain services separately from older offenders or placed in a facility for youthful offenders; amending s. 944.293, F.S.; specifying that the Department of Corrections meets its statutory obligation to assist released offenders with completing the application for the restoration of civil rights by sending an electronic list to the Parole Commission each month of those inmates and offenders who were released from incarceration or terminated from supervision during the preceding month; amending s. 944.47, F.S.; providing that a cellular telephone or other portable communication device that is introduced inside the secure perimeter of a state correctional institution without prior authorization is contraband; prohibiting an inmate or other person upon the grounds of the institution from possessing such contraband without authorization; providing a definition; providing criminal penalties; amending s. 945.41, F.S.; eliminating a requirement that the Department of Corrections contract with the Department of Children and Family Services to provide certain mental health services; authorizing the Department of Corrections to contract with other entities or persons to provide mental health services to inmates; amending s. 945.42, F.S.; revising definitions and defining the term “crisis stabilization care”; amending s. 945.43, F.S.; revising the procedures for placing an inmate in a mental health treatment facility; authorizing the court to waive the presence of the inmate at the hearing on the inmate’s placement; amending s. 945.44, F.S.; providing for the emergency placement of an inmate in a mental health treatment facility; amending s. 945.45, F.S.; revising the provisions governing the continued placement of an inmate in a mental health treatment facility; authorizing administrative law judges to appoint private pro bono attorneys to represent inmates in continued placement hearings; providing that the administrative law judge may waive the presence of the inmate at the hearing under certain conditions; amending s. 945.46, F.S.; authorizing the warden to initiate procedures for the involuntary examination of an inmate who has a mental illness and meets certain criteria; amending s. 945.47, F.S.; providing for the transfer of an inmate who is no longer in need of mental health treatment; deleting certain provisions governing involuntary placement; requiring that a summary of the inmate’s treatment be provided to the Parole Commission and the Department of Children and Family Services upon request; amending s. 945.48, F.S.; revising the procedure for the involuntary mental health treatment of an inmate; providing for the warden of the institution containing the mental health treatment facility to petition the circuit court for an order authorizing involuntary treatment; providing requirements for the hearing on involuntary treatment; limiting the period that an order authorizing involuntary treatment is effective; providing a procedure for emergency treatment; amending s. 945.49, F.S.; deleting a provision requiring that training provided to correctional officers employed by a mental health treatment facility be

in accordance with the requirements of the Criminal Justice Standards and Training Commission; amending s. 948.01, F.S.; deleting certain provisions limiting circumstances under which an offender may be placed in community control; amending s. 948.10, F.S.; deleting a requirement that community control programs and manuals be developed in consultation with the Florida Conference of Circuit Court Judges and the State Courts Administrator; deleting requirements for the department in developing and implementing community control programs, resource directories, and training programs; deleting a requirement for the Florida Court Education Council and the State Courts Administrator to coordinate certain resources for judges pertaining to community control; eliminating provisions governing review and notice by the department of offenders ineligible for community control and requiring the department to develop a caseload equalization strategy; amending s. 958.04, F.S.; authorizing the court to sentence a person as a youthful offender if the offender is younger than 21 years of age at the time sentence is imposed; requiring the Department of Corrections to adopt by rule criteria to define successful participation in the youthful offender program; amending s. 958.11, F.S.; removing the specific designation of youthful offender facilities for housing female offenders; revising requirements for the department with respect to assigning or transferring youthful offenders; removing references to the Assistant Secretary for Youthful Offenders; amending s. 958.12, F.S.; removing the requirement for a youthful offender to be visited by a probation and parole officer before release; removing the requirement for the department to develop community partnerships with the Department of Labor and Employment Security and the Department of Children and Family Services; providing an effective date.

By the Committees on Transportation and Economic Development Appropriations; Commerce; Children, Families, and Elder Affairs; Education Pre-K - 12; and Senators Gaetz and Lynn—

CS for CS for CS for SB 1670—A bill to be entitled An act relating to early learning; providing a short title; amending s. 402.316, F.S.; requiring the Department of Children and Family Services to adopt rules regarding screening standards and notice for certain child care personnel; amending s. 411.01, F.S.; revising conditions relating to the service of a children's services council or juvenile welfare board chair or director as a member of an early learning coalition; authorizing the use of telecommunication methods in conducting early learning coalition board meetings; amending and renumbering s. 402.27, F.S.; transferring requirements for the establishment of a statewide child care resource and referral network by the Department of Children and Family Services to the Agency for Workforce Innovation; providing for use of early learning coalitions as child care resource and referral agencies; requiring rulemaking; amending and renumbering s. 409.178, F.S.; transferring duties of the Department of Children and Family Services with respect to the Child Care Executive Partnership Program to the Agency for Workforce Innovation and early learning coalitions; requiring rulemaking; amending s. 435.04, F.S.; providing additional criminal offenses for screening child care personnel; amending s. 1001.10, F.S.; requiring the Department of Education to assist school districts, charter schools, the Florida School for the Deaf and the Blind, and certain private schools and providers in developing policies and procedures governing educator ethics and employment; requiring the department to provide authorized staff with access to or provide verification through certain employment-screening tools; amending ss. 1002.55, 1002.61, and 1002.63, F.S., relating to the Voluntary Prekindergarten Education Program; providing additional accreditation standards for private prekindergarten providers; providing requirements for assignment of substitute instructors; requiring owners of certain private schools and private prekindergarten providers to adopt ethical standards for all employees; prohibiting confidentiality agreements regarding terminated or dismissed employees which have the effect of concealing certain conduct; requiring such owners and providers to contact the previous employer of each instructional or administrative candidate for employment and notify the Department of Education of dates of employment of an educator; requiring rulemaking; conforming cross-references; providing an effective date.

By the Committees on Governmental Operations; Banking and Insurance; and Senators Baker and Gaetz—

CS for CS for SB 1684—A bill to be entitled An act relating to title insurance; creating the Florida 2008 Title Insurance Study Advisory

Council; providing for membership; providing for administrative support for the council; providing responsibilities of the council; authorizing the council to invite independent actuaries to provide certain information; requiring the Office of Program Policy Analysis and Government Accountability to conduct a review and report to the council; requiring that the report be submitted to the council by a certain date; providing council meeting requirements; requiring the council to file a report with the Governor and the Legislature; providing for termination of the council; providing an effective date.

By the Committee on Governmental Operations; and Senators Aronberg, Fasano and Margolis—

CS for SB 1694—A bill to be entitled An act relating to emergency dispatchers; creating s. 401.465, F.S.; providing definitions; requiring the Department of Health to establish criteria for the certification of 911 emergency dispatchers; providing requirements for certification; requiring the department to determine if an applicant meets the requirements for certification; requiring the department to establish a procedure for certificate renewal; providing for the expiration and renewal of certificates; authorizing the department to suspend or revoke a certificate; providing that a certificateholder may request inactivation of his or her certification; providing requirements for renewing an inactive certificate; requiring the department to establish a procedure for the initial certification of certain 911 emergency dispatchers; providing fees for original application and renewal of a certificate; requiring that fees be deposited in a trust fund and used for specified purposes; providing for replacement of a lost or destroyed certificate; requiring the department to issue a replacement certificate under certain circumstances; providing an effective date.

By the Committees on Criminal Justice; Commerce; and Senators Joyner and Lynn—

CS for CS for SB 1722 and SB 2478—A bill to be entitled An act relating to sex trafficking; amending s. 559.927, F.S.; defining the term "travel services for commercial sexual purposes"; amending s. 559.928, F.S.; requiring the seller of travel to include in the initial registration documents, and in the annual affidavit to renew the registration, sent to the Department of Agriculture and Consumer Services a statement that the seller of travel does not offer for sale, facilitate, advertise, or promote travel services for commercial sexual purposes; providing that the department may deny or refuse to renew the registration of any seller of travel based upon a determination that the seller of travel has offered for sale, facilitated, advertised, or promoted travel services for commercial sexual purposes; amending s. 559.9335, F.S.; providing that an offer of sale, facilitation, an advertisement, or a promotion of travel services for commercial sexual purposes is a violation of part IX of ch. 559, F.S.; amending s. 559.937, F.S.; providing that a seller of travel who offers for sale, facilitates, advertises, or promotes travel services for commercial sexual purposes commits a felony of the second degree; providing criminal penalties; authorizing a court to freeze the assets of a seller of travel who has or is about to commit such offense; providing procedures; amending s. 772.102, F.S.; expanding the definition of the term "criminal activity" to include the offense of facilitating certain offenses for purposes of seeking civil remedies for criminal offenses; amending s. 775.21, F.S.; conforming cross-references; creating s. 796.011, F.S.; providing definitions; amending s. 796.03, F.S.; increasing penalties for procuring a minor for prostitution; amending s. 796.04, F.S.; providing enhanced penalties for forcing, compelling, or coercing another to become a prostitute; renumbering and amending s. 796.035, F.S., and amending s. 796.045, F.S.; increasing penalties for selling or buying minors into sex trafficking or prostitution; revising provisions relating to sex trafficking; increasing penalties; amending s. 796.06, F.S.; revising provisions prohibiting rental of certain facilities for prohibited activities; amending s. 796.07, F.S.; revising provisions prohibiting prostitution, lewdness, and assignation; providing penalties; amending s. 796.09, F.S.; revising provisions providing a civil action against persons who coerce or induce certain activities; requiring the court to award prevailing plaintiffs reasonable attorney's fees and costs; creating s. 796.10, F.S.; defining the term "business entity"; providing that a business entity convicted of a violation of chapter 796, F.S., may be subject to specified sanctions and forfeiture of property; amending s. 823.05, F.S.; providing that a place used for specified violations relating

to prostitution may be declared a public nuisance and abated or enjoined; amending s. 893.138, F.S.; providing additional prostitution offenses that may subject a place to being declared a public nuisance by a county or municipality and abated pursuant to specified provisions; amending s. 895.02, F.S.; redefining the term “racketeering activity” to revise the offenses included for purposes of the Florida RICO Act; amending s. 921.0022, F.S.; conforming the offense severity ranking chart of the Criminal Punishment Code; amending ss. 322.28, 943.0435, 944.606, and 944.607, F.S.; conforming cross-references; providing an effective date.

By the Committees on Transportation and Economic Development Appropriations; Criminal Justice; and Senator Joyner—

CS for CS for SB 1732—A bill to be entitled An act relating to human trafficking; creating within the Executive Office of the Governor the Florida Statewide Task Force on Human Trafficking; prescribing the membership of the task force; providing for members of the task force to serve without compensation or reimbursement for per diem and travel expenses; providing specific responsibilities and duties of the task force and its members; requiring that the task force prepare a final report by a specified date; providing duties of the Florida State University Center for the Advancement of Human Rights; abolishing the task force on a specified date; providing an effective date.

By the Committee on Higher Education Appropriations; and Senator Lynn—

CS for SB 1768—A bill to be entitled An act relating to university tuition; amending s. 1009.24, F.S.; revising requirements for the Board of Governors in establishing tuition and out-of-state fees for graduate and professional programs; revising requirements for the Board of Governors in establishing a uniform maximum undergraduate tuition differential for universities that have research and development expenditures of a specified amount; allowing the university board of trustees to maintain the differential unless otherwise directed by the Board of Governors; providing an exemption from payment of the tuition differential for beneficiaries of a prepaid tuition contract that was in effect on July 1, 2008; providing an effective date.

By the Committees on Criminal Justice; Criminal and Civil Justice Appropriations; and Senator Crist—

CS for CS for SB 1800—A bill to be entitled An act relating to correctional work programs; creating the Correctional Work Program Council; assigning the council to the Agency for Workforce Innovation for administrative purposes; providing a purpose for the council; providing for membership of the council; requiring that the council meet by a specified date; requiring the council to present a report to the Governor and the Legislature; providing requirements for the findings and the recommendations; providing for future expiration of the council; amending s. 946.523, F.S.; requiring a prison industry enhancement certificate to be relinquished to the Department of Corrections on a specified date; providing for the deposit of deductions from prison industry employee wages made after a specified date; amending s. 946.510, F.S.; providing that employees of the private nonprofit corporation operating prison industries are deemed state employees for workers’ compensation purposes; providing an effective date.

By the Committees on Transportation and Economic Development Appropriations; Transportation; and Senator Baker—

CS for CS for SB 1978—A bill to be entitled An act relating to the Department of Transportation; amending s. 20.23, F.S.; providing Senior Management Service status to the Executive Director of the Florida Transportation Commission; amending s. 125.42, F.S.; providing an exception to utility owners from the responsibility for relocating utilities along county roads and highways; amending s. 163.3177, F.S.; revising requirements for comprehensive plans; providing for airports, land adjacent to airports, and certain interlocal agreements relating thereto in certain elements of the plan; amending s. 163.3182, F.S., relating to

transportation concurrency backlog authorities; providing legislative findings and declarations; expanding the power of authorities to borrow money to include issuing certain debt obligations; providing a maximum maturity date for certain debt incurred to finance or refinance certain transportation concurrency backlog projects; authorizing authorities to continue operations and administer certain trust funds for the period of the remaining outstanding debt; requiring local transportation concurrency backlog trust funds to continue to be funded for certain purposes; providing for increased ad valorem tax increment funding for such trust funds under certain circumstances; revising provisions for dissolution of an authority; amending s. 316.0741, F.S.; redefining the term “hybrid vehicle”; authorizing the driving of a hybrid, low-emission, or energy-efficient vehicle in a high-occupancy-vehicle lane regardless of occupancy; authorizing the department to limit or discontinue such driving under certain circumstances; exempting such vehicles from the payment of certain tolls; amending s. 316.193, F.S.; lowering the blood-alcohol or breath-alcohol level for which enhanced penalties are imposed against a person who was accompanied in the vehicle by a minor at the time of the offense; clarifying that an ignition interlock device is installed for a continuous period; amending s. 316.302, F.S.; revising the application of certain federal rules; providing for the department to perform certain duties assigned under federal rules; updating a reference to federal provisions governing out-of-service requirements for commercial vehicles; amending ss. 316.613 and 316.614, F.S.; revising the definition of “motor vehicle” for purposes of child restraint and safety belt usage requirements; amending s. 316.656, F.S.; lowering the percentage of blood or breath alcohol content relating to the prohibition against pleading guilty to a lesser offense of driving under the influence than the offense charged; amending s. 322.64, F.S.; providing that refusal to submit to a breath, urine, or blood test disqualifies a person from operating a commercial motor vehicle; providing a period of disqualification if a person has an unlawful blood-alcohol or breath-alcohol level; providing for issuance of a notice of disqualification; revising the requirements for a formal review hearing following a person’s disqualification from operating a commercial motor vehicle; amending s. 336.41, F.S.; providing that a county, municipality, or special district may not own or operate an asphalt plant or a portable or stationary concrete batch plant having an independent mixer; amending s. 337.11, F.S.; authorizing the department to pay stipends to unsuccessful bidders on construction and maintenance contracts; amending s. 337.18, F.S.; revising the recording requirements of payment and performance bonds; amending s. 337.185, F.S.; providing for maintenance contracts to be included in the types of claims settled by the State Arbitration Board; amending s. 337.403, F.S.; providing for the department or a local governmental entity to pay the costs of removing or relocating a utility that is interfering with the use of a road or rail corridor; amending s. 338.01, F.S.; requiring that newly installed electronic toll collection systems be interoperable with the department’s electronic toll collection system; amending s. 338.165, F.S.; providing that provisions requiring the continuation of tolls following the discharge of bond indebtedness does not apply to high-occupancy toll lanes or express lanes; creating s. 338.166, F.S.; authorizing the department to request that bonds be issued which are secured by toll revenues from high-occupancy toll or express lanes in a specified location; providing for the department to continue to collect tolls after discharge of indebtedness; authorizing the use of excess toll revenues for improvements to the State Highway System; authorizing the implementation of variable rate tolls on high-occupancy toll lanes or express lanes; amending s. 338.2216, F.S.; directing the turnpike enterprise to develop new technologies and processes for the collection of tolls and usage fees; prohibiting the enterprise from entering into certain joint contracts for the sale of fuel and other goods; providing an exception; providing restrictions on contracts pertaining to service plazas; amending s. 338.223, F.S.; conforming a cross-reference; amending s. 338.231, F.S.; eliminating reference to uniform toll rates on the Florida Turnpike System; authorizing the department to fix by rule and collect the amounts needed to cover toll collection costs; amending s. 339.12, F.S.; clarifying a provision specifying a maximum total amount of project agreements for certain projects; authorizing the department to enter into certain agreements with counties having a specified maximum population; defining the term “project phase”; requiring that a project or project phase be a high priority of a governmental entity; providing for reimbursement for a project or project phase; specifying a maximum total amount for certain projects and project phases; requiring that such project be included in the local government’s adopted comprehensive plan; authorizing the department to enter into long-term repayment agreements up to a specified maximum length; amending s. 339.135, F.S.; revising certain notice provisions that require the Department of Transportation to notify local

governments regarding amendments to an adopted 5-year work program; amending s. 339.155, F.S.; revising provisions for development of the Florida Transportation Plan; amending s. 339.2816, F.S., relating to the small county road assistance program; providing for resumption of certain funding for the program; revising the criteria for counties eligible to participate in the program; amending ss. 339.2819 and 339.285, F.S.; conforming cross-references; amending s. 348.0003, F.S.; providing for financial disclosure for expressway, transportation, bridge, and toll authorities; amending s. 348.0004, F.S.; providing for certain expressway authorities to index toll rate increases; repealing part III of ch. 343 F.S.; abolishing the Tampa Bay Commuter Transit Authority; requiring the department to conduct a study of transportation alternatives for the Interstate 95 corridor; amending s. 409.908, F.S.; authorizing the Agency for Health Care Administration to continue to contract for Medicaid nonemergency transportation services in a specified agency service area with managed care plans under certain conditions; amending s. 427.011, F.S.; revising definitions; defining the term “purchasing agency”; amending s. 427.012, F.S.; revising the number of members required for a quorum at a meeting of the Commission for the Transportation Disadvantaged; amending s. 427.013, F.S.; revising responsibilities of the commission; deleting a requirement that the commission establish by rule acceptable ranges of trip costs; removing a provision for functioning and oversight of the quality assurance and management review program; requiring the commission to incur expenses for promotional services and items; amending s. 427.0135, F.S.; revising and creating duties and responsibilities for agencies that purchase transportation services for the transportation disadvantaged; providing requirements for the payment of rates; requiring an agency to negotiate with the commission before procuring transportation disadvantaged services; requiring an agency to identify its allocation for transportation disadvantaged services in its legislative budget request; amending s. 427.015, F.S.; revising provisions relating to the function of the metropolitan planning organization or designated official planning agency; amending s. 427.0155, F.S.; revising duties of community transportation coordinators; amending s. 427.0157, F.S.; revising duties of coordinating boards; amending s. 427.0158, F.S.; deleting provisions requiring the school board to provide information relating to school buses to the transportation coordinator; providing for the transportation coordinator to request certain information regarding public transportation; amending s. 427.0159, F.S.; revising provisions relating to the Transportation Disadvantaged Trust Fund; providing for the deposit of funds by an agency purchasing transportation services; amending s. 427.016, F.S.; providing for construction and application of specified provisions to certain acts of a purchasing agency in lieu of the Medicaid agency; requiring that an agency identify the allocation of funds for transportation disadvantaged services in its legislative budget request; amending s. 479.01, F.S.; redefining the term “automatic changeable facing” as used in provisions governing outdoor advertising; amending s. 479.07, F.S.; revising the locations within which signs require permitting; providing requirements for the placement of permit tags; requiring the department to establish by rule a service fee and specifications for replacement tags; amending s. 479.08, F.S.; deleting a provision allowing a sign permittee to correct false information that was knowingly provided to the department; requiring the department to include certain information in the notice of violation; amending s. 479.156, F.S.; modifying local government control of the regulation of wall murals adjacent to certain federal highways; amending s. 479.261, F.S.; revising requirements for the logo sign program of the interstate highway system; deleting provisions providing for permits to be awarded to the highest bidders; requiring the department to implement a rotation-based logo program; requiring the department to adopt rules that set reasonable rates based on certain factors for annual permit fees; requiring that such fees not exceed a certain amount for sign locations inside and outside an urban area; amending s. 212.0606, F.S.; providing for the imposition by countywide referendum of an additional surcharge on the lease or rental of a motor vehicle; providing the proceeds of the surcharge to be transferred to the Local Option Fuel Tax Trust Fund and used for the construction and maintenance of commuter rail service facilities; providing definitions relating to commuter rail service, rail corridors, and railroad operation for purposes of the rail program within the department; amending s. 341.302, F.S.; authorizing the department to purchase specified property for the purpose of implementing commuter rail service; authorizing the department to assume certain liability on a rail corridor; authorizing the department to indemnify and hold harmless a railroad company when the department acquires a rail corridor from the company; providing allocation of risk; providing a specific cap on the amount of the contractual duty for such indemnification; authorizing the department to purchase

and provide insurance in relation to rail corridors; authorizing marketing and promotional expenses; extending provisions to other governmental entities providing commuter rail service on public right-of-way; amending s. 768.28, F.S.; expanding the list of entities considered agents of the state; providing for construction in relation to certain federal laws; providing an effective date.

By the Committees on Governmental Operations; Health Regulation; and Senator Ring—

CS for CS for SB 1998—A bill to be entitled An act relating to electronic health records; amending s. 395.3025, F.S.; expanding access to a patient’s medical records to facilitate electronic exchange of data between certain health care facilities, practitioners, and providers and attending physicians; revising provisions relating to the disclosure of patient records to conform to changes made by the act; authorizing a health information exchange to receive patient medical records without patient consent for processing and transmission of electronic medical records; amending s. 408.05, F.S.; removing the responsibility of the Agency for Health Care Administration for monitoring certain grants; creating s. 408.051, F.S.; creating the “Florida eHealth Initiative Act”; providing legislative intent; providing definitions; requiring the agency to award and monitor grants to certain health information organizations; providing rulemaking authority regarding establishment of eligibility criteria; establishing the Electronic Medical Records System Adoption Loan Program; providing eligibility criteria; providing rulemaking authority regarding terms and conditions for the granting of loans; creating the Florida Health Information Exchange Advisory Council; providing for purpose, membership, terms of office, and duties of the council; requiring the Florida Center for Health Information and Policy Analysis to provide staff support; requiring reports to the Governor and Legislature; providing for future repeal of s. 408.051, F.S., and abolition of the council; providing duties of the agency with regard to availability of specified information on the agency’s Internet website; requiring the agency to develop and implement a plan to promote participation in regional and statewide health information exchanges; requiring the Office of Program Policy Analysis and Government Accountability to complete an independent evaluation of the grants program administered by the agency and submit the report to the Governor and Legislature by a certain date; amending s. 408.062, F.S.; removing the responsibility of the agency for developing an electronic health information network; amending s. 483.181, F.S.; expanding access to laboratory reports to facilitate electronic exchange of data between certain health care practitioners and providers; providing an effective date.

By the Committees on Finance and Tax; Judiciary; and Senator Geller—

CS for CS for SB 2040—A bill to be entitled An act relating to the excise tax on documents; amending s. 201.02, F.S.; revising criteria determining liability for payment of the tax; providing requirements and methods for making an election regarding payment of tax under specified circumstances; providing requirements; providing for application of the act; providing an effective date.

By the Committees on Judiciary; Regulated Industries; and Senators Jones and Bennett—

CS for CS for SB’s 2086 and 2498—A bill to be entitled An act relating to the Department of Business and Professional Regulation; amending s. 718.111, F.S.; requiring that hazard insurance be based upon the replacement cost of the property to be insured as determined by an independent insurance appraisal or update of a prior appraisal; requiring that the full insurable value be determined at specified intervals; providing a means by which an association may provide adequate hazard insurance; authorizing an association to consider certain information when determining coverage amounts; providing for coverage by developer-controlled associations; providing that policies may include deductibles as determined by the association’s board of directors; providing requirements and guidelines for the establishment of such deductibles; requiring that the amounts of deductibles be set at a meeting of the board; providing requirements for such meeting; requiring that an

association controlled by unit owners operating as a residential condominium use its best efforts to obtain and maintain adequate insurance to protect the association and property under its supervision or control; providing that a declaration of condominium may provide that condominium property consisting of freestanding buildings comprised of no more than one building in or on such unit need not be insured by the association if the declaration requires the unit owner to obtain adequate insurance for the condominium property; authorizing an association to obtain and maintain liability insurance for directors and officers, insurance for the benefit of association employees, and flood insurance for common elements, association property, and units; requiring that every hazard insurance policy issued or renewed on or after a specified date for the purpose of protecting the condominium provide certain coverage; requiring that such policies contain certain provisions; providing that such policies issued to individual unit owners do not provide rights of subrogation against the condominium association; providing for the insurance of improvements or additions benefiting fewer than all unit owners; requiring that an association require each owner to provide evidence of a current policy of hazard and liability insurance upon request; limiting the frequency with which an association may make such a request; authorizing an association to purchase coverage on behalf of an owner under certain circumstances; providing for the collection of the costs of such a policy; providing responsibilities of the unit owner and association with regard to reconstruction work and associated costs after a casualty loss; authorizing a multicondominium association to operate such condominiums as a single condominium for certain purposes by majority vote of the members of all applicable condominiums; providing that such election constitutes an amendment to the declaration of all applicable condominiums; requiring that an association maintain insurance or fidelity bonding for all persons who control or disburse association funds; requiring that such insurance policy or fidelity bond cover the maximum funds in the custody of the association or its management agent at any one time; defining the term "persons who control or disburse funds of the association"; authorizing an association to amend the declaration of condominium without regard to any requirement for approval by mortgagees of amendments affecting insurance requirements for the purpose of conforming the declaration of condominium to certain coverage requirements; providing that any portion of the condominium property required to be insured by the association against casualty loss which is damaged be reconstructed, repaired, or replaced as necessary by the association as a common expense; providing that all hazard insurance deductibles, uninsured losses, and other damages in excess of hazard insurance coverage under the hazard insurance policies maintained by the association are a common expense of the condominium; providing exceptions; allocating responsibility for certain costs of repair or reconstruction; authorizing an association to opt out of certain requirements related to such allocation of responsibility by majority vote; providing a procedure by which a multicondominium association that has not consolidated its financial operations may opt out of such allocation of responsibility; requiring that a decision to opt out be recorded; providing that such decision takes effect on the date on which it is recorded; authorizing the reversal of such decision; providing a procedure for reversal; providing that an association is not obligated to pay for any reconstruction or repair expenses for improvements made by an owner or the development if an improvement benefits only the unit for which it was installed; amending s. 718.115, F.S.; requiring that certain expenses be designated as common expenses; amending s. 718.116, F.S.; authorizing the designee of a unit owner or mortgagee to request a certificate of assessment; requiring that the fee for preparation of such certificate be stated on the certificate; providing for the establishment of such fees; providing for payment of the fee; requiring that the fee be refunded if a planned sale or mortgage does not occur; providing that any such refund is the obligation of the unit owner and is collectable in the same manner as an assessment; amending s. 718.117, F.S.; prohibiting the distribution of proceeds from the sale of a condominium unit to a lienholder from exceeding a unit owner's share of the proceeds; creating s. 720.30851, F.S.; requiring that the association provide a certificate signed by an officer or agent of the association stating all assessments and other moneys owed to the association by the parcel owner or mortgagee with respect to the parcel within a specified period after the association's receipt of a request for an estoppel certificate by an owner or mortgagee; providing that any person other than a parcel owner who relies upon a certificate receives the benefits and protection thereof; providing that a summary proceeding may be brought to compel the association to comply with the requirement to provide a certificate; providing that the prevailing party is entitled to recover reasonable attorney's fees; requiring that the fee for preparation of such certificate be stated on the certificate; providing for the establishment of such fees; providing for payment of the fee;

requiring that the fee be refunded if a planned sale or mortgage does not occur; providing that any such refund is the obligation of the unit owner and is collectable in the same manner as an assessment; amending s. 20.165, F.S.; changing the name of the Division of Florida Land Sales, Condominiums, and Mobile Homes to the Division of Florida Condominiums, Timeshares, and Mobile Homes and the Division of Technology, Licensure, and Testing to the Division of Technology; amending s. 215.20, F.S.; conforming the name of the division's trust fund to correspond to the name change of the division; amending s. 450.33, F.S.; removing the requirement for a farm labor contractor to file a set of fingerprints with the department; amending s. 455.203, F.S.; authorizing the department to close and terminate deficient license applications and to approve professional license applications meeting certain criteria; amending s. 455.217, F.S.; conforming terminology to changes made by the act; amending s. 455.2273, F.S.; authorizing the section to apply to disciplinary guidelines adopted by all boards and divisions; amending s. 468.841, F.S.; clarifying exemption provisions for license provisions governing mold-related services; amending s. 475.17, F.S.; revising requirements for licensure as a real estate broker; amending s. 475.451, F.S.; deleting requirements relating to the submission of certain real estate course rosters to the department; amending s. 489.105, F.S.; clarifying that individuals and business entities that sell manufactured and factory-built buildings can legally enter into contracts for those sales; amending s. 489.511, F.S.; revising requirements for taking the electrical or alarm system contractor certification examination; providing requirements for certification; amending s. 489.515, F.S.; revising requirements for certification as a certified contractor by the Electrical Contractors' Licensing Board to reflect changes made to s. 489.511, F.S., by this act; renumbering s. 498.009, F.S., relating to the location of the division's offices; amending and renumbering s. 498.011, F.S., relating to payment of per diem, mileage, and other expenses for division employees; providing for reimbursement of expenses for on-site review; deleting the expense reimbursement for inspection of subdivided lands; renumbering s. 498.013, F.S., relating to the authentication of records; amending and renumbering s. 498.057, F.S., relating to service of process; deleting provision that service may be made by delivering a copy of the process to the division director; providing that the division can be the petitioner or the plaintiff; repealing ss. 498.001, 498.003, 498.005, 498.007, 498.017, 498.021, 498.022, 498.023, 498.024, 498.025, 498.027, 498.028, 498.029, 498.031, 498.033, 498.035, 498.037, 498.039, 498.041, 498.047, 498.049, 498.051, 498.053, 498.059, 498.061, and 498.063, F.S., relating to regulation of land sales practices; amending s. 548.0065, F.S.; including amateur mixed martial arts in a provision relating to the authority of the Florida State Boxing Commission to suspend amateur matches for violation of certain health and safety standards; amending s. 548.008, F.S.; removing prohibition against holding amateur mixed martial arts matches in this state; amending s. 548.041, F.S.; providing additional licensure requirements for boxing participants; amending s. 718.501, F.S.; providing additional powers and duties of the division; providing for additional enforcement proceedings for carrying out the purposes of ch. 718, F.S.; deleting the payment of money by a developer to a condominium association as a permissible affirmative action; providing for actions of conservator or receiver; providing for application to circuit court for an order of restitution; providing for imposition of civil penalties and award of court costs, attorney's fees, and costs of investigation under certain circumstances; providing for contracting for investigative services; providing for acceptance of grants-in-aid; requiring the cooperation with similar agencies on establishment of certain procedures, standards, and forms; providing what constitutes completeness of notice; authorizing the division to issue a notice to show cause; providing conforming changes; amending s. 718.509, F.S., and transferring, renumbering, and amending s. 498.019, F.S.; consolidating and revising provisions relating to the creation, purposes, and sources of funds of the Division of Florida Condominiums, Timeshares, and Mobile Homes Trust Fund; revising provisions to conform to the change in division name; providing for the deposit of moneys resulting from an administrative final order; amending s. 721.03, F.S.; clarifying that timeshare plan includes a nonspecific multisite timeshare plan; amending ss. 73.073, 190.009, 192.037, 213.053, 326.002, 326.006, 380.05, 380.06, 380.0651, 381.0065, 455.116, 475.455, 494.008, 509.512, 517.301, 559.935, 718.103, 718.105, 718.1255, 718.5011, 718.502, 718.504, 718.508, 718.608, 719.103, 719.1255, 719.501, 719.502, 719.504, 719.508, 719.608, 720.301, 720.401, 721.05, 721.07, 721.08, 721.26, 721.28, 721.301, 721.50, 723.003, 723.006, 723.009, and 723.0611, F.S., to conform; amending s. 849.094, F.S.; providing that certain provisions related to game promotion in connection with the sale of consumer products or services do not apply to pari-mutuel permitholders licensed to conduct slot machine gaming; providing effective dates.

By the Committee on Finance and Tax; and Senators Webster and Fasano—

CS for SB 2094—A bill to be entitled An act relating to the tax on sales, use, and other transactions; specifying a period during which the sale of clothing and school supplies is exempt from the tax; providing definitions; providing exceptions; authorizing the Department of Revenue to adopt rules; providing an appropriation; providing an effective date.

By the Committee on Community Affairs; and Senators Haridopolos, Dean, Baker and Bennett—

CS for SB 2148—A bill to be entitled An act relating to public construction; prohibiting a county, municipality, or special district from owning or operating an asphalt plant or concrete plant having an independent mixer; providing an effective date.

By the Committee on Health and Human Services Appropriations; and Senator Storms—

CS for SB 2192—A bill to be entitled An act relating to independent living preparation for youth in foster care; amending s. 409.1451, F.S.; authorizing group home provider agencies and residential agencies to prepare and implement developmental plans for children in their care; requiring the Independent Living Services Advisory Council to research and advise the Department of Children and Family Services and the Legislature on specific methods to reduce the number of youth in foster care who attain the age of 18 and do not acquire a high school diploma or its equivalent; creating s. 743.046, F.S.; removing the disability of nonage for minor executing a contract for the purpose of securing utility services upon reaching 17 years of age; providing an effective date.

By the Committee on Judiciary; and Senator Villalobos—

CS for SB 2300—A bill to be entitled An act relating to statutory references to court rules; amending s. 27.51, F.S.; removing reference to a specific court rule relating to duties of the public defender; providing duties of the public defender to notify an accused of certain rights; amending s. 34.01, F.S.; removing reference to court rules relating to the jurisdiction of county courts; amending s. 34.011, F.S.; removing specific reference to court rules relating to jurisdiction in landlord and tenant cases; amending s. 39.01, F.S.; removing a reference to court rules relating to definitions of a child who is found to be dependent; redefining the term “child who is found to be dependent”; amending s. 39.4086, F.S.; deleting a provision requesting that the Supreme Court adopt court rules by a certain date relating to a pilot program for attorneys ad litem for dependent children; amending s. 39.504, F.S.; removing a reference to court rules relating to an injunction pending disposition of a petition; amending s. 39.507, F.S.; removing references to court rules relating to adjudicatory hearings; amending s. 39.603, F.S.; removing references to court rules relating to court approvals of case planning; amending s. 39.701, F.S.; removing specific reference to court rules relating to judicial review; amending s. 39.801, F.S.; removing a requirement that notice of hearings be prescribed by court rules relating to procedures and jurisdiction in termination of parental rights; amending s. 39.802, F.S.; removing references to court rules relating to a petition for termination of parental rights; amending s. 39.807, F.S.; removing a reference to court rules relating to guardians ad litem; amending s. 39.824, F.S.; removing obsolete provisions requesting the Supreme Court to adopt rules relating to procedure and jurisdiction; amending s. 39.825, F.S.; removing a reference to court rules relating to a petition for appointment of a guardian advocate; amending s. 48.27, F.S.; removing specific reference to a court rule regarding certified process servers; amending s. 55.503, F.S.; removing a reference to court rules relating to the recording of foreign judgments; amending s. 56.29, F.S.; removing a reference to service of summons in court rules relating to supplementary proceedings; amending s. 61.1301, F.S.; removing a reference to court rules relating to enforcement of income deduction orders; amending s. 61.14, F.S.; removing specific reference to a court rule relating to enforcement and modification of support, maintenance, or alimony agreements; amending s. 61.16, F.S.; removing specific reference to a court rule relating to attorney’s fees; amending s. 63.087, F.S.; removing specific refer-

ence to court rules relating to proceedings for termination of parental rights pending adoption; amending s. 63.122, F.S.; removing a reference to the court rule relating to the notice of hearing on a petition; amending s. 68.083, F.S.; removing reference to the court rules relating to civil actions for false claims; amending s. 83.231, F.S.; removing a reference to court rules relating to the removal of a tenant; amending s. 83.625, F.S.; removing a reference to court rules relating to the power to enter money judgments in an action by a landlord; amending s. 222.30, F.S.; removing a reference to court rules relating to fraudulent asset conversions; amending s. 255.071, F.S.; removing a reference to court rules relating to payment of subcontractors for public projects; amending ss. 316.1934 and 327.354, F.S.; removing references to court rules relating to presumption of impairment; amending s. 364.183, F.S.; removing reference to a specific court rule relating to access to company records; amending s. 366.093, F.S.; removing reference to a specific court rule relating to public utility records; amending s. 367.156, F.S.; removing reference to a specific court rule relating to discovery in public utility records; amending s. 368.108, F.S.; removing reference to a specific court rule relating to confidentiality; amending s. 392.60, F.S.; removing a reference to court rules relating to the right of appeal; amending s. 393.11, F.S.; removing a reference to court rules regarding the appeal of involuntary admission to residential services; amending s. 393.12, F.S.; removing references to court rules regarding capacity and a guardian advocate; amending s. 400.0233, F.S.; providing a reference to a specific chapter of court rules relating to informal discovery and used to obtain unsworn statements; revising provisions relating to informal discovery used to obtain unsworn statements; amending s. 409.2563, F.S.; removing a reference to court rule relating to the administrative establishment of child support obligations; amending s. 409.257, F.S.; removing a reference to court rules regarding service of process; amending s. 415.1045, F.S.; removing specific reference to a court rule relating to medical examinations; amending s. 415.1051, F.S.; removing specific reference to a court rule relating to emergency protective services intervention; amending s. 429.293, F.S.; providing a reference to a specific chapter of court rules relating to informal discovery; revising provisions relating to informal discovery used to obtain unsworn statements; amending s. 440.31, F.S.; removing specific reference to a court rule relating to the definition of expert witnesses; defining the term “expert witness”; amending s. 447.507, F.S.; removing reference to court rules relating to violation of a strike prohibition; amending s. 448.110, F.S.; removing reference to a specific court rule relating to state minimum wage and annual wage adjustment; amending s. 456.057, F.S.; removing reference to a specific court rule relating to the furnishing of patient records; amending s. 518.112, F.S.; removing a reference to court rules relating to delegation of investment functions; amending s. 552.40, F.S.; removing specific reference to a court rule relating to an administrative remedy for alleged damage due to the use of explosives in mining; amending ss. 607.0505 and 617.0503, F.S.; removing reference to court rules relating to registered agents of corporations; amending s. 713.346, F.S.; removing a reference to bond requirements in court rules relating to payment on construction contracts; amending s. 718.1255, F.S.; removing a reference to court rules relating to mandatory nonbinding arbitration and mediation of disputes; providing a reference to a specific chapter of court rules relating to mandatory nonbinding arbitration and mediation of disputes; amending s. 720.311, F.S.; removing a reference to court rules relating to dispute resolution; providing reference to a specific chapter of court rules relating to dispute resolution; amending s. 723.0381, F.S.; removing a reference to court rules relating to civil arbitration actions; amending s. 726.108, F.S.; removing a reference to court rules relating to remedies of creditors; amending s. 727.104, F.S.; removing a reference to court rules relating to commencement of proceedings; amending s. 731.011, F.S.; removing a reference to court rules relating to determination and procedure of substantive rights; amending s. 732.107, F.S.; removing a reference to court rules relating to escheat; amending s. 733.101, F.S.; removing a reference to court rules relating to venue of probate proceedings; amending s. 733.212, F.S.; removing a reference to court rules relating to notice of administration; amending s. 733.6171, F.S.; removing a reference to court rules relating to compensation of attorneys for the personal representative; amending s. 733.705, F.S.; removing a reference to court rules relating to the payment of and objection to claims; amending s. 734.102, F.S.; removing a reference to court rules relating to ancillary administration; amending s. 736.0109, F.S.; removing a reference to court rules relating to methods and waiver of notice; amending s. 738.104, F.S.; removing a reference to court rules relating to a trustee’s power to adjust; providing for delivering or mailing a copy of the statement to the beneficiary relating to a trustee’s power to adjust; amending s. 738.1041, F.S.; removing a reference to court rules relating to a total return unitrust; providing for delivering or mailing a

copy of the statement to the beneficiary relating to total return unitrust; amending s. 741.30, F.S.; removing a reference to court rules relating to injunctions for domestic violence; amending s. 742.16, F.S.; removing a reference to court rules relating to expedited affirmation of parent status for gestational surrogacy; amending s. 742.18, F.S.; removing specific reference to a court rule relating to disestablishment of paternity or termination of a child support obligation; amending s. 744.3025, F.S.; removing a reference to court rules relating to claims of minors; amending s. 744.307, F.S.; removing a reference to court rules relating to foreign guardians; amending s. 744.447, F.S.; removing a reference to court rules relating to a petition for authorization to act; amending s. 765.105, F.S.; removing specific reference to a court rule relating to the review of a decision by a surrogate or proxy; amending s. 765.113, F.S.; removing specific reference to a court rule relating to restrictions on providing consent; amending s. 768.81, F.S.; removing a reference to court rules relating to apportionment of damages in comparative fault; amending s. 784.046, F.S.; removing a reference to court rules relating to repeat violence, sexual violence, or dating violence; amending s. 790.157, F.S.; removing a reference to trial by jury in court rules relating to the presumption of impairment; amending s. 896.101, F.S.; removing a reference to court rules relating to the Florida Money Laundering Act; amending s. 916.13, F.S.; removing a reference to court rules relating to involuntary commitment of a defendant who is adjudicated incompetent; amending s. 916.15, F.S.; removing a reference to court rules relating to involuntary commitment of a defendant who is adjudicated not guilty by reason of insanity; amending s. 916.302, F.S.; removing a reference to court rules relating to involuntary commitment of a defendant who is determined incompetent to proceed; amending s. 924.07, F.S.; removing a reference to court rules relating to appeals by the state; amending s. 932.704, F.S.; removing a reference to court rules relating to forfeiture proceedings; amending s. 984.03, F.S.; removing a reference to court rules relating to the definition of a dependent child; redefining the term "dependent child"; amending s. 984.04, F.S.; removing a reference to court rules relating to families and children in need of services; amending s. 984.19, F.S.; removing a reference to court rules relating to medical screening and treatment regarding custody; amending s. 984.20, F.S.; removing references to court rules relating to hearings for child-in-need-of-services cases; amending s. 985.19, F.S.; removing references to court rules relating to incompetency in juvenile delinquency cases; amending s. 985.255, F.S.; removing a reference to court rules relating to detention criteria and hearings; amending s. 985.26, F.S.; removing a reference to court rules relating to length of detention; amending s. 985.35, F.S.; removing a reference to court rules relating to adjudicatory hearings; amending s. 985.534, F.S.; removing a reference to court rules relating to appeals; providing an effective date.

By the Committees on Community Affairs; Banking and Insurance; and Senator Saunders—

CS for CS for SB 2388—A bill to be entitled An act relating to fire prevention and control; amending ss. 218.23 and 447.203, F.S.; revising cross-references; amending s. 553.895, F.S.; revising outdated publication references; amending s. 633.02, F.S.; providing the correct name for the State Fire Marshal; amending s. 633.022, F.S.; revising provisions relating to uniform firesafety standards to include application to tunnels; revising requirements pertaining to supervised automatic sprinkler systems within nursing homes; requiring a nursing home licensee to submit complete sprinkler construction documents to the Agency for Health Care Administration by a specified date; requiring such licensee to gain final approval from the agency to start construction by a specified date; authorizing the agency to extend the deadline under certain circumstances; amending s. 633.0245, F.S.; changing the application deadline for participation in the State Fire Marshal Nursing Home Loan Guarantee Program; amending s. 633.025, F.S.; providing requirements for firesafety plans and inspections for manufactured buildings; amending s. 633.03, F.S.; expanding application of authority of the State Fire Marshal to investigate fires to include explosions; amending s. 633.061, F.S.; revising the type of fire suppression equipment in which a person must be licensed in order to engage in the business of servicing, inspecting, recharging, hydrotesting, or installing; revising the requirements for the renewal of a license to engage in the business of servicing, inspecting, recharging, hydrotesting, or installing fire suppression equipment; amending s. 633.081, F.S.; authorizing the State Fire Marshal to inspect buildings or structures for certain violations; abolishing special state firesafety inspector classifications; providing for certification as a

firesafety inspector; providing application and examination requirements; authorizing the State Fire Marshal to develop a certain advanced training and certification program for firesafety inspectors; authorizing the Division of State Fire Marshal to enter into a reciprocity agreement with the Florida Building Code Administrators and Inspectors Board for certain continuing education recertification purposes; amending s. 633.085, F.S.; revising requirements for the State Fire Marshal to inspect state buildings; amending s. 633.101, F.S.; revising and expanding the authority and powers of the State Fire Marshal to administer oaths, compel attendance of witnesses, and collect evidence; providing certain forms of immunity from liability for certain actions and persons under certain circumstances; exempting certain information from discovery under certain circumstances; exempting agents of the State Fire Marshal from subpoena under certain circumstances; specifying limitations on treatment of physical evidence; authorizing persons and agents of the State Fire Marshal to submit certain crime-related reports or information to the State Fire Marshal; authorizing agents of the State Fire Marshal to make arrests as state law enforcement officers under certain circumstances; providing that it is unlawful to resist arrest; amending s. 633.121, F.S.; expanding the list of eligible persons authorized to enforce laws and rules of the State Fire Marshal; amending s. 633.13, F.S.; revising a provision relating to the authority of agents of the State Fire Marshal; amending s. 633.14, F.S.; revising and expanding powers regarding arrests, searches, and the carrying of firearms by State Fire Marshal agents and investigators; amending s. 633.161, F.S.; expanding the list of violations for which the State Fire Marshal may issue certain enforcement orders; providing criminal penalties for failure to comply with such orders; amending s. 633.171, F.S.; conforming a provision; amending s. 633.175, F.S.; specifying additional powers granted to the State Fire Marshal; amending s. 633.18, F.S.; revising a provision relating to conduct of inquiries or investigations by agents of the State Fire Marshal; amending s. 633.30, F.S.; revising and providing definitions; amending s. 633.34, F.S.; revising requirements for qualification for employment as a firefighter; amending s. 633.35, F.S.; revising requirements for firefighter training and certification; amending s. 633.351, F.S.; revising provisions for disciplinary actions for firefighters; revising standards for revocation of firefighter certifications; amending s. 633.352, F.S.; revising requirements for retention of firefighter certification; amending s. 633.382, F.S.; revising provisions regarding required supplemental compensation for firefighters; amending s. 633.524, F.S.; authorizing the State Fire Marshal to contract to provide certain examinations; amending s. 633.541, F.S.; expanding an exclusion from application of a prohibition against contracting without certification for certain homeowners; amending s. 633.72, F.S.; revising the membership terms of the Fire Code Advisory Council; amending s. 633.811, F.S.; expanding authority of the division to enforce provisions of law and rules applicable to employers; authorizing assessment of administrative fines; amending s. 633.821, F.S.; deleting certain obsolete provisions requiring counties, municipalities, and special districts to implement certain provisions of federal law; repealing s. 1013.12(8), F.S., relating to annual reports; providing an effective date.

By the Committee on Criminal Justice; and Senator Crist—

CS for SB 2490—A bill to be entitled An act relating to sexual offenders and predators; amending s. 775.21, F.S.; revising provisions relating to reimbursement of specified costs by sexual predators; creating s. 775.215, F.S.; specifying residency distance limitations for persons convicted of certain sexual offenses; preempting certain local ordinances and providing for repeal of such ordinances; amending s. 775.24, F.S.; revising provisions relating to the duty of the court to uphold certain laws; amending s. 794.065, F.S.; providing additional residency restrictions on certain offenders; providing penalties; creating s. 794.0701, F.S.; providing for enhanced penalties for loitering or prowling by persons convicted of certain sex offenses; amending s. 947.1405, F.S.; providing additional conditional release restrictions for certain offenders; amending s. 948.30, F.S.; revising provisions relating to terms and conditions of probation or community control for certain sex offenses; providing additional restrictions for certain probationers or community controllers who committed sexual offenses with minors under the age of 16; providing an effective date.

By the Committee on Judiciary; and Senators Crist, Lynn and Bulard—

CS for SB 2492—A bill to be entitled An act relating to contract carriers; amending s. 316.302, F.S.; applying specified rules and regulations to contract carriers employed by railroad companies; requiring the Department of Transportation to adopt rules regulating such contract carriers; requiring the department to inform contract carriers and railroad companies of applicable requirements and statutes; providing an effective date.

By the Committee on Community Affairs; and Senator Margolis—

CS for SB 2494—A bill to be entitled An act relating to community associations; amending s. 718.1124, F.S., and creating ss. 719.1124 and 720.3053, F.S.; providing for notification of a unit owner's or member's intent to petition for the appointment of a receiver if an association's governing board fails to fill vacancies sufficient to constitute a quorum; providing for written notice to unit owners or members of any such appointment; requiring the salary of the receiver and certain costs and fees to be paid by the association; providing powers, duties, and term of service of the receiver; amending s. 718.117, F.S., and creating ss. 718.127, 719.127, and 720.313, F.S.; specifying receivership notification requirements with respect to condominium associations, cooperative associations, and homeowners' associations; amending s. 718.121, F.S.; providing requirements and restrictions for liens filed by the association against a condominium unit; providing for notice and delivery of such notice; amending s. 719.108, F.S.; prohibiting a lien from being filed by an association against a condominium unit or cooperative parcel until 30 days after service of a notice of intent to file the lien; amending s. 720.305, F.S.; deleting notification requirements for the appointment of a receiver under specified circumstances for matters relating to homeowners' associations; providing an effective date.

By the Committee on Judiciary; and Senator Fasano—

CS for SB 2574—A bill to be entitled An act relating to public records; amending s. 741.313, F.S.; expanding an exemption from public-records requirements for certain records and time sheets submitted to an agency to include those submitted by an employee who is a victim of sexual violence; extending future legislative review and repeal; amending s. 2, ch. 2007-108, Laws of Florida; revising a statement of public necessity to conform; providing a contingent effective date.

By the Committees on Community Affairs; Environmental Preservation and Conservation; and Senator Constantine—

CS for CS for SB 2594—A bill to be entitled An act relating to brownfield site redevelopment; amending s. 220.1845, F.S.; revising requirements for site rehabilitation tax credits; expanding eligibility for site rehabilitation tax credits; providing for application to brownfield site redevelopment solid waste removal costs; providing requirements and limitations; providing definitions; providing for application to construction and operation of new health care facilities or health care providers on brownfield sites; providing requirements; amending s. 376.30715, F.S.; providing for financial assistance in certain additional circumstances involving a transfer of contaminated property; amending s. 376.30781, F.S.; revising provisions providing tax credits for rehabilitation of certain contaminated sites and brownfield sites; providing for application to solid waste removal activities and site rehabilitation; providing for granting tax credits to multiple applicants; providing criteria for claiming costs for solid waste removal; providing definitions; providing for application to construction and operation of new health care facilities or health care providers on brownfield sites; providing requirements; revising criteria and requirements for granting site rehabilitation tax credits; providing criteria and requirements for granting solid waste removal tax credits; revising criteria and requirements for Department of Environmental Protection review of tax credit applications; providing notice requirements for the department in reviewing applications; increasing available amounts eligible for tax credits; providing additional limitations on tax credit awards for site rehabilitation costs and solid waste removal costs; providing construction of costs not eligible for tax credits; providing requirements and procedures for allocating and

awarding certain ineligible or disputed costs; amending s. 376.77, F.S.; conforming cross-references; amending s. 376.79, F.S.; revising definitions relating to brownfield redevelopment; conforming a cross-reference; amending s. 376.80, F.S.; revising the brownfield program administration process; revising local government proposal requirements; revising requirements for brownfield site redevelopment agreements; deleting certain brownfield site rehabilitation contractor certification requirements; deleting a requirement that certain professionals carry professional liability insurance; providing legislative findings and declarations; authorizing local governments to evaluate certain benefits and effects of brownfield site redevelopment and rehabilitation; providing criteria; authorizing the Department of Health to assist local governments in such evaluations; amending ss. 376.82 and 376.83, F.S.; conforming cross-references; amending s. 376.86, F.S.; providing for limited application of Brownfield Areas Loan Guarantee Program grants to construction and operation of new health care facilities and health care providers; expanding membership of the Brownfield Areas Loan Guarantee Council; amending s. 163.3221, F.S.; conforming a cross-reference; providing for retroactive application; providing an effective date.

By the Committees on Health and Human Services Appropriations; Governmental Operations; Children, Families, and Elder Affairs; and Senators Storms and Lynn—

CS for CS for CS for SB 2626—A bill to be entitled An act relating to mental health and substance abuse services; amending s. 394.9082, F.S.; providing legislative findings and intent; establishing goals; specifying roles and responsibilities of the Department of Children and Family Services; creating community-based systems of care; authorizing the implementation of managing entities by the Department of Children and Family Services; establishing a process for contracting with managing entities; specifying qualifying criteria for managing entities; specifying responsibilities of managing entities; specifying responsibilities of the department; providing for evaluations and reports; providing for a monitoring process; providing an effective date.

By the Committees on Judiciary; Children, Families, and Elder Affairs; and Senator Storms—

CS for CS for SB 2644—A bill to be entitled An act relating to care of children; creating the "Zahid Jones, Jr., Give Grandparents and Other Relatives a Voice Act"; amending s. 39.201, F.S.; providing for the Department of Children and Family Services to analyze certain unaccepted reports to the central abuse hotline; requiring information to be provided to a reporter; authorizing the submission of a written report; amending s. 39.202, F.S.; expanding access to certain confidential reports of child abuse or neglect to include physicians, psychologists, and mental health professionals; amending s. 39.301, F.S.; requiring information to be provided to a reporter; authorizing the submission of a written report; providing conditions for a relative to be a collateral contact in certain child protective investigations; providing for a relative to request notice of proceedings and hearings relating to protective investigations under certain circumstances; specifying content of the request; conforming cross-references; amending s. 39.304, F.S.; providing for preservation in department records of certain photographs and X rays and reports on medical examinations and treatments of an abused child; amending s. 39.402, F.S.; requiring notification of certain relatives in an order for placement of a child in shelter care of their right to attend hearings, submit reports to the court, and speak to the court; amending s. 39.502, F.S.; providing for certain relatives to receive notice of dependency hearings under certain circumstances; providing an opportunity for certain relatives to be heard in court; providing an exception; amending s. 39.506, F.S.; providing for certain relatives to receive notice of arraignment hearings under certain circumstances; amending s. 39.5085, F.S.; revising legislative intent with regard to the Relative Caregiver Program; authorizing the department to develop liaison functions for certain relatives; amending s. 39.6011, F.S.; requiring a case plan for a child receiving services from the department to include a protocol for notification of certain relatives of proceedings and hearings; amending s. 39.6013, F.S.; conforming a cross-reference; amending s. 39.701, F.S.; requiring an attorney for the department to provide notice to certain relatives of the child regarding upcoming judicial hearings; conforming cross-references; amending s. 39.823, F.S.; conforming a cross-reference; amending s. 683.10, F.S.; designating the first Sunday after Labor Day

as “Grandparents’ and Family Caregivers’ Day”; authorizing the Governor to issue proclamations commemorating the occasion; providing an effective date.

By the Committee on Community Affairs; and Senator Dean—

CS for SB 2648—A bill to be entitled An act relating to government accountability and efficiency; amending s. 112.061, F.S.; revising certain per diem and travel requirements and limitations; providing for application to certain water management districts, authorities, and other entities; amending s. 129.01, F.S.; providing limitations on annual unreserved undesignated fund balances; amending s. 129.02, F.S.; providing definitions; providing additional requirements for budgets; requiring a proposed budget summary; providing summary requirements; deleting requirements for county fine and forfeiture fund budgets; amending s. 129.021, F.S.; expanding application of certain requirements for county officer budgets; amending s. 129.03, F.S.; extending a time period for county budget officers to prepare and present a tentative budget; providing additional requirements for filing comprehensive annual financial reports with clerks of circuit court and county residents; providing requirements for posting reports on websites; amending s. 166.241, F.S.; providing definitions; providing additional requirements for filing budgets by municipalities; providing budget disclosure requirements; requiring a proposed budget summary; providing summary requirements; providing additional requirements for posting comprehensive annual financial reports at certain public offices, online, and with municipal residents; providing limitations on annual unreserved undesignated fund balances; amending s. 189.418, F.S.; providing definitions; providing additional requirements for filing budgets by special districts; providing budget disclosure requirements; requiring a proposed budget summary; providing summary requirements; providing additional requirements for posting comprehensive annual financial reports at certain public offices, online, and with special district residents; providing limitations on annual unreserved undesignated fund balances; amending s. 190.006, F.S.; increasing the amount of the filing fee and election assessment for qualification of members of boards of supervisors of community development districts; increasing the amount of compensation for members of boards of supervisors; amending s. 373.536, F.S.; providing additional requirements for filing comprehensive annual financial reports of water management districts with clerks of circuit court, water management residents, and online; providing limitations on annual unreserved undesignated fund balances; amending ss. 189.429 and 191.015, F.S.; correcting cross-references; providing applicability; creating s. 218.315, F.S.; defining the terms “contract,” “corporation,” “county officer,” “local government,” and “individual,” for purposes of the act; providing that contractual rights of local government employees and retirees who are members of the Florida Retirement System or a local government retirement system are not considered contracts; directing the Department of Financial Services to develop and maintain a portal linking to websites maintained by local governments; requiring local governments that have a website to electronically post contract information relating to certain contracts; providing that portions of a public record which are confidential and exempt shall be redacted prior to posting; requiring that access to the website be provided at no cost; requiring that electronic copies of contracts be provided in certain circumstances; requiring the Department of Financial Services to develop a uniform format to be used by local governments when posting contract information; requiring specific information be provided under the uniform format; requiring each local government to designate a central office to maintain all contract information; providing reporting requirements for local governments without a website; requiring that contract information be posted at least quarterly using the uniform format; establishing a schedule for local governments to meet requirements of the act; providing rulemaking authority; defining the terms “contract,” “corporation,” “expenditure” and “individual” for purposes of state government contract reporting; providing that contractual rights of state employees and retirees who are members of the Florida Retirement System are not considered contracts; directing the Executive Office of the Governor to develop and maintain a portal linking to the state agency contract expenditures report maintained by the Department of Financial Services; directing the department to develop and maintain a contract information report containing specified information; directing that the report be maintained by the department in a searchable website; directing that access to the website be provided at no charge to a user who has Internet access; directing each state agency to record information relating to contracts between the agency and a corporation or an individual; directing each agency to record payment information on specified contracts in

the Florida Accounting and Information Resources contract subsystem; requiring that electronic copies of contracts be provided in certain circumstances; providing that portions of public records which are confidential and exempt from inspection and copying shall be redacted prior to posting; providing effective dates.

By the Committees on Governmental Operations; Health Policy; and Senators Garcia and Crist—

CS for CS for SB 2652—A bill to be entitled An act relating to maternal and child health programs; amending s. 409.942, F.S.; requiring the Department of Health to establish an electronic benefits transfer system for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC); requiring the Department of Children and Family Services to assist the Department of Health in developing the electronic benefits transfer program; requiring the Department of Health to reimburse the Department of Children and Family Services for costs incurred; amending s. 383.011, F.S.; requiring the Department of Health to compare the average cost of certain food items and collect individual food item redemption costs; prohibiting the Department of Health from discontinuing a WIC-eligible generic product; providing an exception; providing an effective date.

By the Committees on Health and Human Services Appropriations; Governmental Operations; Health Policy; and Senators Garcia and Crist—

CS for CS for CS for SB 2652—A bill to be entitled An act relating to maternal and child health programs; amending s. 409.942, F.S.; requiring the Department of Health to submit a plan for the implementation of a electronic benefits transfer program for the dissemination of Women, Infants, and Children (WIC) benefits to the United States Department of Agriculture by a certain date and to establish the program by a certain date; amending s. 383.011, F.S.; requiring the Department of Health to compare the average cost of certain food items and collect individual food item redemption costs; prohibiting the Department of Health from discontinuing a WIC-eligible generic product; providing an exception; requiring that the department expend funds provided by the Federal Government only for administering the program; authorizing the department to submit a budget amendment to the Executive Office of the Governor if the department exceeds the federal funds allocation; providing an effective date.

By the Committee on Transportation and Economic Development Appropriations; and Senators Posey and Haridopolos—

CS for SB 2666—A bill to be entitled An act relating to tax refunds for qualified space flight contractors; amending s. 288.1045, F.S.; including space flight contractors in the qualified defense contractor tax refund program; expanding the definition of “applicant” and “project” to include space flight business contracts; defining the terms “space flight business,” “space flight business contract,” “new space flight business contract,” and “consolidation of a space flight business contract”; providing that qualified defense contractors are, upon approval, eligible for specified tax refunds under certain circumstances; authorizing a qualified applicant to receive refunds from the account for certain taxes after entering into certain tax refund agreements; excluding certain taxes from the list of eligible taxes on which a refund may be based; expanding the requirements for an application for certification as a qualified defense contractor or space flight contractor; providing that an applicant may not apply for certification after a proposal has been submitted for a new space flight business contract or after the applicant has made the decision to consolidate an existing space flight business contract; requiring that an applicant establish certain information to qualify for review by the Office of Tourism, Trade, and Economic Development; requiring that certain types of applications contain certain information; requiring that the office review and evaluate each application based on specified criteria; requiring that the office forward its written findings regarding each application meeting certain requirements to its director within a specified period; requiring that applications for certification based on the consolidation of a space flight business contract or a new space flight business contract be submitted to the office in the manner prescribed by

the office; requiring that such contracts contain certain information; providing for the claiming of a tax refund by an applicant who has entered into a valid new space flight business contract or commenced the consolidation of a space flight business contract; prohibiting a tax refund for a qualified defense contractor from being paid unless local financial support has been paid to the Economic Development Trust Fund for that refund; providing eligible sources of such local financial support; providing for certain reductions in the amount of such tax refunds and applicable limitations; providing that an applicant may not be certified after a specified date; deleting provisions relating to the submission of an annual report of the payment of certain tax refunds by the Office of Tourism, Trade, and Economic Development to the Governor, the President of the Senate, and the Speaker of the House of Representatives; amending ss. 14.2015 and 213.053, F.S., relating to duties of the Office of Tourism, Trade, and Economic Development and the sharing of information by the Department of Revenue; conforming provisions to changes made by the act; providing an effective date.

By the Committee on Judiciary; and Senator Crist—

CS for SB 2676—A bill to be entitled An act relating to pretrial release programs; creating s. 907.043, F.S.; creating the “Citizens’ Right-to-Know Act”; defining the terms “nonsecured release,” “pretrial release program,” “register,” and “secured release”; requiring each pretrial release program to prepare a register displaying information relevant to the defendants released through such a program; requiring that a copy of the register be located at the office of the clerk of the circuit court in the county where the program is located and readily accessible to the public; specifying the contents of the register; requiring each pretrial release program to submit an annual report to the Office of the State Courts Administrator and to the clerk of the circuit court by a specified date; specifying the content of the annual report; providing penalties for noncompliance by the pretrial release program; amending s. 903.011, F.S.; providing requirements for the form of bail or bond required for release from detention; amending s. 903.286, F.S.; requiring that all cash bond forms prominently display a notice explaining that cash funds are subject to forfeiture and withholding by the clerk of the court for the payment of court fees, court costs, and criminal penalties on behalf of the criminal defendant regardless of who posted the funds; providing an effective date.

By the Committees on Criminal and Civil Justice Appropriations; Judiciary; and Senator Crist—

CS for CS for SB 2676—A bill to be entitled An act relating to pretrial release programs; creating s. 907.043, F.S.; creating the “Citizens’ Right-to-Know Act”; defining the terms “nonsecured release,” “pretrial release program,” “register,” and “secured release”; requiring each pretrial release program to prepare a register displaying information relevant to the defendants released through such a program; requiring that a copy of the register be located at the office of the clerk of the circuit court in the county where the program is located and readily accessible to the public; specifying the contents of the register; requiring each pretrial release program to submit an annual report to the Office of the State Courts Administrator and to the clerk of the circuit court by a specified date; specifying the content of the annual report; amending s. 903.011, F.S.; providing requirements for the form of bail or bond required for release from detention; amending s. 903.286, F.S.; requiring that all cash bond forms prominently display a notice explaining that cash funds are subject to forfeiture and withholding by the clerk of the court for the payment of court fees, court costs, and criminal penalties on behalf of the criminal defendant regardless of who posted the funds; providing an effective date.

By the Committees on Education Pre-K - 12 Appropriations; Higher Education; and Senator Wise—

CS for CS for SB 2700—A bill to be entitled An act relating to students with disabilities; amending ss. 1002.33, 1002.39, 1003.01, and 1003.438, F.S., relating to charter schools, the John M. McKay Scholarships for Students with Disabilities Program, definitions, and special high school graduation requirements; revising the terminology used to identify students with certain disabilities; amending s. 1003.21, F.S.,

relating to school attendance; revising the terminology used to identify students with certain disabilities; authorizing the State Board of Education to adopt rules relating to the eligibility of certain children with disabilities for admission to special programs and related services; removing the authority of district school boards to adopt such rules; amending s. 1004.55, F.S.; deleting a provision that prohibits direct medical intervention or pharmaceutical intervention in a regional autism center; amending ss. 1007.02, 1007.264, and 1007.265, F.S., relating to postsecondary education; revising the terminology used to identify students with intellectual, emotional, or behavioral disabilities; providing an effective date.

By the Committee on Community Affairs; and Senators Aronberg and Justice—

CS for SB 2710—A bill to be entitled An act relating to special districts; amending s. 170.01, F.S.; revising provisions relating to special assessments; authorizing a municipality to determine by resolution that the affected property owners vote by tax folio numbers of affected properties or by total square footage of the affected properties; amending s. 189.403, F.S.; revising the definition of “special district”; creating s. 189.4221, F.S.; authorizing a special district to purchase commodities and contractual services from the purchasing agreements of other special districts, municipalities, or counties; creating s. 418.27, F.S.; requiring that certain special recreation districts be dissolved within a certain period after the bonds are satisfied; requiring that the district or bonding authority notify the municipality or county that created the special district that the bonds have been satisfied; requiring such district to file a notice with the county clerk and the property appraiser that the district has been dissolved; providing for retroactivity; repealing ch. 77-635, Laws of Florida, and abolishing the Pinellas Sports Authority; repealing ch. 84-423, Laws of Florida, and abolishing the Tri-County Hospital Authority; repealing ch. 12010, Laws of Florida, and abolishing the Eagle Bay Sub-Drainage District; repealing ch. 84-391, Laws of Florida, and abolishing the Bay County Bridge Authority; repealing ch. 2004-451, Laws of Florida, and abolishing the North Sumter County Hospital District; providing for severability; providing an effective date.

By the Committee on Judiciary; and Senator Aronberg—

CS for SB 2716—A bill to be entitled An act relating to residential tenancies; amending s. 83.43, F.S.; redefining the term “rental agreement”; defining the term “early termination fee”; amending s. 83.595, F.S.; allowing a landlord to terminate a rental agreement and recover liquidated damages or charge the tenant an early termination fee for breach of the agreement, or both, under certain circumstances; requiring the tenant to indicate acceptance of an early termination fee or liquidated-damages provision in the rental agreement in order for the provision to take effect; providing a limit on the combined total of damages and fees; providing liability of the tenant for rent, other charges due, and rental concessions; providing an effective date.

By the Committees on Judiciary; Health Regulation; and Senator Peadar—

CS for CS for SB 2756—A bill to be entitled An act relating to drugs, devices, and cosmetics; amending and reorganizing provisions in part I of ch. 499, F.S.; amending s. 499.002, F.S.; expanding the provisions of the section to include administration and enforcement of, exemptions from, and purpose of the part; amending and redesignating ss. 499.004, 499.0053, 499.07, 499.071, and 499.081, F.S., as provisions in that section relating to such functions to conform; amending s. 499.003, F.S.; revising and providing definitions; amending and redesignating provisions in ss. 499.012, 499.029, and 499.0661, F.S., relating to definitions, as provisions of that section; amending s. 499.005, F.S.; conforming provisions to changes made by the act, including the substitution of the term “prescription drug” for the term “legend drug”; amending s. 499.0051, F.S.; substituting the term “prescription drug” for the term “legend drug” with regard to criminal acts; consolidating criminal act provisions of part I of ch. 499, F.S.; amending and redesignating ss. 499.0052, 499.00535, 499.00545, 499.069, and 499.0691, F.S., as criminal offense provisions in that section; providing penalties; conforming provisions to changes made by the act; amending s. 499.0054, F.S.,

relating to advertising and labeling of drugs, devices, and cosmetics to include certain exemptions; amending and redesignating ss. 499.0055 and 499.0057, F.S., as provisions relating to those functions in that section; amending s. 499.006, F.S.; conforming provisions to changes made by the act; amending s. 499.007, F.S.; conforming provisions to changes made by the act; providing that a drug or device is misbranded if it is an active pharmaceutical ingredient in bulk form and does not bear a label containing certain information; amending ss. 499.008 and 499.009, F.S.; conforming provisions to changes made by the act; amending s. 499.01, F.S.; providing that the section relates only to permits; requiring a permit to operate as a third party logistics provider and a health care clinic establishment; providing requirements for obtaining a permit to operate in certain capacities; deleting certain permit requirements; providing an exemption for a nonresident prescription drug manufacturer permit; providing requirements for such exemption; providing requirements for a third party logistics provider permit and a health care clinic establishment permit; amending and redesignating provisions of ss. 499.013, and 499.014, F.S., relating to such functions as provisions of that section; conforming provisions and cross-references to changes made by the act; amending s. 499.012, F.S.; providing that the section relates to permit application requirements; providing that a separate establishment permit is not required when a permitted prescription drug wholesale distributor operates temporary transit storage facilities for the sole purpose of storage; amending the provisions to conform; amending and redesignating provisions of s. 499.01, F.S., relating to such functions as provisions of that section; conforming provisions and cross-references to changes made by the act; amending s. 499.01201, F.S.; conforming provisions to changes made by the act; amending s. 499.0121, F.S., relating to storage and handling of prescription drugs and recordkeeping; directing the department to adopt rules requiring a wholesale distributor to maintain pedigree papers separate and distinct from other required records; deleting a requirement that a person who is engaged in the wholesale distribution of a prescription drug and who is not the manufacturer of that drug provide a pedigree paper to the person who receives the drug; deleting the department's requirement to adopt rules with regard to recordkeeping by affiliated groups; conforming provisions and cross-references to changes made by the act; amending and redesignating a provision of s. 499.013, F.S., relating to such functions as a provision of that section; amending s. 499.01211, F.S.; conforming provisions and cross-references to changes made by the act; creating s. 499.01212, F.S.; requiring a person who is engaged in the wholesale distribution of a prescription drug to provide a pedigree paper to the person who receives the drug; requiring certain information in a pedigree paper; requiring a wholesale distributor to maintain and make available to the department certain information; providing exceptions to the requirement of a pedigree paper; repealing s. 499.0122, F.S., relating to medical oxygen and veterinary legend drug retail establishments; repealing s. 499.013, F.S., relating to manufacturers and repackagers of drugs, devices, and cosmetics; amending ss. 499.015, 499.024, 499.028, 499.029, and 499.03, F.S.; conforming provisions and cross-references to changes made by the act; amending ss. 499.032 and 499.033, F.S.; conforming terminology to changes made by the act; amending s. 499.039, F.S.; conforming a provision and cross-reference; amending ss. 499.04, F.S.; conforming provisions to changes made by the act; amending s. 499.041, F.S.; conforming provisions to changes made by the act; requiring the department to assess an annual fee for a third part logistic provider permit and a health care clinic establishment permit; amending s. 499.05, F.S.; conforming provisions to changes made by the act; requiring the department to adopt rules with regard to procedures and forms relating to pedigree paper requirements, alternatives to compliance with the requirement of certain pedigree papers, and the return of prescription drugs purchased before a specified date; amending and redesignating provisions of ss. 499.013 and 499.0122, F.S., as provisions relating to rulemaking functions of that section; amending ss. 499.051, 499.052, 499.055, and 499.06, F.S.; conforming provisions to changes made by the act; amending s. 499.062, F.S.; providing that the section relates to seizure and condemnation of drugs, devices, or cosmetics; conforming a provision to changes made by the act; amending and redesignating ss. 499.063 and 499.064, F.S., as provisions relating to such functions in that section; amending ss. 499.065, 499.066, 499.0661, and 499.067, F.S.; conforming provisions and cross-references to changes made by the act; amending ss. 409.9201, 460.403, 465.0265, 794.075, 895.02, and 921.0022, F.S.; conforming provisions to changes made by the act; conforming cross-references to changes made by the act; providing an effective date.

By the Committees on Governmental Operations; Judiciary; Children, Families, and Elder Affairs; and Senators Dockery and Lynn—

CS for CS for CS for SB 2762—A bill to be entitled An act relating to confidential records of children; creating s. 39.00145, F.S.; requiring that the case file of a child under the supervision or in the custody of the Department of Children and Family Services be maintained in a complete and accurate manner; specifying who has access to the case file and the records in the file; authorizing the court to directly release the child's records to certain entities; requiring that the department release information in a manner and setting that is appropriate to the child's age and maturity and the nature of the information; providing that certain entities may share confidential information about a child with other entities that provide services benefiting children; amending s. 39.202, F.S.; clarifying who has access to a child's records and who may bring an action to require access to confidential records held by the department; revising provisions relating to the amount of time the department is required to make and keep such records; amending s. 39.2021, F.S.; expanding the department's authority to release records relating to children on its own initiative upon a showing of good cause; requiring notice to certain parties before such release; providing for a court order to stop such release; amending s. 402.115, F.S.; adding the Department of Juvenile Justice to the list of agencies that are authorized to exchange confidential information; amending s. 415.107, F.S.; clarifying who may bring an action to require access to confidential records held by the Department of Children and Family Services; amending s. 415.1071, F.S.; expanding the department's authority to release records relating to vulnerable adults on its own initiative upon a showing of good cause; requiring notice to certain parties before such release; providing for a court order to stop such release; providing an effective date.

REFERENCE CHANGES PURSUANT TO RULE 4.7(2)

By the Committees on Criminal and Civil Justice Appropriations; Judiciary; Criminal Justice; and Senator Crist—

CS for CS for CS for SB 700—A bill to be entitled An act relating to juvenile justice; amending s. 29.008, F.S.; conforming cross-references; amending s. 790.22, F.S.; revising provisions relating to community service programs; amending s. 939.185, F.S.; providing diversion options; amending s. 984.05, F.S., conforming cross-references; amending s. 984.09, F.S.; deleting duplicative provisions relating to contempt of court and alternative sanctions; amending s. 985.02, F.S.; providing diversion options; amending s. 985.03, F.S.; defining the term "ordinary medical care"; amending and renumbering provisions of s. 985.037, F.S., relating to alternative sanctions; creating s. 985.0375, F.S.; providing for alternative sanctions; amending s. 985.04, F.S.; providing that confidential information obtained during an official's service with juvenile delinquents may be shared with authorized personnel of the Department of Children and Family Services; amending s. 985.245, F.S.; providing for additional representatives to be included on the committee formed to advise the Department of Juvenile Justice on the risk assessment instrument; requiring periodic evaluation of the risk assessment instrument; amending s. 985.265, F.S.; providing an exception to required supervision in direct supervision housing; amending s. 985.601, F.S.; requiring the Department of Juvenile Justice to adopt rules to establish procedures to provide ordinary medical care, mental health, substance abuse, and developmental disabilities services to youth within the juvenile justice continuum; requiring that, to the extent possible within available fiscal resources, the procedures must be commensurate with procedures that youth receive in the community; amending s. 985.606, F.S.; revising provisions governing data collection; amending s. 985.632, F.S.; authorizing the department to conduct a demonstration project in order to create an accountable juvenile justice system that is outcome-based; amending s. 985.644, F.S., relating to departmental contracting powers; removing references to the Department of Children and Family Services; amending s. 985.66, F.S.; transferring the responsibility for the juvenile justice training program from the Juvenile Justice Standards and Training Commission to the Department of Juvenile Justice; requiring the department to adopt rules; amending s. 985.664, F.S., relating to the juvenile justice circuit boards and juvenile justice county councils; providing a reference to the Children and Youth Cabinet; requiring that juvenile justice circuit boards and county councils participate in facilitating interagency cooperation and information sharing with certain entities; requiring that such collaborations specify certain information; providing requirements for the annual reports required to be submitted

by each juvenile justice circuit board; amending s. 985.668, F.S.; encouraging each juvenile justice circuit board, in consultation with the juvenile justice county council, to propose an innovation zone within the circuit; amending s. 985.676, F.S.; including the development and implementation of a strategic plan; amending s. 985.721, F.S.; conforming a cross-reference; amending s. 1006.13, F.S.; removing the reference of zero tolerance; providing an effective date.

—was placed on the Calendar.

By the Committees on Judiciary; Ethics and Elections; and Senator Constantine—

CS for CS for SB 866—A bill to be entitled An act relating to elections; amending s. 97.012, F.S.; revising provisions relating to the investigative duties of the Secretary of State; amending s. 97.041, F.S.; revising requirements for voter preregistration of minors; amending s. 97.053, F.S.; revising provisions relating to verification of certain information on voter registration applications; amending s. 97.0535, F.S.; revising forms of acceptable identification for certain voter registration applicants; amending s. 97.055, F.S.; providing for change of party affiliation after the closing of the registration books to apply to an upcoming election under certain circumstances; amending s. 98.065, F.S.; revising registration list maintenance provisions; creating s. 98.0655, F.S.; requiring the Department of State to prescribe registration list maintenance forms; providing criteria for such forms; amending s. 98.075, F.S.; providing for the removal of the name of a deceased person from the statewide voter registration system upon receipt by the supervisor of a copy of a death certificate; providing procedures concerning such removal; amending s. 98.0981, F.S.; reducing the time by which supervisors of elections must electronically transmit certain voter history information to the department; requiring the department to prepare a detailed report containing specified voter information to legislative officers after a general election; requiring supervisors of elections to collect and submit data to the department after certain elections; defining the phrase “all ballots cast”; requiring the department to compile precinct-level statistical data for counties before certain elections; amending s. 99.012, F.S.; providing restrictions on individuals qualifying for public office; removing an exception from such restrictions for persons seeking any federal public office; amending s. 99.021, F.S.; deleting a resignation statement from the qualifying oath for candidates for federal office; amending s. 100.221, F.S.; providing circumstances under which early voting is not required; amending s. 100.361, F.S.; revising provisions relating to the recall of municipal or charter county officers, recall committees, recall petitions, recall defense, and offenses related thereto; amending s. 100.371, F.S.; providing that a petition form circulated for signatures may not be bundled with other petitions; deleting requirements relating to the recording and determination of signature forms; providing that an elector may complete and submit a standard petition-revocation form directly to the supervisor of elections under certain circumstances; requiring that the division adopt petition-revocation forms by rule; amending s. 101.041, F.S.; deleting a requirement for the printing and distribution of official ballots; amending s. 101.045, F.S.; authorizing the use of a voter registration application for a name or address change; amending s. 101.111, F.S.; revising methods by which a person’s right to vote may be challenged; amending s. 101.23, F.S.; deleting provisions requiring an election inspector to prevent certain persons from voting; amending s. 101.51, F.S.; deleting provisions specifying certain responsibilities of election officials before allowing electors to enter a booth or compartment to vote; amending s. 101.5608, F.S.; revising certain procedures relating to the deposit of ballots; repealing s. 101.573, F.S., relating to the reporting of precinct-level election results; amending s. 101.6102, F.S.; providing exceptions to the types of elections that may not be conducted by mail ballot; amending s. 101.6923, F.S.; revising forms of acceptable identification for certain absentee voters; amending s. 101.733, F.S.; authorizing the Governor to call for a mail ballot election in the event of a declared state of emergency or an impending emergency; requiring that the Department of State adopt rules regarding such election; revising notice requirements for elections rescheduled due to an emergency; amending s. 101.75, F.S.; authorizing municipalities to set by ordinance election dates to coincide with statewide or countywide elections; amending s. 102.014, F.S.; revising provisions relating to the training of poll workers; amending s. 102.031, F.S.; including the term “solicitation” as an equivalent of the term “solicit” as it relates to the unlawful solicitation of voters; providing that such terms do not prohibit exit polling; amending s. 102.112, F.S.;

revising the county canvassing board’s certification requirements for election returns; amending s. 103.101, F.S.; deleting provisions related to the placement on the ballot of presidential candidates whose names do not appear on the list submitted to the Secretary of State; amending s. 106.021, F.S.; removing a campaign finance filing requirement for certain candidates; amending s. 106.07, F.S.; clarifying that political subdivisions may impose electronic filing requirements on certain candidates, and that expenditures for such filing system serve a valid public purpose; repealing s. 106.082, F.S., relating to campaign contribution limitations for candidates for the office of Commissioner of Agriculture; amending s. 106.147, F.S.; requiring a disclosure statement for certain telephone calls; revising provisions requiring authorization from the candidate or sponsor for certain telephone calls; amending s. 106.24, F.S.; providing that the Florida Elections Commission is its own agency head rather than the director of the commission; amending s. 190.006, F.S.; deleting certain fee and assessment provisions for candidates seeking election to the board of supervisors of a community redevelopment district; providing effective dates.

—was placed on the Calendar.

By the Committees on Governmental Operations; and Health Policy—

CS for SB 1090—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 409.821, F.S., relating to a public-records exemption for certain records pertaining to the Florida Kidcare program; clarifying provisions authorizing the release of certain information to the legal guardian of an enrollee; saving the exemption from repeal under the Open Government Sunset Review Act; repealing s. 2, chapter 2003-104, Laws of Florida; deleting provisions providing for repeal of the exemption; repealing s. 624.91(8), F.S., relating to a public-records exemption for the Florida Healthy Kids Corporation; providing an effective date.

—was placed on the Calendar.

By the Committees on Transportation and Economic Development Appropriations; Transportation; and Senator Baker—

CS for CS for SB 1978—A bill to be entitled An act relating to the Department of Transportation; amending s. 20.23, F.S.; providing Senior Management Service status to the Executive Director of the Florida Transportation Commission; amending s. 125.42, F.S.; providing an exception to utility owners from the responsibility for relocating utilities along county roads and highways; amending s. 163.3177, F.S.; revising requirements for comprehensive plans; providing for airports, land adjacent to airports, and certain interlocal agreements relating thereto in certain elements of the plan; amending s. 163.3182, F.S., relating to transportation concurrency backlog authorities; providing legislative findings and declarations; expanding the power of authorities to borrow money to include issuing certain debt obligations; providing a maximum maturity date for certain debt incurred to finance or refinance certain transportation concurrency backlog projects; authorizing authorities to continue operations and administer certain trust funds for the period of the remaining outstanding debt; requiring local transportation concurrency backlog trust funds to continue to be funded for certain purposes; providing for increased ad valorem tax increment funding for such trust funds under certain circumstances; revising provisions for dissolution of an authority; amending s. 316.0741, F.S.; redefining the term “hybrid vehicle”; authorizing the driving of a hybrid, low-emission, or energy-efficient vehicle in a high-occupancy-vehicle lane regardless of occupancy; authorizing the department to limit or discontinue such driving under certain circumstances; exempting such vehicles from the payment of certain tolls; amending s. 316.193, F.S.; lowering the blood-alcohol or breath-alcohol level for which enhanced penalties are imposed against a person who was accompanied in the vehicle by a minor at the time of the offense; clarifying that an ignition interlock device is installed for a continuous period; amending s. 316.302, F.S.; revising the application of certain federal rules; providing for the department to perform certain duties assigned under federal rules; updating a reference to federal provisions governing out-of-service requirements for commercial vehicles; amending ss. 316.613 and 316.614, F.S.; revising the definition of “motor vehicle” for purposes of child restraint and safety belt usage requirements; amending s. 316.656, F.S.; lowering the percentage of

blood or breath alcohol content relating to the prohibition against pleading guilty to a lesser offense of driving under the influence than the offense charged; amending s. 322.64, F.S.; providing that refusal to submit to a breath, urine, or blood test disqualifies a person from operating a commercial motor vehicle; providing a period of disqualification if a person has an unlawful blood-alcohol or breath-alcohol level; providing for issuance of a notice of disqualification; revising the requirements for a formal review hearing following a person's disqualification from operating a commercial motor vehicle; amending s. 336.41, F.S.; providing that a county, municipality, or special district may not own or operate an asphalt plant or a portable or stationary concrete batch plant having an independent mixer; amending s. 337.11, F.S.; authorizing the department to pay stipends to unsuccessful bidders on construction and maintenance contracts; amending s. 337.18, F.S.; revising the recording requirements of payment and performance bonds; amending s. 337.185, F.S.; providing for maintenance contracts to be included in the types of claims settled by the State Arbitration Board; amending s. 337.403, F.S.; providing for the department or a local governmental entity to pay the costs of removing or relocating a utility that is interfering with the use of a road or rail corridor; amending s. 338.01, F.S.; requiring that newly installed electronic toll collection systems be interoperable with the department's electronic toll collection system; amending s. 338.165, F.S.; providing that provisions requiring the continuation of tolls following the discharge of bond indebtedness does not apply to high-occupancy toll lanes or express lanes; creating s. 338.166, F.S.; authorizing the department to request that bonds be issued which are secured by toll revenues from high-occupancy toll or express lanes in a specified location; providing for the department to continue to collect tolls after discharge of indebtedness; authorizing the use of excess toll revenues for improvements to the State Highway System; authorizing the implementation of variable rate tolls on high-occupancy toll lanes or express lanes; amending s. 338.2216, F.S.; directing the turnpike enterprise to develop new technologies and processes for the collection of tolls and usage fees; prohibiting the enterprise from entering into certain joint contracts for the sale of fuel and other goods; providing an exception; providing restrictions on contracts pertaining to service plazas; amending s. 338.223, F.S.; conforming a cross-reference; amending s. 338.231, F.S.; eliminating reference to uniform toll rates on the Florida Turnpike System; authorizing the department to fix by rule and collect the amounts needed to cover toll collection costs; amending s. 339.12, F.S.; clarifying a provision specifying a maximum total amount of project agreements for certain projects; authorizing the department to enter into certain agreements with counties having a specified maximum population; defining the term "project phase"; requiring that a project or project phase be a high priority of a governmental entity; providing for reimbursement for a project or project phase; specifying a maximum total amount for certain projects and project phases; requiring that such project be included in the local government's adopted comprehensive plan; authorizing the department to enter into long-term repayment agreements up to a specified maximum length; amending s. 339.135, F.S.; revising certain notice provisions that require the Department of Transportation to notify local governments regarding amendments to an adopted 5-year work program; amending s. 339.155, F.S.; revising provisions for development of the Florida Transportation Plan; amending s. 339.2816, F.S., relating to the small county road assistance program; providing for resumption of certain funding for the program; revising the criteria for counties eligible to participate in the program; amending ss. 339.2819 and 339.285, F.S.; conforming cross-references; amending s. 348.0003, F.S.; providing for financial disclosure for expressway, transportation, bridge, and toll authorities; amending s. 348.0004, F.S.; providing for certain expressway authorities to index toll rate increases; repealing part III of ch. 343 F.S.; abolishing the Tampa Bay Commuter Transit Authority; requiring the department to conduct a study of transportation alternatives for the Interstate 95 corridor; amending s. 409.908, F.S.; authorizing the Agency for Health Care Administration to continue to contract for Medicaid nonemergency transportation services in a specified agency service area with managed care plans under certain conditions; amending s. 427.011, F.S.; revising definitions; defining the term "purchasing agency"; amending s. 427.012, F.S.; revising the number of members required for a quorum at a meeting of the Commission for the Transportation Disadvantaged; amending s. 427.013, F.S.; revising responsibilities of the commission; deleting a requirement that the commission establish by rule acceptable ranges of trip costs; removing a provision for functioning and oversight of the quality assurance and management review program; requiring the commission to incur expenses for promotional services and items; amending s. 427.0135, F.S.; revising and creating duties and responsibilities for agencies that purchase transportation services for the transportation disadvantaged; providing requirements

for the payment of rates; requiring an agency to negotiate with the commission before procuring transportation disadvantaged services; requiring an agency to identify its allocation for transportation disadvantaged services in its legislative budget request; amending s. 427.015, F.S.; revising provisions relating to the function of the metropolitan planning organization or designated official planning agency; amending s. 427.0155, F.S.; revising duties of community transportation coordinators; amending s. 427.0157, F.S.; revising duties of coordinating boards; amending s. 427.0158, F.S.; deleting provisions requiring the school board to provide information relating to school buses to the transportation coordinator; providing for the transportation coordinator to request certain information regarding public transportation; amending s. 427.0159, F.S.; revising provisions relating to the Transportation Disadvantaged Trust Fund; providing for the deposit of funds by an agency purchasing transportation services; amending s. 427.016, F.S.; providing for construction and application of specified provisions to certain acts of a purchasing agency in lieu of the Medicaid agency; requiring that an agency identify the allocation of funds for transportation disadvantaged services in its legislative budget request; amending s. 479.01, F.S.; redefining the term "automatic changeable facing" as used in provisions governing outdoor advertising; amending s. 479.07, F.S.; revising the locations within which signs require permitting; providing requirements for the placement of permit tags; requiring the department to establish by rule a service fee and specifications for replacement tags; amending s. 479.08, F.S.; deleting a provision allowing a sign permittee to correct false information that was knowingly provided to the department; requiring the department to include certain information in the notice of violation; amending s. 479.156, F.S.; modifying local government control of the regulation of wall murals adjacent to certain federal highways; amending s. 479.261, F.S.; revising requirements for the logo sign program of the interstate highway system; deleting provisions providing for permits to be awarded to the highest bidders; requiring the department to implement a rotation-based logo program; requiring the department to adopt rules that set reasonable rates based on certain factors for annual permit fees; requiring that such fees not exceed a certain amount for sign locations inside and outside an urban area; amending s. 212.0606, F.S.; providing for the imposition by countywide referendum of an additional surcharge on the lease or rental of a motor vehicle; providing the proceeds of the surcharge to be transferred to the Local Option Fuel Tax Trust Fund and used for the construction and maintenance of commuter rail service facilities; providing definitions relating to commuter rail service, rail corridors, and railroad operation for purposes of the rail program within the department; amending s. 341.302, F.S.; authorizing the department to purchase specified property for the purpose of implementing commuter rail service; authorizing the department to assume certain liability on a rail corridor; authorizing the department to indemnify and hold harmless a railroad company when the department acquires a rail corridor from the company; providing allocation of risk; providing a specific cap on the amount of the contractual duty for such indemnification; authorizing the department to purchase and provide insurance in relation to rail corridors; authorizing marketing and promotional expenses; extending provisions to other governmental entities providing commuter rail service on public right-of-way; amending s. 768.28, F.S.; expanding the list of entities considered agents of the state; providing for construction in relation to certain federal laws; providing an effective date.

—was referred to the Committee on Transportation and Economic Development Appropriations.

By the Committee on Finance and Tax; and Senators Webster and Fasano—

CS for SB 2094—A bill to be entitled An act relating to the tax on sales, use, and other transactions; specifying a period during which the sale of clothing and school supplies is exempt from the tax; providing definitions; providing exceptions; authorizing the Department of Revenue to adopt rules; providing an appropriation; providing an effective date.

—was placed on the Calendar.

By the Committees on Community Affairs; Banking and Insurance; and Senator Saunders—

CS for CS for SB 2388—A bill to be entitled An act relating to fire prevention and control; amending ss. 218.23 and 447.203, F.S.; revising cross-references; amending s. 553.895, F.S.; revising outdated publication references; amending s. 633.02, F.S.; providing the correct name for the State Fire Marshal; amending s. 633.022, F.S.; revising provisions relating to uniform firesafety standards to include application to tunnels; revising requirements pertaining to supervised automatic sprinkler systems within nursing homes; requiring a nursing home licensee to submit complete sprinkler construction documents to the Agency for Health Care Administration by a specified date; requiring such licensee to gain final approval from the agency to start construction by a specified date; authorizing the agency to extend the deadline under certain circumstances; amending s. 633.0245, F.S.; changing the application deadline for participation in the State Fire Marshal Nursing Home Loan Guarantee Program; amending s. 633.025, F.S.; providing requirements for firesafety plans and inspections for manufactured buildings; amending s. 633.03, F.S.; expanding application of authority of the State Fire Marshal to investigate fires to include explosions; amending s. 633.061, F.S.; revising the type of fire suppression equipment in which a person must be licensed in order to engage in the business of servicing, inspecting, recharging, hydrotesting, or installing; revising the requirements for the renewal of a license to engage in the business of servicing, inspecting, recharging, hydrotesting, or installing fire suppression equipment; amending s. 633.081, F.S.; authorizing the State Fire Marshal to inspect buildings or structures for certain violations; abolishing special state firesafety inspector classifications; providing for certification as a firesafety inspector; providing application and examination requirements; authorizing the State Fire Marshal to develop a certain advanced training and certification program for firesafety inspectors; authorizing the Division of State Fire Marshal to enter into a reciprocity agreement with the Florida Building Code Administrators and Inspectors Board for certain continuing education recertification purposes; amending s. 633.085, F.S.; revising requirements for the State Fire Marshal to inspect state buildings; amending s. 633.101, F.S.; revising and expanding the authority and powers of the State Fire Marshal to administer oaths, compel attendance of witnesses, and collect evidence; providing certain forms of immunity from liability for certain actions and persons under certain circumstances; exempting certain information from discovery under certain circumstances; exempting agents of the State Fire Marshal from subpoena under certain circumstances; specifying limitations on treatment of physical evidence; authorizing persons and agents of the State Fire Marshal to submit certain crime-related reports or information to the State Fire Marshal; authorizing agents of the State Fire Marshal to make arrests as state law enforcement officers under certain circumstances; providing that it is unlawful to resist arrest; amending s. 633.121, F.S.; expanding the list of eligible persons authorized to enforce laws and rules of the State Fire Marshal; amending s. 633.13, F.S.; revising a provision relating to the authority of agents of the State Fire Marshal; amending s. 633.14, F.S.; revising and expanding powers regarding arrests, searches, and the carrying of firearms by State Fire Marshal agents and investigators; amending s. 633.161, F.S.; expanding the list of violations for which the State Fire Marshal may issue certain enforcement orders; providing criminal penalties for failure to comply with such orders; amending s. 633.171, F.S.; conforming a provision; amending s. 633.175, F.S.; specifying additional powers granted to the State Fire Marshal; amending s. 633.18, F.S.; revising a provision relating to conduct of inquiries or investigations by agents of the State Fire Marshal; amending s. 633.30, F.S.; revising and providing definitions; amending s. 633.34, F.S.; revising requirements for qualification for employment as a firefighter; amending s. 633.35, F.S.; revising requirements for firefighter training and certification; amending s. 633.351, F.S.; revising provisions for disciplinary actions for firefighters; revising standards for revocation of firefighter certifications; amending s. 633.352, F.S.; revising requirements for retention of firefighter certification; amending s. 633.382, F.S.; revising provisions regarding required supplemental compensation for firefighters; amending s. 633.524, F.S.; authorizing the State Fire Marshal to contract to provide certain examinations; amending s. 633.541, F.S.; expanding an exclusion from application of a prohibition against contracting without certification for certain homeowners; amending s. 633.72, F.S.; revising the membership terms of the Fire Code Advisory Council; amending s. 633.811, F.S.; expanding authority of the division to enforce provisions of law and rules applicable to employers; authorizing assessment of administrative fines; amending s. 633.821, F.S.; deleting certain obsolete provisions requiring

counties, municipalities, and special districts to implement certain provisions of federal law; repealing s. 1013.12(8), F.S., relating to annual reports; providing an effective date.

—was referred to the Committees on Criminal Justice; and General Government Appropriations.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State CS for SB 276 which he approved on April 22, 2008.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has passed HB 85, CS for HB 151, CS for HB 251, CS for HB 337, CS for HB 435, CS for HB 535, CS for HB 625, CS for HB 687, CS for HB 843, CS for HB 853, CS for HB 861, HB 989, CS for HB 1027, HB 7007, HB 7073, HB 7085; has passed as amended CS for HB 3, CS for CS for HB 105, CS for CS for HB 343, CS for HB 663, CS for HB 995, CS for CS for HB 1395, HB 7077, CS for HB 7083; has passed by the required constitutional two-thirds vote of the members present CS for HB 863 and requests the concurrence of the Senate.

William S. Pittman III, Chief Clerk

By Representative Kravitz and others—

HB 85—A bill to be entitled An act relating to lewd or lascivious molestation; amending s. 775.082, F.S.; requiring life sentences for certain second or subsequent offenders; amending s. 948.012, F.S.; conforming a cross-reference; reenacting s. 800.04(5)(b), F.S., relating to lewd or lascivious offenses committed against persons less than 12 years of age, to incorporate the amendments made to s. 775.082, F.S., in a reference thereto; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Criminal and Civil Justice Appropriations.

By the Safety and Security Council; and Representative Reed and others—

CS for HB 151—A bill to be entitled An act relating to radio equipment using law enforcement frequencies; amending s. 843.16, F.S.; providing exceptions to prohibition on use of such equipment for specified personnel using personal transportation to and from work and for certain government employees; providing an effective date.

—was referred to the Committees on Criminal Justice; and Community Affairs.

By the Schools and Learning Council; and Representative Jordan and others—

CS for HB 251—A bill to be entitled An act relating to Reserve Officers' Training Corps programs; creating s. 1003.451, F.S.; prohibiting a school district from banning a Junior Reserve Officers' Training Corps unit in certain schools; requiring a school district to allow a student, under certain circumstances, to enroll in the Junior Reserve Officers' Training Corps at another school; specifying that a school district is not required to provide transportation for a student enrolling in the Junior Reserve Officers' Training Corps at another school; requiring a school district to grant military recruiters certain access to students, school facilities and grounds, and certain student information; providing for enforcement; providing for the adoption of rules by the State Board of Education; creating s. 1004.009, F.S.; prohibiting a community college

or state university from banning a Senior Reserve Officers' Training Corps unit; requiring that a community college or state university grant military recruiters certain access to students and campus facilities and grounds and, to the extent required by federal law, access to certain student information; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; Military Affairs and Domestic Security; Higher Education; and Education Pre-K - 12 Appropriations.

By the Schools and Learning Council; and Representative Ford and others—

CS for HB 337—A bill to be entitled An act relating to management of Historic Pensacola properties; amending s. 267.173, F.S.; providing for the University of West Florida to directly contract for management of certain state-owned properties in Pensacola; requiring agreement of all parties to existing contracts and execution of contract with the Board of Trustees of the Internal Improvement Trust Fund; deleting a requirement to contract with the Department of State for certain historic properties in Pensacola; deleting language related to transfer of properties and contract requirements with the Department of State; permitting the University of West Florida to contract with its direct-support organization for management of historic properties; providing eligibility for certain grants; providing an effective date.

—was referred to the Committees on Governmental Operations; Higher Education; Transportation and Economic Development Appropriations; and Higher Education Appropriations.

By the Safety and Security Council; and Representative Hukill and others—

CS for HB 435—A bill to be entitled An act relating to trust administration; amending s. 736.0703, F.S.; providing exceptions to duties and liabilities of cotrustees for excluded cotrustees under certain circumstances; relieving excluded cotrustees from specified liabilities and obligations under certain circumstances; providing for liabilities and obligations of included cotrustees; amending s. 736.0802, F.S.; providing an exception for trustee payments of costs and attorney's fees from trust assets except pursuant to court order under certain circumstances; requiring trustees to provide certain notice to beneficiaries; providing notice requirements; providing requirements for obtaining such a court order; specifying remedies; providing for specified refunds and sanctions; preserving certain court remedies; amending s. 736.1008, F.S.; specifying periods of repose barring claims by a beneficiary against a trustee; providing construction; providing an effective date.

—was referred to the Committees on Judiciary; and Banking and Insurance.

By the Policy and Budget Council; and Representative Cretul and others—

CS for HB 535—A bill to be entitled An act relating to health insurance; amending s. 627.4236, F.S.; revising the definition of the term "bone marrow transplant"; amending ss. 627.642, 627.657, and 641.31, F.S.; requiring an identification card containing specified information to be given to insureds under health benefit plans and group health insurance policies and persons having health care services through health maintenance contracts; providing applicability; providing for an exception to certain identification card requirements for cards issued before a certain date; providing an effective date.

—was referred to the Committees on Banking and Insurance; Health Policy; and General Government Appropriations.

By the Healthcare Council; and Representative Glorioso and others—

CS for HB 625—A bill to be entitled An act relating to independent living transition services; amending s. 409.1451, F.S.; providing for fam-

ily foster homes, residential child-caring agencies, or other authorized caregivers to be included in the development of plans for activities for certain children; requiring specified information to be included in a report to the Legislature by the Independent Living Services Advisory Council; creating s. 743.046, F.S.; providing for removal of disabilities of certain minors for purposes of securing utility services; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; and Health and Human Services Appropriations.

By the Government Efficiency and Accountability Council; and Representative Proctor and others—

CS for HB 687—A bill to be entitled An act relating to service-disabled veteran business enterprises; creating the Florida Service-Disabled Veteran Business Enterprise Opportunity Act; providing legislative intent; providing definitions; providing a selection preference in state contracting for certified service-disabled veteran business enterprises; providing a certification procedure to be established by the Department of Management Services and the Department of Veterans' Affairs and reviewed biennially and updated as necessary; providing requirements for application for, renewal of, and revocation of certification; providing duties of the departments; providing for data reporting by the Florida Small Business Development Center; authorizing the departments to adopt rules; amending s. 288.705, F.S.; requiring the center to report the percentage of service-disabled veteran business enterprises using the statewide contracts register; providing an effective date.

—was referred to the Committees on Military Affairs and Domestic Security; Governmental Operations; and General Government Appropriations.

By the Government Efficiency and Accountability Council; and Representative Patronis and others—

CS for HB 843—A bill to be entitled An act relating to the Family Readiness Program; amending s. 250.5206, F.S.; expanding purpose, eligibility, and annual report provisions of the Family Readiness Program within the Department of Military Affairs; providing an effective date.

—was referred to the Committees on Military Affairs and Domestic Security; and Transportation and Economic Development Appropriations.

By the Jobs and Entrepreneurship Council; and Representative Troutman and others—

CS for HB 853—A bill to be entitled An act relating to cemetery lands; amending s. 497.270, F.S.; revising provisions relating to the sale or disposition of cemetery lands to provide restrictions with respect to takings by eminent domain and the imposition of certain conditions for obtaining specified regulatory approval; providing an effective date.

—was referred to the Committees on Community Affairs; Banking and Insurance; and Judiciary.

By the Healthcare Council; and Representative Reagan and others—

CS for HB 861—A bill to be entitled An act relating to direct-support organizations; creating s. 292.055, F.S.; creating the "Sergeant First Class Paul R. Smith Memorial Act"; authorizing the Department of Veterans' Affairs to establish a direct-support organization to assist the department; providing definitions; providing purposes, objectives, and duties of the direct-support organization; providing for a board of directors and membership requirements for the board members; requiring the direct-support organization to operate under contract with the department; delineating contract and other governance requirements; providing guidelines for the use of funds; providing for the use of property,

facilities, and personal services of the department; providing restrictions; providing limits on the direct-support organization; requiring the direct-support organization to submit certain federal tax forms to the department; providing for an annual audit; amending s. 265.002, F.S.; providing for the Department of Veterans' Affairs to replace the Florida Commission on Veterans' Affairs in cooperating with the Department of Management Services to establish the Florida Medal of Honor Wall; amending s. 320.08058, F.S.; requiring that a certain percentage of the annual license plate fee collected from the sale of the "Florida Salutes Veterans" license plate be distributed to the direct-support organization created for the purpose of providing benefit to the Department of Veterans' Affairs for a specified period; providing that the remaining fees be deposited in the State Homes for Veterans Trust Fund; amending s. 337.111, F.S.; providing that three members of the direct-support organization of the Department of Veterans' Affairs participate on a committee to approve contracts to install monuments and memorials honoring Florida's military veterans at highway rest areas around the state; repealing s. 292.04, F.S., relating to the Florida Commission on Veteran's Affairs; providing an effective date.

—was referred to the Committees on Military Affairs and Domestic Security; Governmental Operations; and Health and Human Services Appropriations.

By Representative Bogdanoff and others—

HB 989—A bill to be entitled An act relating to physician assistants; amending s. 458.347, F.S.; revising the requirements for the formulary established by the Council on Physician Assistants in order to allow physician assistants to prescribe antipsychotics and parenteral preparations; providing an effective date.

—was referred to the Committees on Health Regulation; and Health Policy.

By the Economic Expansion and Infrastructure Council; and Representative Kreegel and others—

CS for HB 1027—A bill to be entitled An act relating to funding for state veterans' homes; amending s. 320.089, F.S.; expanding the types of veterans special license plates from which revenues may be used to fund state veterans' homes; providing for additional revenue from the sale of such plates to be used to construct, maintain, and operate the homes; amending s. 320.02, F.S.; providing for a check-off provision on motor vehicle registration application and renewal forms to authorize a voluntary donation to the state veterans' homes; providing an effective date.

—was referred to the Committees on Military Affairs and Domestic Security; Transportation; Finance and Tax; and Transportation and Economic Development Appropriations.

By the Healthcare Council; and Representative R. Garcia and others—

HB 7007—A bill to be entitled An act relating to safe haven protection for surrendered newborn infants; amending s. 39.01, F.S.; revising definitions; amending s. 39.201, F.S.; conforming terminology to changes made by the act; amending s. 63.0423, F.S.; providing for presumption of consent to termination of parental rights in cases of surrendered infants; removing a requirement that the child-placing agency conduct a search to identify a parent of a surrendered infant; providing an exception; conforming provisions relating to granting a petition for termination of parental rights; amending s. 383.50, F.S.; increasing the age at which an infant is considered a newborn infant for purposes of treatment after surrender; providing for anonymity of the infant's parents; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Health Policy; and Judiciary.

By the Healthcare Council; and Representative Galvano—

HB 7073—A bill to be entitled An act relating to child support enforcement; amending s. 61.14, F.S.; requiring payments on child support judgments to be applied first to the current child support due, then to the delinquent principal, and then to any interest on the support judgment; amending s. 61.1824, F.S.; requiring the State Disbursement Unit to disburse payments to obligees electronically; amending s. 328.42, F.S.; requiring the Department of Highway Safety and Motor Vehicles to cooperate with the Department of Revenue in establishing an automated method for disclosing owners of registered vessels to the Department of Revenue; authorizing the Department of Highway Safety and Motor Vehicles to suspend the operating privilege of vessel owners who are not in compliance with orders relating to child support when directed by the Department of Revenue; amending s. 409.2558, F.S.; requiring the State Disbursement Unit to disburse payments to obligees electronically; amending s. 409.256, F.S.; requiring the correctional facility to assist an incarcerated putative father in complying with an administrative order to appear for genetic testing; clarifying that an administrative order for genetic testing has the same force and effect as a court order; amending s. 456.004, F.S.; requiring the Department of Health to cooperate with the Department of Revenue in establishing an automated method for disclosing health practitioner licensees to the Department of Revenue; authorizing the Department of Health to suspend or deny the license of a licensee who is not in compliance with orders relating to child support when directed by the Department of Revenue; amending s. 497.167, F.S.; authorizing the Department of Financial Services to suspend or deny the license of a licensee who is not in compliance with orders relating to child support when directed by the Department of Revenue; amending s. 559.79, F.S.; requiring the Department of Business and Professional Regulation to cooperate with the Department of Revenue in establishing a method for disclosing professional licensees to the Department of Revenue; authorizing the Department of Business and Professional Regulation to suspend or deny the license of a licensee who is not in compliance with orders relating to child support when directed by the Department of Revenue; amending s. 1012.21, F.S.; requiring the Department of Education to cooperate with the Department of Revenue in establishing a method for disclosing educators to the Department of Revenue; authorizing the Department of Education to suspend or deny the teaching certificate of a person who is not in compliance with orders relating to child support when directed by the Department of Revenue; amending s. 1012.795, F.S.; requiring the Education Practices Commission to suspend or deny the educator certificate of a person who is not in compliance with orders relating to child support upon notice by the Department of Revenue; repealing s. 409.25645, F.S., relating to administrative orders for genetic testing; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Judiciary; and General Government Appropriations.

By the Healthcare Council; and Representative Galvano—

HB 7085—A bill to be entitled An act relating to mental health and substance abuse; amending s. 394.4572, F.S.; revising provisions relating to employment screening requirements for mental health personnel; revising the definition of the term "mental health personnel"; removing an exemption from screening requirements for certain mental health personnel; creating s. 394.4996, F.S.; authorizing the Agency for Health Care Administration, in consultation with the Department of Children and Family Services, to establish a licensure category for facilities providing integrated adult mental health crisis stabilization unit and addictions receiving facility services; authorizing such facilities to provide integrated mental health and substance abuse services to adults who meet certain criteria; providing for standards, procedures, and requirements for services; providing rulemaking authority; amending s. 394.655, F.S.; revising purpose of the Criminal Justice, Mental Health, and Substance Abuse Policy Council; amending s. 394.656, F.S.; requiring the department and the agency to develop local treatment and service delivery infrastructures in coordination with counties receiving grants under the Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant Program; amending s. 394.657, F.S.; providing additional duties of certain county planning councils and committees; amending s. 394.659, F.S.; providing additional duties of the Criminal Justice, Mental Health, and Substance Abuse Technical Assistance Center; requiring an annual report; amending s. 394.67, F.S.; revising the definition of the term "residential treatment center for children and

adolescents”; providing for such centers to be licensed by the agency; amending s. 394.674, F.S.; revising eligibility requirements for substance abuse and mental health services funded by the department; providing rulemaking authority; creating s. 394.9086, F.S.; creating the “Community Mental Health and Substance Abuse Treatment and Crime Reduction Act”; providing goals; providing definitions; creating a community mental health and substance abuse treatment forensic treatment system; providing criteria for eligibility; providing responsibilities of the department; establishing demonstration sites; providing rulemaking authority; amending s. 409.906, F.S.; authorizing the agency to seek federal approval to implement home and community-based services; amending s. 553.80, F.S.; providing for enforcement of the Florida Building Code construction regulations for secure mental health treatment facilities by the department; amending s. 916.111, F.S.; revising provisions governing the training of mental health experts; requiring forensic evaluator training courses to be offered annually; providing requirements for being placed on or removed from the department’s forensic evaluator registry; amending s. 916.115, F.S.; revising provisions relating to appointment of experts by the court to evaluate the mental condition of a criminal defendant; requiring experts to complete forensic evaluator training within a specified period of time to remain on the department’s registry; providing conditions under which certain persons may assist in forensic evaluations; amending s. 916.13, F.S.; creating an exception to involuntary commitment for defendants adjudicated incompetent in the custody of the Department of Corrections; providing duties of the department relating to treatment for defendants adjudicated incompetent to proceed due to mental illness; revising duties of the department and the court; specifying timeframes for the filing of reports, the commitment and placement of defendants, and the holding of hearings; amending s. 916.15, F.S.; creating an exception for the involuntary commitment of defendants adjudicated not guilty by reason of insanity in the custody of the Department of Corrections; revising duties of the department and the court; specifying timeframes for the filing of reports, the commitment and placement of defendants, and the holding of hearings; amending s. 916.17, F.S.; providing conditions for placement of a defendant in a community residential facility in a demonstration area established under the act under certain circumstances; providing criteria for such placement; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Judiciary; and Health and Human Services Appropriations.

By the Healthcare Council; and Representative Bendross-Mindingall and others—

CS for HB 3—A bill to be entitled An act relating to children’s zones; creating s. 409.147, F.S.; providing legislative findings and intent; providing policy and purpose; providing definitions; providing a process for nominating and selecting a children’s zone; providing for the governing body of a county or municipality to adopt a resolution designating a children’s zone; specifying contents of the resolution; requiring the governing body to establish a children’s zone planning team; providing powers and responsibilities of the planning team; requiring the planning team to designate working groups; specifying focus areas for the working groups; providing for the development of a strategic community plan; providing objectives for each focus area; requiring the governing body to create a corporation not for profit for specified purposes; establishing the Magic City Children’s Zone, Inc., pilot project; providing for management by an entity organized as a corporation not for profit; providing geographic boundaries for the zone; providing for designation and appointment of a board of directors; providing for meetings and duties of the board of directors; providing per diem and travel expenses; requiring the board to enter into a contract to develop a business plan; providing for reports to the Legislature; establishing the Jacksonville Children’s Zone pilot project; providing for management by an entity organized as a corporation not for profit; providing for a request for proposals process to identify an existing corporation to manage the zone; providing geographic boundaries for the zone; providing for an oversight committee; requiring the corporation to enter into a contract to develop a business plan; providing for reports to the Legislature; establishing the Orlando Children’s Zone pilot project; providing for management by the City of Orlando or a not-for-profit corporation; providing geographic boundaries for the zone; providing for funding for the zone to be disbursed through a donor-advised fund; providing a definition; providing for advisory groups; providing for reports to the Legislature; requiring the Department of Children and Family Services to contract with certain private

not-for-profit corporations for specified purposes; requiring the corporation to provide evaluation, fiscal management, and oversight of the Magic City Children’s Zone, Inc., and the Jacksonville Children’s Zone pilot projects; providing a contingent effective date.

—was referred to the Committees on Community Affairs; and Health and Human Services Appropriations.

By the Policy and Budget Council; Safety and Security Council; and Representative Troutman and others—

CS for CS for HB 105—A bill to be entitled An act relating to secondary metals recyclers; amending s. 538.18, F.S.; revising the definition of “personal identification card”; deleting an exclusion of transactions under a specified amount from the definition of “purchase transaction” for specified purposes; revising the definition of “regulated metals property”; amending s. 538.19, F.S.; revising recordkeeping requirements for purchase transactions; providing for additional seller information to be obtained; requiring an image of the regulated metals being sold; providing an exemption from a specified recordkeeping provision if the same information is maintained in an electronic database meeting specified requirements; providing a substitute recordkeeping requirement for certain transactions between registered secondary metals recyclers; amending s. 538.23, F.S.; providing for enhanced penalties for third or subsequent violations of a specified provision; providing enhanced penalties for violations of specified provisions relating to false verification of ownership or false or altered identification of a seller of regulated metals; prohibiting engaging in business as a secondary metals recycler without registration with the Department of Revenue under a specified provision; providing criminal penalties; creating s. 538.235, F.S.; prohibiting secondary metals recyclers from entering into cash transactions in certain circumstances; amending s. 538.25, F.S.; requiring the Department of Revenue to provide a law enforcement official, upon request, with specified information regarding certain secondary metals recyclers; amending s. 538.26, F.S.; prohibiting the purchase of any regulated metals property when presented at the property of a secondary metals recycler and not transported in a motor vehicle; providing an effective date.

—was referred to the Committees on Commerce; Criminal Justice; and Criminal and Civil Justice Appropriations.

By the Policy and Budget Council; Jobs and Entrepreneurship Council; and Representative Carroll and others—

CS for CS for HB 343—A bill to be entitled An act relating to financial services; amending s. 520.02, F.S.; defining the term “guaranteed asset protection product”; amending s. 520.07, F.S.; authorizing certain entities to offer optional guaranteed asset protection products under certain circumstances; prohibiting such entities from requiring purchase of such products as a condition for certain financial transactions; providing requirements for offering such products; providing limitations; amending s. 624.605, F.S.; including debt cancellation products under casualty insurance; providing a definition; authorizing certain entities to offer debt cancellation products under certain circumstances; specifying such products as not constituting insurance; amending ss. 627.553 and 627.679, F.S.; revising limitations on the amount of authorized insurance for debtors; amending s. 627.681, F.S.; revising a limitation on the term of credit disability insurance; amending s. 655.005, F.S.; revising and providing definitions; amending s. 655.79, F.S.; specifying certain accounts as tenancies by the entireties; creating s. 655.967, F.S.; authorizing a state-mandated endowment to be maintained in trust accounts in financial institutions; creating s. 655.947, F.S.; authorizing financial institutions to offer debt cancellation products; authorizing a fee; providing a definition; providing requirements for financial institutions relating to debt cancellation products; requiring the Financial Services Commission to adopt rules; specifying that periodic payment options are not required to be offered for certain debt cancellation products; amending s. 655.954, F.S.; authorizing certain institutions to offer optional debt cancellation products with certain financial transactions; prohibiting requiring such products as a condition of such transactions; updating definitions; amending s. 658.21, F.S.; revising ownership requirements for capital accounts at opening for a bank or trust company; providing capital investment requirements for owners of certain holding

companies; amending s. 658.34, F.S.; revising requirements for shares of capital stock of banks and trust companies; providing restrictions on issuance or sale of certain stock under certain circumstances; amending s. 658.36, F.S.; requiring a state bank or trust company to file a written notice before increasing its capital stock; amending s. 658.44, F.S.; revising certain notice requirements relating to dissenting stockholders; revising criteria for determining the value of dissenting shares of certain entities; providing an effective date.

—was referred to the Committees on Banking and Insurance; Commerce; and General Government Appropriations.

By the Healthcare Council; and Representative Cannon and others—

CS for HB 663—A bill to be entitled An act relating to the termination of parental rights; amending s. 39.812, F.S.; requiring a petition for adoption to be accompanied by a statement verifying that adoptive parents have received all information required to be disclosed; amending s. 49.011, F.S.; providing for service of process by publication for termination of parental rights under ch. 63, F.S.; amending s. 63.032, F.S.; redefining terms; amending s. 63.037, F.S.; specifying applicability of exemptions from disclosure requirements for adoption entities under certain circumstances; amending s. 63.039, F.S.; requiring an adoption entity to provide adoption disclosure statements to persons whose consent is required for adoption; requiring attorney's fees and costs in certain actions to be awarded pursuant to the Florida Rules of Civil Procedures; amending s. 63.0425, F.S.; clarifying a grandparent's right to notice; amending s. 63.054, F.S.; providing that an unmarried biological father who fails to register with the Florida Putative Father Registry before the filing of a petition for termination of parental rights may not file a paternity claim under ch. 742, F.S.; providing an exception from the time limitations for filing a paternity claim; providing that if a registrant fails to report a change of address, the adoption entity or adoption petitioner is not obligated to search further for the registrant; requiring a petitioner in a proceeding in which parental rights are terminated simultaneously with entry of final judgment of adoption to contact the Office of Vital Statistics for a search of the registry; providing procedures for searching the registry when termination of parental rights and an adoption proceeding are adjudicated separately; amending s. 63.062, F.S.; revising criteria for serving notice of terminating parental rights to the father of a minor; revising procedures for serving notice of intended adoption plan; providing criteria for avoiding default on providing consent to adoption; providing for the proper venue to file a petition to terminate parental rights; amending s. 63.063, F.S.; revising the standard for compliance with laws relating to adoption; amending s. 63.082, F.S.; revising the notice and consent requirements to adoption to also exclude cases involving sexual activity with certain minors; revising consent requirements that apply to men; limiting the time period for revoking consent to adopt a child older than 6 months of age to 3 business days; revising requirements for withdrawing a consent for adoption; amending s. 63.085, F.S.; revising requirements for required disclosures by an adoption entity; requiring that background information concerning the child be revealed to prospective adoptive parents; amending s. 63.087, F.S.; revising procedures for terminating parental rights pending an adoption; providing the proper venue in which to file a petition to terminate parental rights; providing for joint petitions for termination of parental rights and adoption; providing that failure to appear at certain hearings constitutes grounds for termination of parental rights; removing a provision relating to the procedure for notifying a petitioner of a final hearing; amending s. 63.088, F.S.; providing that a mother's failure to identify an unmarried biological father is not a defense to a termination of parental rights; revising information relating to a court's inquiry about the father of the child who is to be adopted; requiring persons contacted by a petitioner or adoption entity to release certain records; providing that a judgment approving a diligent search is not subject to direct or collateral attack; amending s. 63.089, F.S.; revising provisions relating to service of notice and petition regarding termination of parental rights and consent to adoption; revising conditions for making a finding of abandonment; prohibiting a person who failed to establish parental rights from challenging a judgment terminating parental rights under certain circumstances; amending s. 63.092, F.S.; revising the conditions and timeframe for an adoption entity to report to the court the intent to place a minor for adoption; amending s. 63.102, F.S.; revising procedures for the filing of a petition for adoption; providing the proper venue where the petition may be filed; amending s. 63.122, F.S.; revising whose name may be removed from a petition under

certain circumstances; amending s. 63.132, F.S.; providing additional exceptions to the requirement that the adoptive parent and the adoption entity file an affidavit itemizing all expenses and receipts; amending s. 63.135, F.S.; requiring the adoption entity or petitioner to file an affidavit under the Uniform Child Custody Jurisdiction and Enforcement Act in a termination of parental rights proceeding; deleting information required to be submitted under oath to the court; amending s. 63.142, F.S.; requiring that if an adoption petition is dismissed, any further proceedings regarding the minor be brought in a separate custody action under ch. 61, F.S., a dependency action under ch. 39, F.S., or a paternity action under ch. 742, F.S.; revising conditions under which a judgment terminating parental rights is voidable; amending s. 63.192, F.S.; requiring the courts of this state to recognize decrees of termination of parental rights and adoptions from other states and countries; amending s. 63.212, F.S.; revising acts that are unlawful pertaining to adoptions; creating s. 63.236, F.S.; providing that a petition for termination of parental rights filed before the effective date of the act is governed by the law in effect at the time the petition was filed; amending s. 742.021, F.S.; requiring the clerk of court to issue certain notice in cases of complaints concerning determination of paternity; amending s. 742.10, F.S.; providing applicability of chs. 39 and 63, F.S., to jurisdiction and procedures for determination of paternity for children born out of wedlock; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Judiciary; and Criminal and Civil Justice Appropriations.

By the Safety and Security Council; and Representative Robaina and others—

CS for HB 995—A bill to be entitled An act relating to community associations; amending s. 468.431, F.S.; defining the term "community association management firm"; redefining the term "community association manager" to apply only to natural persons; amending s. 468.4315, F.S.; revising membership criteria for members of the Regulatory Council of Community Association Managers; requiring the council to establish a public education program; providing for council members to serve without compensation but be entitled to receive per diem and travel expenses; providing responsibilities of the council; amending s. 468.432, F.S.; providing for the licensure of community association management firms; providing application, licensure, and fee requirements; providing for the cancellation of the license of a community association management firm under certain circumstances; providing that such firm or similar organization agrees that, by being licensed, it shall employ only licensed persons providing certain services; amending s. 468.433, F.S.; providing for the refusal of an applicant certification under certain circumstances; amending s. 468.436, F.S.; requiring the Department of Business and Professional Regulation to investigate certain complaints and allegations; providing complaint and investigation procedures; providing grounds for which disciplinary action may be taken; amending s. 718.111, F.S.; providing that a director of the association who abstains from voting on any action taken on any corporate matter shall be presumed to have taken no position with regard to the action; providing duties of officers, directors, and agents of a condominium association and liability for monetary damages under certain circumstances; providing that a person who knowingly or intentionally fails to create or maintain, or who defaces or destroys certain records, is subject to civil penalties as prescribed by state law; requiring that a copy of the inspection report be maintained as an official record of the association; requiring official records of the association to be maintained for a specified minimum period and be made available at certain locations and in specified formats; providing that any person who knowingly or intentionally defaces, destroys, or fails to create or maintain accounting records is subject to civil and criminal sanctions; prohibiting accessibility to certain personal identifying information of unit owners by fellow unit owners; requiring that the Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation adopt certain rules; requiring certain audits and reports to be paid for by the developer if done before control of the association is turned over; restricting a condominium association from waiving a financial report for more than a specified period; amending s. 718.112, F.S.; prohibiting a voting interest or a consent right allocated to a unit owner from being exercised under certain circumstances; requiring the board to address certain agenda items proposed by a petition of a specified percentage of the unit owners; providing requirements for the location of annual unit owner meetings; revising terms of service for board members; prohibiting certain persons from serving on the board; requiring the association

to provide a certification form to unit owners for specified purposes; authorizing an association consisting of a specified maximum number of units to provide for different voting and election procedures in its bylaws by affirmative vote of a majority of the association's voting interests; revising requirements related to the annual budget; requiring proxy questions relating to reserves to contain a specified statement; providing for the removal of board members under certain circumstances; requiring that directors who are delinquent in certain payments owed in excess of certain periods of time be suspended from office or deemed to have abandoned their offices; requiring that directors charged with certain offenses involving an association's funds or property be suspended from office pending resolution of the charge; providing for the reinstatement of such officers or directors under certain circumstances; amending s. 718.1124, F.S.; providing that any unit owner may give notice of his or her intent to apply to the circuit court for the appointment of a receiver to manage the affairs of the association under certain circumstances; providing a form for such notice; providing for the delivery of such notice; providing procedures for resolving a petition submitted pursuant to such notice; requiring that all unit owners be provided written notice of the appointment of a receiver; amending s. 718.113, F.S.; providing a statement of clarification; authorizing the board to install certain hurricane protection; prohibiting the board from installing hurricane shutters under certain circumstances; providing for the maintenance, repair, and replacement of hurricane shutters or other hurricane protection; providing that a vote of the owners is not required under certain conditions; prohibiting a board from refusing to approve the installation or replacement of hurricane shutters by a unit owner under certain conditions; requiring that the board inspect certain condominium buildings and issue a report thereupon; providing an exception; prohibiting the board from refusing a request for reasonable accommodation for the attachment to a unit of religious objects meeting certain size specifications; amending s. 718.115, F.S.; providing the expense of installation, replacement, operation, repair, and maintenance of hurricane shutters or other hurricane protection shall constitute either a common expense or shall be charged individually to the unit owners under certain conditions; amending s. 718.117, F.S.; requiring that all unit owners be provided written notice of the appointment of a receiver; providing for the delivery of such notice; amending s. 718.121, F.S.; providing requirements and restrictions for liens filed by the association against a condominium unit; providing for notice and delivery thereof; creating s. 718.1224, F.S.; prohibiting strategic lawsuits against public participation; providing legislative findings and intent; prohibiting a governmental entity, business organization, or individual from filing certain lawsuits made upon specified bases against a unit owner; providing rights of a unit owner who has been served with such a lawsuit; providing procedures for the resolution of claims that such suit violates certain provisions of state law; providing for the award of damages and attorney's fees; prohibiting associations from expending association funds in prosecuting such a suit against a unit owner; amending s. 718.1255, F.S.; revising legislative intent concerning alternative dispute resolution; creating s. 718.1265, F.S.; authorizing an association to exercise certain powers in instances involving damage caused by an event for which a state of emergency has been declared; limiting the applicability of such powers; creating s. 718.127, F.S.; requiring that all unit owners be provided written notice of the appointment of a receiver; providing for the delivery of such notice; amending s. 718.301, F.S.; providing circumstances under which unit owners other than a developer may elect not fewer than a majority of the members of the board of administration of an association; requiring a turnover inspection report; requiring that the report contain certain information; amending s. 718.3025, F.S.; requiring that maintenance and management services contracts disclose certain information; amending s. 718.3026, F.S.; revising a provision authorizing certain associations to opt out of provisions relating to contracts for products and services; removing provisions relating to competitive bid requirements for contracts executed before a specified date; providing requirements for any contract or transaction between an association and one or more of its directors or any other entity in which one or more of its directors are directors or officers or have a financial interest; amending s. 718.303, F.S.; providing that hearings regarding noncompliance with a declaration be held before certain persons; amending s. 718.501, F.S.; providing authority and responsibilities of the division; providing for enforcement actions brought by the division in its own name; providing for the imposition of penalties by the division; requiring that the division issue a subpoena requiring production of certain requested records under certain circumstances; providing for the issuance of notice of a declaratory statement with respect to documents governing a condominium community; requiring that the division provide training and education for condominium association board members and unit owners; au-

thorizing the division to include certain training components and review or approve training programs offered by providers; requiring that certain individuals cooperate with the division in any investigation conducted by the division; amending s. 718.5012, F.S.; providing additional powers of the ombudsman; amending s. 718.50151, F.S.; redesignating the Advisory Council on Condominiums as the "Community Association Living Study Council"; providing for the creation of the council; revising legislative intent with respect to the appointment of council members; providing functions of the council; amending s. 718.503, F.S.; providing for disclosure of certain information upon the sale of a unit by a nondeveloper; requiring the provision of a governance form by the seller to the prospective buyer; requiring that such form contain certain information and a specified statement; providing an effective date.

—was referred to the Committees on Regulated Industries; Community Affairs; and Judiciary.

By the Policy and Budget Council; Safety and Security Council; and Representative Llorente and others—

CS for CS for HB 1395—A bill to be entitled An act relating to the Council on the Social Status of Black Men and Boys; amending s. 16.615, F.S.; removing outdated provisions; providing additional duties and powers of the council; removing certain duties of the Attorney General; removing a provision that discontinues the council under certain conditions; creating s. 16.616, F.S.; creating a direct-support organization; specifying duties and requiring a contract; providing contract requirements; providing for appointment of members of the board of directors; requiring the direct-support organization to form strategic partnerships for specified purposes, including in specified counties; requiring certain reports; providing additional duties and powers of the direct-support organization; requiring the direct-support organization to consider the participation of certain other counties; providing an appropriation; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Governmental Operations; and Criminal and Civil Justice Appropriations.

By the Healthcare Council; and Representative Galvano and others—

HB 7077—A bill to be entitled An act relating to child protection; amending s. 39.01, F.S.; defining the term "child who has exhibited inappropriate sexual behavior"; amending s. 39.0121, F.S.; authorizing the Department of Children and Family Services to adopt rules providing for reporting, locating, recovering, and stabilizing missing children who are involved with the department; amending s. 39.0138, F.S.; specifying additional persons to be subject to a criminal history records check prior to placement of a child; requiring a criminal history records check of persons being considered for placement of a child to include a search of the department's automated abuse information system; authorizing the department to adopt rules establishing standards for evaluating such information; creating s. 39.0141, F.S.; requiring the department, the community-based care provider, or the appropriate law enforcement agency to file a report following a determination that a child involved with the department is missing; amending s. 39.201, F.S.; providing for additional methods to report suspected child abuse, abandonment, and neglect of a child or to report a child who has exhibited inappropriate sexual behavior; amending s. 39.301, F.S.; conforming language relating to reporting suspected child abuse, abandonment, and neglect; providing certain exceptions to the requirements that a child protective investigation be closed within 60 days; amending s. 39.307, F.S.; revising provisions relating to the provision of services to a child in cases of child-on-child sexual abuse to include a child who has exhibited inappropriate sexual behavior; revising terminology; amending s. 39.401, F.S.; requiring a law enforcement officer who takes a child into custody to release such child to an adoptive parent of the child's sibling, if the sibling was previously adopted; requiring judicial approval for the placement of a child with a nonrelative; amending s. 39.502, F.S.; requiring certain notice to foster and preadoptive parents of any hearings involving the child in their care; amending s. 39.503, F.S.; revising procedures relating to diligent searches for missing parents and relatives; amending s. 39.504, F.S.; revising procedures related to injunctions pending disposition of petition issued to protect a child; requiring that such injunctions

remain in effect until modified or dissolved by the court; providing additional conditions for an injunction to protect a child from domestic violence; providing for process of service; authorizing law enforcement officers to exercise certain arrest powers; amending s. 39.507, F.S.; limiting a court to one order adjudicating dependency; providing for supplemental findings; correcting a cross-reference; amending s. 39.521, F.S.; providing an exception from the requirement for a predisposition study in dependency proceedings; correcting cross-references; amending s. 39.621, F.S.; requiring that an adoptive parent of a child's sibling be given the opportunity to apply to adopt such child if the child is available for adoption; requiring that such application be given priority consideration if it is in the best interest of the child; amending s. 39.701, F.S.; requiring that notice of a judicial review of a child's status be served on certain persons regardless of whether or not they attended a prior hearing at which the hearing was announced; amending s. 63.0541, F.S.; permitting certain information contained in the Florida Putative Father Registry to be disclosed to the department; amending s. 322.142, F.S.; authorizing the department to be provided copies of driver's license files maintained by the Department of Highway Safety and Motor Vehicles for the purpose of conducting protective investigations and expediting the determination of eligibility for public assistance; amending s. 402.401; providing for administration of the Florida Child Welfare Student Loan Forgiveness Program by the Department of Children and Family Services rather than the Department of Education; authorizing loan reimbursement to certain eligible employees; revising loan eligibility requirements; directing the Department of Children and Family Services to adopt rules to administer the program; amending s. 409.1671, F.S.; providing for certain coverage in lieu of personal motor vehicle insurance for automobiles not owned by a lead agency that are used for agency business; amending s. 409.175, F.S.; revising requirements for licensure as a foster home or child-caring agency; deleting the exemption from licensure for persons who receive a child from the department; clarifying that a permanent guardian is exempt from licensure; amending s. 787.04, F.S.; prohibiting a person from knowingly and willfully taking or removing a minor from the state or concealing the location of a minor during the pendency of a dependency proceeding or any other action concerning alleged abuse or neglect of the minor; amending s. 937.021, F.S.; requiring that a report of a missing child made by the department, a community-based care provider, or the appropriate law enforcement agency be treated as a missing child report filed by a parent or guardian; prohibiting a law enforcement agency from requiring an order that a child be taken into custody or any other such order before accepting a missing child report for investigation; amending ss. 393.0661, 393.071, 393.125, 39.0015, 39.205, 39.302, 39.6011, 39.828, and 419.001, F.S.; conforming cross-references; amending s. 1, ch. 2007-174, Laws of Florida; extending the date for the repeal of provisions authorizing the reorganization of the Department of Children and Family Services; providing effective dates.

—was referred to the Committees on Children, Families, and Elder Affairs; Criminal Justice; and Health and Human Services Appropriations.

By the Policy and Budget Council; Healthcare Council; and Representative R. Garcia—

CS for HB 7083—A bill to be entitled An act relating to health care fraud and abuse; amending s. 400.462, F.S.; revising definitions; amending s. 400.464, F.S.; authorizing a home infusion therapy provider to be licensed as a nurse registry; deleting provisions relating to Medicare reimbursement; amending s. 400.471, F.S.; requiring an applicant for a home health agency license to submit to the Agency for Health Care Administration a business plan and evidence of contingency funding and disclose other controlling ownership interests in health care entities; requiring certain standards in documentation demonstrating financial ability to operate; requiring home health agencies to maintain certain accreditation to maintain licensure; permitting certain accrediting organizations to submit surveys regarding licensure of home health agencies; prohibiting the agency from issuing an initial license to a home health agency licensure applicant located within 10 miles of a licensed home health agency that has common controlling interests; prohibiting the transfer of an application to another home health agency prior to issuance of the license; requiring submission of an initial application to relocate a licensed home health agency to another geographic service area; amending s. 400.474, F.S.; providing additional grounds under which the agency may take disciplinary action against a home health

agency; providing for a fine; creating s. 400.476, F.S.; establishing staffing requirements for home health agencies; reducing the number of home health agencies that an administrator or director of nursing may serve; requiring that an alternate administrator be designated in writing; limiting the period that a home health agency that provides skilled nursing care may operate without a director of nursing; requiring notification upon the termination and replacement of a director of nursing; requiring the agency to take administrative enforcement action against a home health agency for noncompliance with the notification and staffing requirements for a director of nursing; providing for fines; exempting a home health agency that is not Medicare or Medicaid certified and does not provide skilled care or provides only physical, occupational, or speech therapy from requirements related to a director of nursing; providing training requirements for certified nursing assistants and home health aides; amending s. 400.484, F.S.; requiring the agency to impose administrative fines for certain deficiencies; increasing the administrative fines imposed for certain deficiencies; amending s. 400.491, F.S.; extending the period that a home health agency must retain records of the nonskilled care it provides; amending s. 400.497, F.S.; requiring that the agency adopt rules related to standards for the director of nursing of a home health agency, requirements for a director of nursing to submit certified staff activity logs pursuant to an agency request, quality assurance programs, and inspections related to an application for a change in ownership; amending s. 400.506, F.S.; providing training requirements for certified nursing assistants and home health aides referred for contract by a nurse registry; amending s. 409.901, F.S.; defining the term "change of ownership"; amending s. 409.907, F.S.; revising provisions relating to change of ownership of Medicaid provider agreements; providing for continuing financial liability of a transferor under certain circumstances; defining the term "outstanding overpayment"; requiring the transferor to provide notice of change of ownership to the agency within a specified time period; requiring the transferee to submit a Medicaid provider enrollment application to the agency; providing for joint and several liability under certain circumstances; requiring a written payment plan for certain outstanding financial obligations; providing conditions under which additional enrollment effective dates apply; amending s. 409.910, F.S.; conforming a cross-reference; amending s. 409.912, F.S.; requiring the agency to limit its network of Medicaid durable medical equipment and medical supply providers; prohibiting reimbursement for dates of service after January 1, 2009; requiring accreditation; requiring direct provision of services or supplies; authorizing provider to store nebulizers at a physician's office under certain circumstances; imposing certain physical location requirements; requiring providers to maintain a certain stock of equipment and supplies; requiring a surety bond; requiring background screening of employees; providing for certain exemptions; providing an effective date.

—was referred to the Committees on Health Regulation; Banking and Insurance; and Health and Human Services Appropriations.

By the Healthcare Council; and Representative Reagan and others—

CS for HB 863—A bill to be entitled An act relating to public records and meetings; amending s. 292.055, F.S.; providing an exemption from public records requirements for information concerning certain donors and prospective donors to the direct-support organization of the Department of Veterans' Affairs; providing an exemption from public meeting requirements for portions of meetings of the direct-support organization at which the identity of donors and prospective donors is discussed; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing a contingent effective date.

—was referred to the Committees on Military Affairs and Domestic Security; Governmental Operations; and Rules.

RETURNING MESSAGES—FINAL ACTION

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 34, CS for SB 274, CS for SB 464, CS for SB 646, CS for SB 648, CS for SB 732, CS for SB 736, SB 874, CS for SB 1070, SB 1092, CS for SB 1378 and CS for SB 2366.

William S. Pittman III, Chief Clerk

The bills contained in the foregoing messages were ordered enrolled.

CORRECTION AND APPROVAL OF JOURNAL**RECESS**

The Journal of April 17 was corrected and approved.

On motion by Senator King, the Senate recessed at 4:47 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Thursday, April 24 or upon call of the President.

CO-INTRODUCERS

Senators Baker—CS for CS for SB 542; Bullard—CS for SB 334, CS for CS for SB 542, CS for CS for SB 1302, CS for SB 1618; Crist—CS for SB 1704; Fasano—CS for SB 2094; Gaetz—SJR 956, SB 958, SJR 2384; Haridopolos—SB 1316; Jones—CS for CS for SB 76, CS for SB 624, CS for SB 1086; Justice—CS for SB 512, CS for SB 2710; Lynn—CS for SB 92, SB 366, CS for SB 522, CS for CS for SB 542, CS for CS for SB 574, CS for SB 624, CS for CS for CS for SB 756, CS for SB 988, CS for CS for SB 1302, CS for SB 1370, CS for SB 1378, CS for SB 1414, CS for SB 1426, CS for CS for CS for SB 1442, CS for SB 1462, CS for CS for CS for SB 1544, CS for SB 1618, CS for CS for SB 1648, CS for CS for SB 1716, CS for SB 2522; Siplin—CS for CS for SB 1458, CS for CS for SB 2152; Wilson—SB 94, SB 1650, CS for CS for SB 2152

SENATE PAGES

April 21-25, 2008

Liane Burris, Lexington, NC; Christopher Butler, Deerfield; Stephen A. Davis, Tallahassee; Racquel Doty, Jacksonville; Amanda Frank, Southwest Ranches; Jeremiah "Dakota" Johnson, Boys Ranch; Brittany Kotchman, Seminole; Leah Nussbaum, Framingham, MA; DeAndre Parks, Tallahassee; Desirray Peters, Tallahassee; Michael Prutsman, Tallahassee; Erin N. Riley, Sopchoppy; James R. Stanbridge, Boys Ranch; Alexander Stanley, Inverness; Cierra Walker, Pompano Beach; Kevin Waters II, Mayo; Bryan Young, Boys Ranch