



Journal of the Senate

Number 16—Regular Session

Thursday, April 24, 2008

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CALL TO ORDER

The Senate was called to order by President Pruitt at 10:00 a.m. A quorum present—40:

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

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

PRAYER

The following prayer was offered by the Rev. John Wesley Cain, Wacissa Pentecostal Holiness Church, Wacissa:

Our gracious heavenly Father, we humbly ask for your divine inspiration today as these legislators undertake their ordinate duties in this session. May your wisdom and knowledge be heard and seen in all that is said and done today. Let this chamber be the hallowed hall where all people of our state are represented with dignity and honor. Confirm in us today the just and moral obligations to all the constituents represented by this Senate.

Let wisdom and knowledge prevail in the decisions made today by this body, that they may rightly govern your creation. Bestow your love and compassion for humanity through these elected officials, that we may be governed by man, and not ruled by tyrants, as stated by the Statesman, William Penn.

This is our prayer today, our Emanuel, and the blessed peacemaker of all creation. Amen.

PLEDGE

Senate Pages Racquel Doty of Jacksonville; Amanda Frank of South-west Ranches; Alexander “Alex” Stanley of Inverness; and Kevin Waters II of Mayo, 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. James Brookins of Tampa, sponsored by Senator Joyner, as doctor of the day. Dr. Brookins specializes in Internal Medicine.

ADOPTION OF RESOLUTIONS

On motion by Senator Gaetz—

By Senator Gaetz—

SR 2204—A resolution honoring University of Florida Quarterback Timothy “Tim” Tebow on winning the Heisman Trophy, and recognizing his athletic, academic, and other achievements.

WHEREAS, Tim Tebow was born on August 14, 1987, to Bob and Pam Tebow, who instilled in him the importance of giving to and serving others, and

WHEREAS, he has been an inspiration both on and off the football field, exhibiting character and compassion in his missionary work in the Philippines, where he regularly visits orphanages, and in his similar visits to hospitals in the United States, and

WHEREAS, Tim has maintained a 3.77 grade point average at the University of Florida while becoming only the fourth sophomore in the history of the university to earn first-team Academic All-American honors, and

WHEREAS, he played an integral role in the University of Florida’s National Collegiate Athletic Association’s national championship football team in 2006, and

WHEREAS, in the 2007 season, Tim Tebow threw 32 touchdown passes and ran for 23 touchdowns, earning a record as the first player in major college football history to run for at least 20 touchdowns and pass for at least 20 touchdowns in the same season, and

WHEREAS, his total of 55 touchdowns, with 23 rushing touchdowns, were both Southeastern Conference records, the latter also a national collegiate record for quarterbacks, and

WHEREAS, Tim completed more than 66 percent of his passing attempts for a total of 3,286 yards this season, guiding Florida to a 9 and 4 record as the team led the Southeastern Conference in scoring and total yardage, and

WHEREAS, on December 8, 2007, Tim Tebow became the first and only sophomore ever to win the Heisman Trophy, college football’s most coveted and prestigious award, NOW, THEREFORE,

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

That the Florida Senate commends Tim Tebow for his academic and athletic accomplishments, recognizes him for his character and compassion toward his fellow human beings, and congratulates him on his historic recognition in being awarded the 2007 Heisman Trophy.

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

BE IT FURTHER RESOLVED that additional copies of this resolution be transmitted to University of Florida President J. Bernard Machen and Head Football Coach Urban Meyer for appropriate display.

—was introduced out of order and read by title. On motion by Senator Gaetz, **SR 2204** was read the second time in full and adopted.

SPECIAL GUESTS AND PRESENTATION

Senator Wise introduced the following guests who were present in the chamber: University of Florida football player and 2008 Heisman Trophy winner, Tim Tebow, and University of Florida President J. Barnard Machen as well as Carlos Alfonso and Cynthia O’Connell, members of the Board of Trustees. Upon request of the President, Tim Tebow joined the President at the rostrum where he was presented the Medallion of Excellence and a copy of the resolution.

At the request of Senator Hill—

By Senator Hill—

SR 820—A resolution honoring the life and preserving the legacy of Dr. Howard W. Thurman.

WHEREAS, Dr. Howard W. Thurman, an educator, author, ordained minister and preacher, philosopher, theologian, and civil rights leader, was one of the most important people in American history, and

WHEREAS, Howard Thurman, who was born in 1900 in Daytona Beach, Florida, and raised by his grandmother, a former slave, developed a deep commitment to breaking through the walls that separate mankind on the basis of race, color, creed, or national origin, and

WHEREAS, as a professor and dean of the chapels at Howard University and Boston University, Howard Thurman created a climate of action-oriented nonviolence, which was later inherited by the civil rights movement, and

WHEREAS, as a cofounder of the Church for the Fellowship of All Peoples in San Francisco, California, Howard Thurman stimulated change in the racial and cultural policies of American churches, and

WHEREAS, as a theologian and cultural ambassador, Howard Thurman met with world figures, including Mahatma Gandhi, who deepened Thurman’s faith in the power of nonviolent resistance to segregation, and

WHEREAS, as an author of 20 books of ethical and cultural criticism, Howard Thurman deeply influenced prominent leaders of the civil rights movement, including Dr. Martin Luther King, Jr., and

WHEREAS, subsequent to Howard Thurman’s death in 1981, the Howard Thurman Program was established at Stetson University in partnership with New Birth Corporation, an organization dedicated to fostering a cultural renaissance in the African-American community headed by Reverend Jefferson P. Rogers, and

WHEREAS, under the directorship of Reverend Rogers, the Howard Thurman Program and its Howard Thurman Lecture Series extend the legacy of the Daytona Beach native, Howard Thurman, and integrate the work of scholars with community leaders to find solutions to social, religious, and ethnic problems, NOW, THEREFORE,

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

That the life of Dr. Howard W. Thurman is hereby honored and his legacy is preserved.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Reverend Jefferson P. Rogers, Director of the Howard Thurman Program at Stetson University, as a tangible token of the sentiments of the Florida Senate.

—**SR 820** was introduced, read and adopted by publication.

At the request of Senator Hill—

By Senator Hill—

SR 2090—A resolution urging support of the American Stroke Association’s “Power to End Stroke” campaign and recognizing May 2008 as “Power to End Stroke Month” in Florida.

WHEREAS, stroke is the third leading cause of death in the United States, striking approximately 700,000 Americans each year and killing 150,000, and

WHEREAS, stroke is also a leading cause of serious long-term disability in the United States, with more than 1.1 million adults experiencing functional limitations or difficulty with activities of daily living resulting from stroke, and

WHEREAS, on the average, a stroke occurs every 45 seconds in the United States and takes a life every 3 minutes, and

WHEREAS, the estimated direct and indirect costs of stroke in the United States this year will be greater than \$62 billion, and

WHEREAS, the majority of Americans are unaware of their risk factors for a stroke and are unaware of the signs and symptoms of an impending stroke, and

WHEREAS, statistics show that African Americans have almost twice the risk of a first stroke compared to Caucasians, primarily because of their increased risk of hypertension, high cholesterol, and diabetes, and

WHEREAS, the American Stroke Association recently launched the “Power to End Stroke” campaign, the goal of which is to educate and empower African Americans, as well as those of other ethnic groups, to fight stroke in their communities, NOW, THEREFORE,

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

That the Senate recognizes May 2008 as “Power to End Stroke Month” in Florida and urges all residents of this state to recognize that stroke must be taken seriously in order to reduce its risks.

BE IT FURTHER RESOLVED that the Senate urges all Floridians to support the American Stroke Association’s “Power to End Stroke” campaign by becoming familiar with the warning signs, symptoms, and risk factors associated with stroke and live stronger, healthier lives.

—**SR 2090** was introduced, read and adopted by publication.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator King, by two-thirds vote **SB 1456** was withdrawn from the Committee on Criminal and Civil Justice Appropriations.

BILLS ON THIRD READING

Consideration of **CS for CS for SB 2212** and **CS for CS for CS for SB 1544** was deferred.

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 read the third time by title.

On motion by Senator Fasano, **CS for HB 687** 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 | Siplin |
| Constantine | Joyner | Storms |
| Crist | Justice | Webster |
| Dawson | King | Wilson |
| Dean | Lawson | Wise |
| Deutch | Lynn | |

Nays—None

Vote after roll call:

Yea—Diaz de la Portilla

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 read the third time by title.

On motion by Senator Baker, **CS for HB 1027** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

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 read the third time by title.

On motion by Senator Dean, **CS for HB 863** was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

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 third time by title.

On motion by Senator Dockery, **CS for SB 624** 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 | Ring |
| Bennett | Haridopolos | Saunders |
| Bullard | Hill | Siplin |
| 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—Rich

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 read the third time by title.

On motion by Senator Hill, **CS for HB 151** was passed and certified to the House. The vote on passage was:

Yeas—39

| | | |
|---------------|-------------|---------------------|
| Mr. President | Bennett | Dean |
| Alexander | Bullard | Deutch |
| Aronberg | Carlton | Diaz de la Portilla |
| Atwater | Constantine | Dockery |
| Baker | Crist | Fasano |

| | | |
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| Gaetz | King | Ring |
| Garcia | Lawson | Saunders |
| Geller | Lynn | Siplin |
| Haridopolos | Margolis | Storms |
| Hill | Oelrich | Villalobos |
| Jones | Peaden | Webster |
| Joyner | Posey | Wilson |
| Justice | Rich | Wise |
| Nays—None | | |

| | | |
|-----------|------------|--------|
| Siplin | Villalobos | Wilson |
| Storms | Webster | Wise |
| Nays—None | | |

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.

—was read the third time by title.

On motion by Senator Crist, **HB 61** was passed and certified to the House. The vote on passage was:

Yeas—39

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|---------------------|-------------|------------|
| 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 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 read the third time by title.

On motion by Senator Jones, **CS for HB 435** was passed and certified to the House. The vote on passage was:

Yeas—39

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

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”; conforming provisions to the abolition of special equity; 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 the abolition of special equity; providing an effective date.

—as amended April 23 was read the third time by title.

On motion by Senator Joyner, **CS for SB 1474** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

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|---------------------|-------------|------------|
| Mr. President | Dockery | Oelrich |
| Alexander | Fasano | Peaden |
| Aronberg | Gaetz | Posey |
| Atwater | Garcia | Rich |
| Baker | Geller | Ring |
| Bennett | Haridopolos | Saunders |
| Bullard | Hill | Siplin |
| Carlton | Jones | Storms |
| Constantine | Joyner | Villalobos |
| Crist | Justice | Webster |
| Dawson | King | Wilson |
| Dean | Lawson | Wise |
| Deutch | Lynn | |
| Diaz de la Portilla | Margolis | |
| Nays—None | | |

CS for SB 740—A bill to be entitled An act relating to retired justices and judges; amending 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 an effective date.

—as amended April 23 was read the third time by title.

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

Amendment 1 (648286)—Delete line(s) 19-22 and insert: *than 12 years of service as a justice or judge may be qualified to serve as a retired justice or*

On motion by Senator Dean, **CS for SB 740** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

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

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|--------|------------|--------|
| Siplin | Villalobos | Wilson |
| Storms | Webster | Wise |
| Nays—1 | | |
| Fasano | | |

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 third time by title.

On motion by Senator Rich, **CS for CS for SB 766** was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

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. 98.0981, 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. 99.095, F.S.; providing requirements for candidate qualifying petitions; 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. 101.6923, F.S.; revising forms of acceptable identification for certain absentee voters; 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 and communications; 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; amending s. 105.041, F.S.; providing procedure for determining ballot position of candidates for the office of circuit judge; providing effective dates.

—as amended April 23 was read the third time by title.

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

Amendment 1 (952304)(with directory and title amendments)—Between lines 461 and 462 insert:

(6) *If a candidate obtains at least 50 percent but less than 100 percent of the required number of signatures set forth in this section, the candidate may pay a pro rata portion of the qualifying fee required pursuant to s. 99.092.*

And the directory clause is amended as follows:

Delete line 449 and insert:

99.095, Florida Statutes, is amended, and subsection (6) is added to that section, to read:

And the title is amended as follows:

On line 34, after the first semicolon (;) insert: authorizing a candidate to pay a pro rata portion of the qualifying fee under certain conditions;

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

Amendment 2 (869878)(with title amendment)—Between line(s) 1442 and 1443 insert:

Section 31. Subsection (2) of section 106.1439, Florida Statutes, is redesignated as subsection(3), and a new subsection (2) is added to that section, to read:

106.1439 Electioneering communications; disclaimers.—

(2) *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).”*

And the title is amended as follows:

On line(s) 84, after the first semicolon (;) insert: amending s. 106.1439, F.S.; providing an additional disclaimer for electioneering communications;

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

Amendment 3 (710160)—Delete line 1518 and insert:

Section 34. Effective upon this act becoming a law, subsection (2) of section 105.041, Florida

MOTION

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

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

Amendment 4 (549506)(with title amendment)—Between lines 1539 and 1540 insert:

Section 35. Effective upon becoming a law, section 106.071, Florida Statutes, is amended to read:

106.071 Independent expenditures; electioneering communications; reports; disclaimers.—

(1) Each person who makes an independent expenditure with respect to any candidate or issue, and each individual who makes an expenditure for an electioneering communication which is not otherwise reported pursuant to this chapter, which expenditure, in the aggregate, is in the amount of \$100 or more, shall file periodic reports of such expenditures in the same manner, at the same time, subject to the same penalties, and with the same officer as a political committee supporting or opposing such candidate or issue. The report shall contain the full name and address of the person making the expenditure; the full name and address of each person to whom and for whom each expenditure has been made; the amount, date, and purpose of each such expenditure; a description of the services or goods obtained by each such expenditure; the issue to which the expenditure relates; and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made.

(2) Any political advertisement paid for by an independent expenditure shall prominently state “Paid political advertisement paid for by (Name and address of person paying for advertisement) independently of any (candidate or committee).”

(3) Subsection (2) does not apply to:

(a) Novelty items having a retail value of \$10 or less which support, but do not oppose, a candidate or issue.

(b) *An individual who uses his or her personal resources in an amount less than \$5,000 and acts independently of any candidate or committee.*

(4) Any person who fails to include the disclaimer prescribed in subsection (2) in any political advertisement that is required to contain such disclaimer commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 36. Effective upon becoming a law and retroactive to January 1, 2006, subsection (1) of section 106.143, Florida Statutes, is amended to read:

106.143 Political advertisements circulated prior to election; requirements.—

(1)(a) Any political advertisement that is paid for by a candidate and that is published, displayed, or circulated prior to, or on the day of, any election must prominently state: “Political advertisement paid for and approved by (name of candidate), (party affiliation), for (office sought).”

(b) Any other political advertisement published, displayed, or circulated prior to, or on the day of, any election must prominently:

1. Be marked “paid political advertisement” or with the abbreviation “pd. pol. adv.”

2. State the name and address of the persons sponsoring the advertisement.

3.a.(I) State whether the advertisement and the cost of production is paid for or provided in kind by or at the expense of the entity publishing, displaying, broadcasting, or circulating the political advertisement; or

(II) State who provided or paid for the advertisement and cost of production, if different from the source of sponsorship.

b. This subparagraph does not apply if the source of the sponsorship is patently clear from the content or format of the political advertisement.

(c) Any political advertisement made pursuant to s. 106.021(3)(d) must be marked “paid political advertisement” or with the abbreviation “pd. pol. adv.” and must prominently state, “Paid for and sponsored by (name of person paying for political advertisement). Approved by (names of persons, party affiliation, and offices sought in the political advertisement).”

This subsection does not apply to:

(a) Campaign messages used by a candidate and the candidate’s supporters if those messages are designed to be worn by a person.

(b) *An individual who uses his or her personal resources in an amount less than \$5,000 and acts independently of any candidate or committee.*

Section 37. Effective upon becoming a law, section 106.1439, Florida Statutes, is amended to read:

106.1439 Electioneering communications; disclaimers.—

(1) Any electioneering communication shall prominently state: “Paid electioneering communication paid for by (Name and address of person paying for the communication).” *However, this section does not apply to an individual who uses his or her personal resources in an amount less than \$5,000 and acts independently of any candidate or committee.*

(2) Any person who fails to include the disclaimer prescribed in this section in any electioneering communication that is required to contain such disclaimer commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

And the title is amended as follows:

On line 96, after the semicolon (;) insert: amending ss. 106.071, 106.143, and 106.1439, F.S.; providing an exemption from independent expenditure, political advertisement, and electioneering communication sponsorship disclaimer requirements for an individual who uses up to a specified amount of his or her personal resources and acts independent of any candidate or committee;

RECONSIDERATION OF AMENDMENT

On motion by Senator Villalobos, the Senate reconsidered the vote by which **Amendment 1 (952304)** was adopted. **Amendment 1** failed to receive the required two-thirds vote.

On motion by Senator Constantine, **CS for CS for SB 866** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Nays—2

Dawson Justice

Vote after roll call:

Yea—Haridopolos, Posey

Yea to Nay—Rich

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.

—as amended April 23 was read the third time by title.

On motions by Senator Dockery, **CS for CS for CS for SB 1442** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

| | | |
|---------------|---------|-------------|
| Mr. President | Atwater | Bullard |
| Alexander | Baker | Carlton |
| Aronberg | Bennett | Constantine |

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

Nays—None

Vote after roll call:

Yea—Jones

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 read the third time by title.

On motion by Senator Storms, **HB 7007** was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

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 provi-

sions 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.

—as amended April 23 was read the third time by title.

On motion by Senator Storms, **HB 7077** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

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

| | | |
|----------|----------|------------|
| Margolis | Ring | Villalobos |
| Oelrich | Saunders | Webster |
| Peaden | Siplin | Wilson |
| Posey | Storms | Wise |
| Rich | | |

Nays—None

SENATOR ATWATER PRESIDING

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 read the third time by title.

On motion by Senator Storms, **HB 7073** was passed and certified to the House. The vote on passage was:

Yeas—40

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

Villalobos

Wilson

Wise

Webster

Nays—None

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 read the third time by title.

On motion by Senator Rich, **CS for HB 663** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Crist

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 third time by title.

On motion by Senator Storms, **CS for SB 1042** was passed by the required constitutional two-thirds vote of the members present 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 |
| Dawson | Justice | Villalobos |
| Dean | King | Webster |
| Deutch | Lawson | Wilson |
| Diaz de la Portilla | Lynn | Wise |

Nays—None

Vote after roll call:

Yea—Crist

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 third time by title.

On motion by Senator Storms, **SB 1046** was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

SB 186—A bill to be entitled An act relating to the University of South Florida Polytechnic; creating s. 1004.345, F.S.; establishing and designating the University of South Florida Polytechnic 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.

—as amended April 23 was read the third time by title.

On motion by Senator Alexander, **SB 186** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

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 read the third time by title.

On motion by Senator Bennett, **CS for CS for HB 343** was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

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 read the third time by title.

On motion by Senator Posey, **CS for HB 535** 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 |
| Bullard | Haridopolos | Ring |
| Carlton | Hill | Saunders |
| Constantine | Jones | Siplin |
| Crist | Joyner | Storms |
| Dawson | Justice | Villalobos |
| Dean | King | Webster |
| Deutch | Lawson | Wilson |
| Diaz de la Portilla | Lynn | Wise |

Nays—None

Vote after roll call:

Yea—Bennett

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.

—as amended April 23 was read the third time by title.

On motion by Senator Posey, **CS for CS for SB 2174** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

Consideration of **CS for CS for SB 2264** was deferred.

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 read the third time by title.

On motion by Senator Gaetz, **CS for SB 2462** was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

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 third time by title.

On motion by Senator Bennett, **CS for CS for SB 428** was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

Consideration of **CS for CS for CS for SB 2016** was deferred.

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 third time by title.

On motions by Senator Lawson, **CS for CS for SB 2264** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—King

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.

—was read the third time by title.

On motion by Senator Villalobos, **CS for HB 995** was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

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 third time by title.

On motion by Senator King, **CS for CS for SB 1076** was passed and certified to the House. The vote on passage was:

Yeas—39

| | | |
|---------------|----------|---------|
| Mr. President | Aronberg | Baker |
| Alexander | Atwater | Bennett |

| | | |
|---------------------|-------------|------------|
| Bullard | Garcia | Oelrich |
| Carlton | Geller | Peaden |
| Constantine | Haridopolos | Posey |
| Crist | Hill | Rich |
| Dawson | Jones | Saunders |
| Dean | Joyner | Siplin |
| Deutch | Justice | Storms |
| Diaz de la Portilla | King | Villalobos |
| Dockery | Lawson | Webster |
| Fasano | Lynn | Wilson |
| Gaetz | Margolis | Wise |

Nays—None

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.

—as amended April 23 was read the third time by title.

On motion by Senator Haridopolos, **CS for SB 2582** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

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.

—as amended April 23 was read the third time by title.

MOTION

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

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

Amendment 1 (293368)(with title amendment)—Delete line(s) 61-69 and insert: rented, or leased by the equipment owner. However, equipment being delivered by a dealer to a purchaser is not subject to the 50-mile limitation. Farming or agricultural equipment greater than 174 inches in width must have one warning lamp mounted on each side of the equipment to denote the width and must have a slow-moving vehicle sign. Warning lamps required by this paragraph must be visible from the front and rear of the vehicle and must be visible from a distance of at least 1,000 feet.

And the title is amended as follows:

On line(s) 4, after "width" insert: and height

On motion by Senator Baker, CS for CS for SB 1946 as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

Table with 3 columns: Name, Name, Name. Lists names of senators who voted 'Yeas' for SB 1946.

Nays—None

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 third time by title.

On motion by Senator Posey, SB 2296 was passed and certified to the House. The vote on passage was:

Yeas—40

Table with 3 columns: Name, Name, Name. Lists names of senators who voted 'Yeas' for SB 2296.

Table with 3 columns: Name, Name, Name. Lists names of senators who voted 'Nays' for SB 1946.

Nays—None

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; 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.

—as amended April 23 was read the third time by title.

On motions by Senator Gaetz, CS for CS for SB 1012 as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Table with 3 columns: Name, Name, Name. Lists names of senators who voted 'Yeas' for SB 1012.

Nays—None

SPECIAL ORDER CALENDAR

By Senator Constantine—

CS for CS for CS for CS for SB 560—A bill to be entitled An act relating to energy efficiency and conservation; amending s. 163.04, F.S.; revising provisions authorizing the use of solar collectors and other energy devices; amending s. 163.3177, F.S.; revising requirements for the future land use element of a local comprehensive plan to include energy-efficient land use patterns and greenhouse gas reduction strategies; requiring that the traffic-circulation element of a local comprehensive plan incorporate transportation strategies to reduce greenhouse gas emissions; requiring that the land use map or map series contained in the future land use element of a local comprehensive plan identify and

depict energy conservation; requiring that the home element of a local comprehensive plan include energy efficiency in the design and construction of new housing and use of renewable energy resources; providing that certain counties may not receive state affordable housing funds under certain circumstances; requiring each unit of local government within an urbanized area to amend the transportation element of a local comprehensive plan to incorporate transportation strategies addressing reduction in greenhouse gas emissions; amending s. 489.105, F.S.; expanding the scope of the definition of "roofing contractor" to include contractors performing required roof-deck attachments and any repair or replacement of wood roof sheathing or fascia as needed during roof repair or replacement; amending s. 553.36, F.S.; redefining the term "manufactured building" for purposes of the Florida Manufactured Building Act to include modular and factory-built buildings; amending s. 553.37, F.S.; requiring the Department of Community Affairs to adopt rules related to the inspection, construction, and modification of manufactured buildings; requiring the department to develop an insignia to be affixed to newly constructed manufactured buildings; authorizing the department to charge a fee for the insignia; providing requirements for the insignia; requiring the department to develop minimum criteria for a manufacturer's data plate; amending s. 553.381, F.S.; conforming provisions; amending s. 553.415, F.S.; requiring the department to require that an insignia be affixed to all newly constructed factory-built school buildings; providing requirements for the manufacturer's data plate; amending s. 553.71, F.S.; providing a definition; amending s. 553.73, F.S.; expanding required codes to be included in Florida Building Code updates; expanding the list of reasons the commission may amend the Florida Building Code; providing requirements for the retroactive application of parts of the Florida Building Code to commercial wireless communications towers; amending s. 553.74, F.S.; revising requirements for selecting members of the Florida Building Commission; revising membership of the commission; deleting obsolete provisions; amending s. 553.75, F.S.; authorizing the Florida Building Commission to use communications media technology in conducting its meetings or meetings held in conjunction with commission meetings; providing for public comment at meetings of the commission; amending s. 553.77, F.S.; authorizing the commission to implement recommendations relating to energy efficiency in residential and commercial buildings; amending s. 553.775, F.S.; authorizing the commission to render declaratory statements; amending s. 553.80, F.S.; providing that the enforcement of construction regulations relating to facilities for mental health treatment are under the jurisdiction of the Department of Children and Family Services; amending s. 553.842, F.S.; requiring the commission to review the list of product evaluation entities; providing reporting requirements; providing for rulemaking; designating an entity as an approved production evaluation entity until October 1, 2009; providing criteria for substitution of approved products under certain conditions; providing for the expiration of certain product approvals; amending s. 553.844, F.S.; revising provisions requiring the adoption of certain mitigation techniques by the Florida Building Commission within the Florida Building Code for certain structures; amending s. 553.885, F.S.; requiring the installation of carbon monoxide detectors in certain new hospitals, hospice and nursing homes facilities; creating s. 553.886, F.S.; requiring that the Florida Building Code facilitate and promote the use of certain renewable energy technologies in buildings; amending s. 553.901, F.S.; requiring the commission to adopt by rule a definition of the term "cost-effective"; creating s. 553.9061, F.S.; establishing a schedule of required increases in the energy performance of buildings subject to the Florida Building Code; providing a process for implementing goals to increase energy-efficiency performance in new buildings; providing a schedule for the implementation of such goals; identifying energy-efficiency performance options and elements available to meet energy-efficiency performance requirements; providing a schedule for the review and adoption of renewable energy-efficiency goals by the commission; requiring the commission to conduct a study to evaluate the energy-efficiency rating of new buildings and appliances; requiring the commission to submit a report to the President of the Senate and the Speaker of the House of Representatives on or before a specified date; requiring the commission to conduct a study to evaluate opportunities to restructure the Florida Energy Code for Building Construction, including the integration of the Thermal Efficiency Code, the Energy Conservation Standards Act, and the Florida Building Energy-Efficiency Rating Act; requiring the commission to submit a report to the President of the Senate and the Speaker of the House of Representatives on or before a specified date; directing the Department of Community Affairs, in conjunction with the Florida Energy Affordability Council, to identify and review issues relating to the Low-Income Home Energy Assistance Program and the Weatherization Assistance Program; requiring the submission of a report to

the President of the Senate and the Speaker of the House of Representatives on or before a specified date; providing for the expiration of certain study requirements; repealing s. 553.731 F.S., relating to wind-borne debris protection requirements; amending s. 718.113, F.S.; authorizing the board of a condominium or a multicondominium to install solar collectors, clotheslines, or other energy-efficient devices on association property; requiring the Florida Building Commission to include certain information in its report to the Legislature; providing an effective date.

—was read the second time by title.

Senator Constantine moved the following amendments which were adopted:

Amendment 1 (524398)(with title amendment)—Delete line(s) 649 and insert: *wireless communication towers when such general provisions are inconsistent with the*

And the title is amended as follows:

Delete line(s) 2 and insert: An act relating to building code standards;

Amendment 2 (224402)(with title amendment)—Delete line(s) 827-854 and insert:

Section 14. Paragraph (g) is added to subsection (1) of section 553.80, Florida Statutes, to read:

553.80 Enforcement.—

(1) Except as provided in paragraphs (a)-(g) ~~(a)-(f)~~, each local government and each legally constituted enforcement district with statutory authority shall regulate building construction and, where authorized in the state agency's enabling legislation, each state agency shall enforce the Florida Building Code required by this part on all public or private buildings, structures, and facilities, unless such responsibility has been delegated to another unit of government pursuant to s. 553.79(9).

(g) *Construction regulations relating to secure mental health treatment facilities under the jurisdiction of the Department of Children and Family Services shall be enforced exclusively by the department in conjunction with the Agency for Health Care Administration's review authority under paragraph (c).*

The governing bodies of local governments may provide a schedule of fees, as authorized by s. 125.56(2) or s. 166.222 and this section, for the enforcement of the provisions of this part. Such fees shall be used solely for carrying out the local government's responsibilities in enforcing the Florida Building Code. The authority of state enforcing agencies to set fees for enforcement shall be derived from authority existing on July 1, 1998. However, nothing contained in this subsection shall operate to limit such agencies from adjusting their fee schedule in conformance with existing authority.

And the title is amended as follows:

Delete line(s) 64-67 and insert: enforcement of construction regulations relating to secure mental health treatment facilities under the jurisdiction of the Department of Children and Family Services shall be enforced exclusively by the department in conjunction with the review authority of the Agency for Health Care Administration; amending s. 553.842, F.S.; requiring the

Amendment 3 (977212)—Delete line(s) 919-926 and insert:

(1) Every building, *other than a hospital, an inpatient hospice facility, or a nursing home facility licensed by the Agency for Health Care Administration*, for which a building permit is issued for new construction on or after July 1, 2008, and having a fossil-fuel-burning heater or appliance, a fireplace, or an attached garage shall have an approved operational carbon monoxide alarm installed within 10 feet of each room used for sleeping purposes. *For a new hospital, an inpatient hospice facility, or a*

Amendment 4 (773790)—Delete line(s) 959 and insert: implementation. *Before initiating rulemaking for amendments to*

Amendment 5 (960512)(with title amendment)—Between line(s) 1064 and 1065 insert:

Section 25. *The repeal of s. 553.731, Florida Statutes, by this act, does not diminish or authorize changes that diminish the provisions of the Florida Building Code relating to wind resistance or water intrusion which were adopted pursuant to chapter 2007-1, Laws of Florida.*

Section 26. *Subparagraph 6. of paragraph (a) of subsection (6) of s. 627.351, Florida Statutes, is repealed.*

And the title is amended as follows:

Delete line(s) 117 and insert: wind-borne debris protection requirements; providing for construction and interpretation of the repeal, repealing s. 627.351(6)(a)6., F.S.; providing requirements for certain properties to meet building code plus requirements as a condition of eligibility for coverage by Citizens Property Insurance Corporation; amending s.

Pursuant to Rule 4.19, **CS for CS for CS for CS for SB 560** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 482** was deferred.

CS for CS for SB 704—A bill to be entitled An act relating to administrative procedures; providing a short title; amending s. 120.52, F.S.; redefining the term “invalid exercise of delegated legislative authority” to remove a limitation on the construction of statutory language granting rulemaking authority; defining the terms “law implemented,” “rule-making authority,” and “unadopted rule”; amending s. 120.53, F.S.; authorizing agencies to transmit agency orders electronically to the Division of Administrative Hearings; amending s. 120.536, F.S.; revising guidelines for the construction of statutory language granting rulemaking authority; amending s. 120.54, F.S.; prescribing limits and guidelines with respect to the incorporation of material by reference; prescribing requirements for material being incorporated by reference; prohibiting an agency head from delegating or transferring certain specified rulemaking responsibilities; revising the information required in notices of proposed actions; providing additional procedures for rule-adoption hearings; revising requirements for filing rules; requiring that material incorporated by reference be published by the agency when adopting emergency rules; revising provisions with respect to petitions to initiate rulemaking; amending s. 120.545, F.S.; revising duties and procedures of the Administrative Procedures Committee and agencies with respect to review of agency rules; deleting procedures for agency election to modify, withdraw, amend, or repeal a proposed rule; providing for the effect of the failure of an agency to respond to a committee objection to a statement of estimated regulatory costs within the time prescribed; deleting a requirement that the Department of State publish final legislative action; amending s. 120.55, F.S.; requiring the department to prescribe by rule the content requirements for rules, notices, and other materials; providing for the transfer of excess funds; requiring electronic publication of the Florida Administrative Code; prescribing requirements with respect to the content of such electronic publication; providing for filing information incorporated by reference in electronic form; providing requirements for the Florida Administrative Weekly Internet website; amending s. 120.56, F.S., relating to challenges to rules; conforming a cross-reference; revising procedures for administrative determinations of the invalidity of rules; requiring an agency to discontinue reliance on a statement under certain circumstances; providing an exception; deleting certain provisions relating to actions before a final hearing is held; amending s. 120.57, F.S.; revising procedures applicable to hearings involving disputed issues of material fact; prohibiting enforcement of unadopted agency rules under certain circumstances; amending s. 120.595, F.S.; increasing the limitation on attorney’s fees in challenges to proposed agency rules or existing agency rules; providing for an award of reasonable costs and attorney’s fees accrued by a petitioner under certain circumstances; providing for an award of fees and costs if the agency prevails and a party participated for an improper purpose; amending s. 120.569, F.S.; requiring that certain administrative proceedings be terminated and subsequently reinstated under different provisions of law if a disputed issue of material fact arises during the proceeding; conforming a cross-reference; amending s. 120.74, F.S.; revising reporting requirement for agency heads; amending ss. 120.80, 120.81, 409.175, 420.9072, and 420.9075, F.S.; conforming cross-references; providing appropriations; requiring a temporary increase in the space rate charge for publication in the Florida Administrative

Weekly; revising, for a specified period, the limit for the unencumbered balance in the Records Management Trust Fund at the beginning of the fiscal year for fees collected under ch. 120, F.S.; providing effective dates.

—was read the second time by title. On motions by Senator Bennett, by two-thirds vote **CS for CS for SB 704** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

Consideration of **CS for SB 500** was deferred.

By Senator Saunders—

CS for SB 1300—A bill to be entitled An act relating to fish and wildlife; amending s. 253.04, F.S., relating to the protection of state lands; providing definitions; providing that it is a civil infraction to operate a vessel outside a marked channel in a manner that causes seagrass scarring; providing penalties; amending s. 327.73, F.S., relating to noncriminal infractions; establishing civil penalties for the destruction of seagrasses; amending s. 372.73, F.S., relating to the disposition of illegally taken wildlife; providing for the disposition of such wildlife; providing for the documentation of illegally taken wildlife; creating s. 372.731, F.S., relating to photographs of illegally taken wildlife; providing for the admission of photographs as evidentiary materials; providing conditions under which such photographs shall be taken; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1300** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 1986** was deferred.

By Senator Bennett—

CS for SB 758—A bill to be entitled An act relating to inland navigation; amending s. 374.975, F.S.; providing that operation and maintenance of the Intracoastal Waterway and certain other public navigation channels by inland navigation districts is in the public interest; amending s. 374.976, F.S.; authorizing inland navigation districts to aid and cooperate with certain nonmember counties, certain seaports, and navigation districts in planning and carrying out certain projects concerning waterways; authorizing inland navigation districts to furnish assistance and support to seaports in planning and carrying out projects concerning waterway-related access; amending s. 374.977, F.S.; requiring that the Fish and Wildlife Conservation Commission assume certain responsibilities for posting and maintaining regulatory markers concerning manatee protection speed zones; allowing the commission to apply to inland navigation districts for funding to assist with this responsibility; amending s. 403.813, F.S.; removing provisions requiring the Secretary of Environmental Protection to adopt procedural rules for certain dredge and fill projects; revising requirements governing maintenance dredging by

inland navigation districts and certain seaports; granting mixing zones; authorizing discharge of the return water from the site for the disposal of the dredged material under certain conditions; defining the term "manmade waters"; prohibiting the state from charging an inland navigation district or a public port authority for certain removed materials; authorizing the use of flocculants at a site for the disposal of dredged material under certain conditions; authorizing the Department of Environmental Protection to develop and maintain a list concerning the use of flocculants; providing that publication of the list is not a rule; authorizing the department to approve the use of a flocculant that is not on the list under specified conditions; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 758** was placed on the calendar of Bills on Third Reading.

By Senator Lawson—

CS for CS for SB 2848—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.021, F.S.; redefining the terms "employer," "officer or employee," "past service," "compensation," "normal retirement date," "regularly established position," and "temporary position"; defining the terms "state board" and "trustees"; amending s. 121.031, F.S.; requiring promotional materials that refer to the Florida Retirement System to include a disclaimer unless approval is obtained from the Department of Management Services; amending s. 121.051, F.S.; conforming a cross-reference; revising provisions relating to participation in the system; excluding the participation of entities under a lease agreement; excluding the participation of prisoners and inmates in the system; amending s. 121.052, F.S.; changing the dates for when a governing body of a municipality or special district may elect to designate its elected positions for inclusion in the Elected Officers' Class; amending s. 121.071, F.S.; expanding the mechanisms for employees to pay contributions to the system; amending s. 121.081, F.S.; revising provisions relating to receiving credit for past or prior service; prohibiting a member from receiving credit for service covered and reported by both a public employer and a private employer; amending s. 121.091, F.S.; revising provisions relating to retirement benefits; deleting a restriction on the reemployment of certain personnel by the Florida School for the Deaf and the Blind; extending the period of time that instructional personnel employed by a developmental research school may participate in the Deferred Retirement Option Program; clarifying that DROP participation cannot be cancelled; providing for the suspension of DROP benefits to a participant who is reemployed; deleting obsolete provisions; authorizing the Division of Retirement to issue benefits pursuant to a qualified domestic relations order directly to the alternate payee; amending s. 121.1115, F.S.; revising provisions relating to receiving retirement credit for out-of-state service; providing that a member is not eligible for and may not receive a benefit based on that service; amending s. 121.1122, F.S.; revising provisions relating to receiving retirement credit for in-state service; providing that a member may not be eligible for or receiving a benefit based on service; amending s. 121.136, F.S.; revising provisions relating to the annual statement of benefits provided to certain active members of the Florida Retirement System; amending s. 121.1905, F.S.; deleting provision describing the mission of the Division of Retirement; amending s. 121.23, F.S.; requiring the State Retirement Commission to meet the same requirements used by the Secretary of Management Services before approving a disability retirement benefit; amending s. 121.24, F.S.; requiring a quorum of three members for all appeal hearings held by the State Retirement Commission; amending s. 1012.33, F.S.; deleting the provision preventing persons who have retired from the public school system from renewing membership in the Florida Retirement System upon reemployment by the school system; repealing s. 121.093, F.S., relating to instructional personnel reemployment after retirement from the developmental research school or the Florida School for the Deaf and the Blind; repealing s. 121.094, F.S., relating to instructional personnel reemployment after retirement from a charter school; repealing s. 121.45, F.S., relating to interstate compacts relating to pension portability; providing a declaration of important state interest; providing an effective date.

—was read the second time by title.

Senator Lawson moved the following amendments which were adopted:

Amendment 1 (821848)(with title amendment)—Delete line(s) 106-119 and insert:

(22) "Compensation" means the monthly salary paid a member by his or her employer for work performed arising from that employment.

(b) Under no circumstances shall compensation for a member participating in the defined benefit retirement program or the Public Employee Optional Retirement Program of the Florida Retirement System include:

1. Fees paid professional persons for special or particular services or include salary payments made from a faculty practice plan authorized by the Board of Governors of the State University System for eligible clinical faculty at a college in a state university that has with a faculty practice plan; or

2. Any Bonuses or other payments prohibited from inclusion in the member's average final compensation and defined in subsection (47); or

3. Payment for work given to a person who is an inmate or prisoner at the time the work is performed.

And the title is amended as follows:

Delete line(s) 2 and insert: An act relating to retirement; amending

Amendment 2 (174916)(with title amendment)—Delete line(s) 224-233 and insert: any state-supported retirement system.

1.a. Any person appointed on or after July 1, 1989, to a faculty position in a college at the J. Hillis Miller Health Center at the University of Florida or the Medical Center at the University of South Florida which has a faculty practice plan adopted provided by rule may adopted by the Board of Regents shall not participate in the Florida Retirement System. Effective July 1, 2008, any person appointed thereafter to a faculty position, including clinical faculty, in a college at a state university that has a faculty practice plan authorized by the Board of Governors may not participate in the Florida Retirement System. A faculty member so appointed shall participate in the optional retirement program for the State University System on the basis of his or her state-funded compensation, notwithstanding the provisions of s. 121.35(2)(a).

b. For purposes of this subparagraph, the term "faculty position" is defined as a position assigned the principal responsibility of teaching, research, or public service activities or administrative responsibility directly related to the academic mission of the college. The term "clinical faculty" is defined as a faculty position appointment in conjunction with a professional position in a hospital or other clinical environment at a college. The term "faculty practice plan" includes professional services to patients, institutions, or other parties which are rendered by the clinical faculty employed by a college that has a faculty practice plan at a state university authorized by the Board of Governors.

And the title is amended as follows:

On line(s) 13, after the semicolon (;) insert: requiring that a person appointed to a faculty position at a state university having a faculty practice plan participate in the optional retirement program of the State University System rather than the Florida Retirement System; providing definitions;

Amendment 3 (022310)(with title amendment)—Between line(s) 1255 and 1256 insert:

Section 15. Paragraph (a) of subsection (4) of section 121.35, Florida Statutes, is amended, and paragraph (g) is added to that subsection, to read:

121.35 Optional retirement program for the State University System.—

(4) CONTRIBUTIONS.—

(a) Through June 30, 2001, each employer shall contribute on behalf of each participant in the optional retirement program an amount equal to the normal cost portion of the employer retirement contribution which would be required if the participant were a regular member of the Florida Retirement System defined benefit program, plus the portion of the contribution rate required in s. 112.363(8) that would otherwise be assigned to the Retiree Health Insurance Subsidy Trust Fund. Effective

July 1, 2001, each employer shall contribute on behalf of each participant in the optional program an amount equal to 10.43 percent of the participant's gross monthly compensation. The department shall deduct an amount approved by the Legislature to provide for the administration of this program. The payment of the contributions to the optional program which is required by this paragraph for each participant shall be made by the employer to the department, which shall forward the contributions to the designated company or companies contracting for payment of benefits for the participant under the program. However, such contributions paid on behalf of an employee described in paragraph (3)(c) shall not be forwarded to a company and shall not begin to accrue interest until the employee has executed a ~~an annuity~~ contract and notified the department.

(g) *Effective July 1, 2008, for purposes of paragraph (a) and notwithstanding s. 121.021(22)(b)1., the term "participant's gross monthly compensation" includes salary payments made to eligible clinical faculty from a state university using funds provided by a faculty practice plan authorized by the Board of Governors of the State University System if:*

1. *There is not any employer contribution from the state university to any other retirement program with respect to such salary payments; and*
2. *The employer contribution on behalf of the participant in the optional retirement program with respect to such salary payments is made using funds provided by the faculty practice plan.*

Section 16. Section 121.355, Florida Statutes, is created to read:

121.355 Community College Optional Retirement Program and State University System Optional Retirement Program member transfer.—Effective January 1, 2009, through December 31, 2009, an employee who is a former participant in the Community College Optional Retirement Program or the State University System Optional Retirement Program and present mandatory participant in the Florida Retirement System defined benefit plan may receive service credit equal to his or her years of service under the Community College Optional Retirement Program or the State University System Optional Retirement Program under the following conditions:

(1) *The cost for such credit shall be an amount representing the actuarial accrued liability for the affected period of service. The cost shall be calculated using the discount rate and other relevant actuarial assumptions that were used to value the Florida Retirement System defined benefit plan liabilities in the most recent actuarial valuation. The calculation shall include any service already maintained under the defined benefit plan in addition to the years under the Community College Optional Retirement Program or the State University System Optional Retirement Program. The actuarial accrued liability of any service already maintained under the defined benefit plan shall be applied as a credit to total cost resulting from the calculation. The division shall ensure that the transfer sum is prepared using a formula and methodology certified by an enrolled actuary.*

(2) *The employee must transfer from his or her Community College Optional Retirement Program account or State University System Optional Retirement Program account, subject to the terms of the applicable optional retirement program contract, and from other employee moneys as necessary, a sum representing the actuarial accrued liability immediately following the time of such movement, determined assuming that attained service equals the sum of service in the defined benefit program and service in the Community College Optional Retirement Program or State University System Optional Retirement Program.*

(3) *The employee may not receive service credit for a period of mandatory participation in the State University System Optional Retirement Program or for a period for which a distribution was received from the Community College Optional Retirement Program or State University System Optional Retirement Program.*

And the title is amended as follows:

On line(s) 59, after the semicolon (;) insert: amending s. 121.35, F.S.; requiring the participating employee in the optional retirement program to execute a contract, not just an annuity contract, with a designated company in order for employee contributions to be forwarded to the company and for interest to accrue; defining the term "participant's gross monthly compensation" for purposes of the optional retirement program for the State University System; creating s. 121.355, F.S.; au-

thorizing certain former participants in the Community College Optional Retirement Program or the State University System Optional Retirement Program and present mandatory participants in the Florida Retirement System to receive a specified amount of service credit under certain conditions; providing a specified time period for the election of such transfer; limiting certain service credit;

Pursuant to Rule 4.19, **CS for CS for SB 2848** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Gaetz, by two-thirds vote **CS for HB 337** was withdrawn from the Committees on Governmental Operations; Higher Education; Transportation and Economic Development Appropriations; and Higher Education Appropriations.

On motion by Senator Gaetz—

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.

—a companion measure, was substituted for **CS for SB 1014** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 337** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bullard, by two-thirds vote **CS for HB 3** was withdrawn from the Committees on Community Affairs; and Health and Human Services Appropriations.

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

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.

—a companion measure, was substituted for **CS for SB 500** and by two-thirds vote read the second time by title.

MOTION

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

Senator Bullard moved the following amendment which was adopted:

Amendment 1 (932828)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 409.147, Florida Statutes, is created to read:

409.147 *Children's zones.*—

(1) **LEGISLATIVE FINDINGS AND INTENT.**—

(a) *The Legislature finds that:*

1. *There are neighborhoods in the state where the infrastructure and opportunities that middle-class communities take for granted are nonexistent or so marginal that they are ineffective.*

2. *Children living in these neighborhoods are read to by an adult on a regular basis and attend a prekindergarten education program at a much lower rate than children in other communities. These children experience below-average performance on standardized tests and graduate from high school in fewer numbers. Most of these children are eligible for the free or reduced-price school lunch program.*

3. *Children in these neighborhoods often suffer from high rates of asthma, a higher risk of lead poisoning, and inadequate health care, and they are routinely exposed to violence and crime.*

4. *In spite of these obstacles, these neighborhoods are many times home to strong individuals and institutions that are committed to making a difference in the lives of children and their families.*

(b) *It is therefore the intent of the Legislature to assist disadvantaged areas within the state in creating a community-based service network that develops, coordinates, and provides quality education, accessible health care, youth development programs, opportunities for employment, and safe and affordable housing for children and families living within its boundaries.*

(2) **POLICY AND PURPOSE.**—*It is the policy of this state to provide the necessary means to assist local communities, the children and families who live in those communities, and the private sector in creating a sound educational, social, and economic environment. To achieve this objective, the state intends to provide investments sufficient to encourage community partners to commit financial and other resources to severely disadvantaged areas. The purpose of this section is to establish a process that clearly identifies the severely disadvantaged areas and provides guidance for developing a new social service paradigm that systematically coordinates programs that address the critical needs of children and their families and for directing efforts to rebuild the basic infrastructure of the community. The Legislature, therefore, declares the creation of children's zones, through the collaborative efforts of government and the private sector, to be a public purpose.*

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

(a) *"Governing body" means the commission or other legislative body charged with governing a county or municipality.*

(b) *"Ounce" means the Ounce of Prevention Fund of Florida, Inc.*

(c) *"Planning team" means a children's zone planning team established under this section.*

(d) *"Resident" means a person who lives or operates a small community-based business or organization within the boundaries of the children's zone.*

(4) **CHILDREN'S ZONE NOMINATING PROCESS.**—*A county or municipality, or a county and one or more municipalities together, may apply to Ounce to designate an area as a children's zone after the governing body:*

(a) *Adopts a resolution that:*

1. *Finds that an area exists in such county or municipality, or in the county and one or more municipalities, that chronically exhibits extreme and unacceptable levels of poverty, unemployment, physical deterioration, as well as limited access to quality educational, health care, and social services.*

2. *Determines that the rehabilitation, conservation, or redevelopment, or a combination thereof, of the area is necessary in the interest of improving the health, wellness, education, living conditions, and livelihoods of the children and families who live in the county or municipality.*

3. *Determines that the revitalization of the area can occur only if the state and the private sector invest resources to improve infrastructure and the provision of services.*

(b) *Establishes a children's zone planning team as provided in subsection (5).*

(c) *Develops and adopts a strategic community plan as provided in subsection (6).*

(d) *Creates a corporation not for profit as provided in subsection (7).*

(5) **CHILDREN'S ZONE PLANNING TEAM.**—

(a) *After the governing body adopts the resolution described in subsection (4), the county or municipality shall establish a children's zone planning team.*

(b) *The planning team shall include residents and representatives from community-based organizations and other community institutions. At least half of the members of the planning team must be residents.*

(c) *The planning team shall:*

1. *Develop a planning process that sets the direction for, builds a commitment to, and develops the capacity to realize the children's zone concept.*

2. *Develop a vision of what the children's zone will look like when the challenges, problems, and opportunities in the children's zone are successfully addressed.*

3. *Identify important opportunities, strengths, challenges, and problems in the children's zone.*

4. *Develop a strategic community plan consisting of goals, objectives, tasks, the designation of responsible parties, the identification of resources needed, timelines for implementation of the plan, and procedures for monitoring outcomes.*

(d) *The planning team shall designate working groups to specifically address each of the following focus areas:*

1. *Early development and care of children.*

2. *Education of children and youth.*

3. *Health and wellness.*

4. *Youth support.*

5. *Parent and guardian support.*

6. *Adult education, training, and jobs.*

7. *Community safety.*

8. *Housing and community development.*

(6) **CHILDREN'S ZONE STRATEGIC COMMUNITY PLAN.**—*After the governing body adopts the resolution described in subsection (4), the working groups shall develop objectives and identify strategies for each*

focus area. The objectives, specified by focus area, for a working group may include, but not be limited to:

- (a) *Early development and care of children.*
 - 1. *Providing resources to enable every child to be adequately nurtured during the first 3 years of life.*
 - 2. *Ensuring that all schools are ready for children and all children are ready for school.*
 - 3. *Facilitating enrollment in half-day or full-day prekindergarten for all 3-year-old and 4-year-old children.*
 - 4. *Strengthening parent and guardian relationships with care providers.*
 - 5. *Providing support and education for families and child care providers.*
- (b) *Education of children and youth.*
 - 1. *Increasing the level and degree of accountability of persons who are responsible for the development and well-being of all children in the children's zone.*
 - 2. *Changing the structure and function of schools to increase the quality and amount of time spent on instruction and increase programmatic options and offerings.*
 - 3. *Creating a safe and respectful environment for student learning.*
 - 4. *Identifying and supporting points of alignment between the children's zone community plan and the school district's strategic plan.*
- (c) *Health and wellness.*
 - 1. *Facilitating enrollment of all eligible children in the Florida Kid-care program and providing full access to high-quality drug and alcohol treatment services.*
 - 2. *Eliminating health disparities between racial and cultural groups, including improving outcomes and increasing interventions.*
 - 3. *Providing fresh, good quality, affordable, and nutritious food within the children's zone.*
 - 4. *Providing all children in the children's zone with access to safe structured and unstructured recreation.*
- (d) *Youth support.*
 - 1. *Increasing the high school graduation rate.*
 - 2. *Increasing leadership development and employment opportunities for youth.*
- (e) *Parent and guardian support.*
 - 1. *Increasing parent and adult literacy.*
 - 2. *Expanding access for parents to critical resources, such as jobs, transportation, day care, and after-school care.*
 - 3. *Improving the effectiveness of the ways in which support systems communicate and collaborate with parents and the ways in which parents communicate and collaborate with support systems.*
 - 4. *Making the services of the Healthy Families Florida program available to provide multiyear support to expectant parents and persons caring for infants and toddlers.*
- (f) *Adult education, training, and jobs.*
 - 1. *Creating job opportunities for adults that lead to career development.*
 - 2. *Establishing a career and technical school, or a satellite of such a school in the children's zone, which includes a one-stop career center.*

- (g) *Community safety.*
 - 1. *Providing a safe environment for all children at home, in school, and in the community.*
 - 2. *Eliminating the economic, political, and social forces that lead to a lack of safety within the family, the community, schools, and institutional structures.*
 - 3. *Assessing policies and practices, including sentencing, incarceration, detention, and data reporting, in order to reduce youth violence, crime, and recidivism.*

- (h) *Housing and community development.*
 - 1. *Strengthening the residential real estate market.*
 - 2. *Building on existing efforts to promote socioeconomic diversity when developing a comprehensive land use strategic plan.*
 - 3. *Promoting neighborhood beautification strategies.*

(7) **CHILDREN'S ZONE CORPORATION.**—After the governing body adopts the resolution described in subsection (4), the county or municipality shall create a corporation not for profit which shall be registered, incorporated, organized, and operated in compliance with chapter 617. The purpose of the corporation is to facilitate fundraising, to secure broad community ownership of the children's zone, and, if the area selected by the governing body is designated as a children's zone, to:

- (a) *Begin to transfer responsibility for planning from the planning team to the corporation.*
- (b) *Begin the implementation and governance of the children's zone community plan.*

(8) **CREATION OF MAGIC CITY CHILDREN'S ZONE, INC., PILOT PROJECT.**—

(a) *There is created within the Liberty City neighborhood in Miami-Dade County a 10-year pilot project zone that, by November 1, 2008, shall be managed by an entity organized as a corporation not for profit which shall be registered, incorporated, organized, and operated in compliance with chapter 617. The corporation shall be known as the Magic City Children's Zone, Inc., and shall be administratively housed within the Belafonte Tacolcy Center. However, Magic City Children's Zone, Inc., is not subject to control, supervision, or direction by the Belafonte Tacolcy Center in any manner. The Legislature determines, however, that public policy dictates that the corporation operate in the most open and accessible manner consistent with its public purpose. Therefore, the Legislature specifically declares that the corporation is subject to chapter 119, relating to public records, chapter 286, relating to public meetings and records, and chapter 287, relating to procurement of commodities or contractual services.*

(b) *This pilot project zone is designed to encompass an area that is large enough to include all of the necessary components of community life, including, but not limited to, schools, places of worship, recreational facilities, commercial areas, and common space, yet small enough to allow programs and services to reach every willing member of the neighborhood. Therefore, the geographic boundaries of the pilot project zone are:*

- 1. *Northwest 79th Street to the north;*
- 2. *Northwest 36th Street to the south;*
- 3. *North Miami Avenue to the east; and*
- 4. *Northwest 27th Avenue to the west.*

(c)1. *The corporation shall be governed by a 15-member board of directors. The board of directors shall consist of the following members:*

- a. *The chief executive officer of the Belafonte Tacolcy Center.*
- b. *The executive director of the Carrie P. Meek Entrepreneurial Education Center, Miami-Dade College.*
- c. *The director of the Parks and Recreation Department of the City of Miami.*

- d. The director of the Miami-Dade Cultural Arts Center.
- e. The chief executive officer of the Urban League of Greater Miami.
- f. The director of the Liberty City Service Partnership.
- g. The regional superintendent of the Miami-Dade County Public Schools.
- h. The president of the Student Government Association of Northwestern High School.
- i. The president of the Student Government Association of Edison High School.
- j. The president of the Parent Teacher Student Association of Northwestern High School.
- k. The president of the Parent Teacher Student Association of Edison High School.
- l. Four members from the local private business sector, to be appointed by a majority vote of the members designated in subparagraphs a.-k., all of whom must have significant experience in one of the focus areas specified in subsection (6).
2. All members of the board of directors shall be appointed no later than 90 days following the incorporation of the Magic City Children's Zone, Inc., and:
- a. Eleven members initially appointed pursuant to this paragraph shall each serve a 4-year term.
- b. The remaining initial four appointees shall each serve a 2-year term.
- c. Each member appointed thereafter shall serve a 4-year term.
- d. A vacancy shall be filled in the same manner in which the original appointment was made, and a member appointed to fill a vacancy shall serve for the remainder of that term.
- e. A member may not serve more than 8 years in consecutive terms.
3. The board of directors shall annually elect a chairperson and a vice chairperson from among the board's members. The members may, by a vote of eight members, remove a member from the position of chairperson or vice chairperson before the expiration of his or her term as chairperson or vice chairperson. His or her successor shall be elected to serve for the balance of the term of the chairperson or vice chairperson who was removed.
4. The board of directors shall meet at least four times each year upon the call of the chairperson, at the request of the vice chairperson, or at the request of a majority of the membership. A majority of the membership constitutes a quorum. The board of directors may take official action by a majority vote of the members present at any meeting at which a quorum is present. The board may conduct its meetings through teleconferences or other similar means.
5. A member of the board of directors may be removed by a majority of the membership. Absence from three consecutive meetings results in automatic removal.
6. Each member of the board of directors shall serve without compensation but is entitled to reimbursement for per diem and travel expenses as provided in s. 112.061 while in the performance of his or her duties.
7. The corporation shall create a standing advisory board to assist in any part of its delegated duties. The membership of the standing advisory board shall reflect the expertise necessary for the implementation of the children's zone pilot project.
8. The board of directors has the power and duty to:
- a. Adopt articles of incorporation and bylaws necessary to govern its activities.
- b. Begin to transfer responsibility for planning from the children's zone planning team to the corporation.

c. Begin the implementation and governance of the children's zone community plan.

d. Enter into a contract with a management consultant who has experience working with social service and educational entities for the purpose of developing a 10-year comprehensive business plan to carry out the provisions of this section.

(d) Magic City Children's Zone, Inc., shall submit an annual report to the President of the Senate and the Speaker of the House of Representatives by January 31, 2009, and by January 31 of each year thereafter, which shall include a comprehensive and detailed report of its operations, activities, and accomplishments for the prior year as well as its goals for the current year. The initial report shall also include information concerning the status of the development of a business plan.

(9) IMPLEMENTATION.—The implementation of this section is contingent upon a specific appropriation to provide a grant for a 3-year period for the purpose of implementing this section, which includes contracting with a not-for-profit corporation for the development of a business plan and for the evaluation, fiscal management, and oversight of the Magic City Children's Zone, Inc., pilot project.

Section 2. 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 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.

Pursuant to Rule 4.19, **CS for HB 3** as amended was placed on the calendar of Bills on Third Reading.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Dockery, by two-thirds vote **CS for SB 838** was withdrawn from the Committee on Judiciary.

On motion by Senator Saunders, by two-thirds vote **CS for SB 2574** was withdrawn from the Committee on Rules.

On motion by Senator King, by two-thirds vote **CS for SB 1490**, **CS for SB 1492** and **CS for CS for SB 1672** were withdrawn from the Committee on General Government Appropriations.

RECESS

On motion by Senator King, the Senate recessed at 11:58 a.m. to reconvene at 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 1:30 p.m. A quorum present—39:

| | | |
|---------------|---------|-------------|
| Mr. President | Atwater | Bullard |
| Alexander | Baker | Carlton |
| Aronberg | Bennett | Constantine |

| | | | | | |
|---------------------|----------|------------|-----------------------|---------|------|
| Crist | Hill | Posey | Storms | Webster | Wise |
| Dean | Jones | Rich | Villalobos | Wilson | |
| Deutch | Joyner | Ring | Nays—None | | |
| Diaz de la Portilla | Justice | Saunders | Vote after roll call: | | |
| Dockery | King | Siplin | | | |
| Fasano | Lawson | Storms | Yea—Constantine | | |
| Gaetz | Lynn | Villalobos | | | |
| Garcia | Margolis | Webster | | | |
| Geller | Oelrich | Wilson | | | |
| Haridopolos | Peaden | Wise | | | |

SPECIAL ORDER CALENDAR, continued

On motion by Senator Bennett, by two-thirds vote **CS for HB 853** was withdrawn from the Committees on Community Affairs; Banking and Insurance; and Judiciary.

On motion by Senator Bennett—

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.

—a companion measure, was substituted for **CS for SB 1308** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 853** was placed on the calendar of Bills on Third Reading.

On motion by Senator Wilson, by two-thirds vote **CS for CS for HB 1395** was withdrawn from the Committees on Children, Families, and Elder Affairs; Governmental Operations; and Criminal and Civil Justice Appropriations.

On motion by Senator Wilson, by unanimous consent—

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.

—a companion measure, was taken up out of order, substituted for **CS for CS for SB 546** and read the second time by title. On motion by Senator Wilson, by two-thirds vote **CS for CS for HB 1395** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Storms
Villalobos
Nays—None
Vote after roll call:
Yea—Constantine

On motion by Senator Wilson, by unanimous consent—

SB 1456—A bill to be entitled An act relating to medical assistance eligibility of inmates; creating s. 409.9025, F.S.; providing for suspension of medical assistance for certain incarcerated persons while such persons are inmates; providing an exception; providing for eligibility following release from incarceration; providing that, to the extent permitted under federal law, the time during which such person is an inmate shall not be included in any calculation of when the person must recertify his or her eligibility; providing an effective date.

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

Pursuant to Rule 4.19, **SB 1456** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 1486** was deferred.

By Senator Baker—

CS for SB 2052—A bill to be entitled An act relating to water and wastewater utilities; amending s. 367.0814, F.S.; revising provisions for Florida Public Service Commission staff assistance in changing rates and charges for water and wastewater utilities; providing for periodic adjustment of the gross annual revenue level established by the commission for such purposes; requiring the commission to periodically submit a report to the Legislature; specifying report requirements; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2052** was placed on the calendar of Bills on Third Reading.

SB 1558—A bill to be entitled An act relating to official state designations; creating s. 15.0326, F.S.; designating the song “Where the Sawgrass Meets the Sky” as the official state song; providing an effective date.

—was read the second time by title.

Senator King moved the following amendment which was adopted:

Amendment 1 (876018)(with title amendment)—Delete line(s) 9-13 and insert:

Section 1. Section 15.0326, Florida Statutes, is created to read:

15.0326 State anthem.—The song “Florida, Where the Sawgrass Meets the Sky,” music and lyrics written by Jan Hinton, is designated as the official anthem of the State of Florida.

Section 2. Section 15.0327, Florida Statutes, is created to read:

15.0327 State song.—The song “Old Folks at Home,” revised lyrics, as adopted by the Center for American Music, Stephen Foster Memorial, at the University of Pittsburgh, is designated as the official song of the State of Florida.

And the title is amended as follows:

Delete line(s) 3 and 4 and insert: s. 15.0326, F.S.; designating the song “Florida, Where the Sawgrass Meets the Sky” as the official state anthem; creating s. 15.0327, F.S.; designating the song “Old Folks at Home,” revised lyrics, as adopted by the Center for American Music,

Stephen Foster Memorial, at the University of Pittsburgh, as the official state song; providing an

MOTION

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

Senator Hill moved the following amendment:

Amendment 2 (103420)(with title amendment)—Delete line 11 and insert:

15.0326 State song.—The song “Florida, Where the Sawgrass Meets the

And the title is amended as follows:

Delete line 3 and insert: s. 15.0326, F.S.; designating the song “Florida, Where the Sawgrass

On motion by Senator Hill, further consideration of **SB 1558** with pending **Amendment 2 (103420)** was deferred.

On motion by Senator Lawson, the Senate recalled from Engrossing—

CS for CS for SB 2848—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.021, F.S.; redefining the terms “employer,” “officer or employee,” “past service,” “compensation,” “normal retirement date,” “regularly established position,” and temporary position”; defining the terms “state board” and “trustees”; amending s. 121.031, F.S.; requiring promotional materials that refer to the Florida Retirement System to include a disclaimer unless approval is obtained from the Department of Management Services; amending s. 121.051, F.S.; conforming a cross-reference; revising provisions relating to participation in the system; excluding the participation of entities under a lease agreement; excluding the participation of prisoners and inmates in the system; amending s. 121.052, F.S.; changing the dates for when a governing body of a municipality or special district may elect to designate its elected positions for inclusion in the Elected Officers’ Class; amending s. 121.071, F.S.; expanding the mechanisms for employees to pay contributions to the system; amending s. 121.081, F.S.; revising provisions relating to receiving credit for past or prior service; prohibiting a member from receiving credit for service covered and reported by both a public employer and a private employer; amending s. 121.091, F.S.; revising provisions relating to retirement benefits; deleting a restriction on the reemployment of certain personnel by the Florida School for the Deaf and the Blind; extending the period of time that instructional personnel employed by a developmental research school may participate in the Deferred Retirement Option Program; clarifying that DROP participation cannot be cancelled; providing for the suspension of DROP benefits to a participant who is reemployed; deleting obsolete provisions; authorizing the Division of Retirement to issue benefits pursuant to a qualified domestic relations order directly to the alternate payee; amending s. 121.1115, F.S.; revising provisions relating to receiving retirement credit for out-of-state service; providing that a member is not eligible for and may not receive a benefit based on that service; amending s. 121.1122, F.S.; revising provisions relating to receiving retirement credit for in-state service; providing that a member may not be eligible for or receiving a benefit based on service; amending s. 121.136, F.S.; revising provisions relating to the annual statement of benefits provided to certain active members of the Florida Retirement System; amending s. 121.1905, F.S.; deleting provision describing the mission of the Division of Retirement; amending s. 121.23, F.S.; requiring the State Retirement Commission to meet the same requirements used by the Secretary of Management Services before approving a disability retirement benefit; amending s. 121.24, F.S.; requiring a quorum of three members for all appeal hearings held by the State Retirement Commission; amending s. 1012.33, F.S.; deleting the provision preventing persons who have retired from the public school system from renewing membership in the Florida Retirement System upon reemployment by the school system; repealing s. 121.093, F.S., relating to instructional personnel reemployment after retirement from the developmental research school or the Florida School for the Deaf and the Blind; repealing s. 121.094, F.S., relating to instructional personnel reemployment after retirement from a charter school; repealing s. 121.45, F.S., relating to interstate compacts relating to pension portability; providing a declaration of important state interest; providing an effective date.

—which was previously considered and amended this day.

On motions by Senator Lawson, by two-thirds vote **CS for CS for SB 2848** 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

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|---------------------|-------------|------------|
| 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

The Senate resumed consideration of—

SB 1558—A bill to be entitled An act relating to official state designations; creating s. 15.0326, F.S.; designating the song “Where the Sawgrass Meets the Sky” as the official state song; providing an effective date.

—which was previously considered and amended this day. Pending **Amendment 2 (103420)** by Senator Hill was withdrawn.

On motions by Senator Hill, by two-thirds vote **SB 1558** 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

By Senator Fasano—

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.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 994** was placed on the calendar of Bills on Third Reading.

By Senator Saunders—

SB 1486—A bill to be entitled An act relating to state symbols; creating s. 15.0386, F.S.; designating the official state tortoise; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1486** was placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders, by two-thirds vote **HB 989** was withdrawn from the Committees on Health Regulation; and Health Policy.

On motion by Senator Saunders—

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.

—a companion measure, was substituted for **SB 1106** and read the second time by title.

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

On motion by Senator Storms, by two-thirds vote **HB 7085** was withdrawn from the Committees on Children, Families, and Elder Affairs; Judiciary; and Health and Human Services Appropriations.

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

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.

—a companion measure, was substituted for **CS for CS for CS for SB 1150** and read the second time by title.

Senator Storms moved the following amendment:

Amendment 1 (378566)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (1) of section 394.4572, Florida Statutes, is amended to read:

394.4572 Screening of mental health personnel.—

(1)(a) The department and the Agency for Health Care Administration shall require employment screening for mental health personnel using the standards for level 2 screening set forth in chapter 435. “Mental health personnel” includes all program directors, professional clinicians, staff members, and volunteers working in public or private mental health programs and facilities who have direct contact with ~~unmarried~~ patients ~~under the age of 18 years~~. For purposes of this chapter, employment screening of mental health personnel shall also include, but is not limited to, employment screening as provided under chapter 435.

(b) Students in the health care professions who are interning in a mental health facility licensed under chapter 395, where the primary purpose of the facility is not the treatment of minors, are exempt from the fingerprinting and screening requirements, provided they are under direct supervision in the actual physical presence of a licensed health care professional.

~~(c) Mental health personnel working in a facility licensed under chapter 395 who have less than 15 hours per week of direct contact with patients or who are health care professionals licensed by the Agency for Health Care Administration or a board thereunder are exempt from the fingerprinting and screening requirements, except for persons working in mental health facilities where the primary purpose of the facility is the treatment of minors.~~

~~(c)(d)~~ A volunteer who assists on an intermittent basis for less than 40 hours per month is exempt from the fingerprinting and screening requirements, provided the volunteer is under direct and constant supervision by persons who meet the screening requirements of paragraph (a).

Section 2. Subsection (4) is added to section 394.462, Florida Statutes, to read:

394.462 Transportation.—

(4) **HIV EXPOSURE.**—

(a) *In any case in which a law enforcement officer; employee of an emergency medical transport service, private transport company contracting with the county, or mobile crisis response service; or other designated agent of the county, department, or the court comes into contact with or is exposed to body fluids, to which universal precautions apply as outlined in s. 381.004(2)(c), of a person being taken into custody for the purpose of delivering him or her to a receiving or treatment facility, hospital, community mental health center, or other facility authorized to provide mental health evaluations or services pursuant to this chapter, the law enforcement officer, employee, or agent may seek a court order directing that the person who is the source of the significant exposure undergo HIV testing. A sworn statement by the law enforcement officer,*

employee, or agent that a significant exposure has occurred constitutes probable cause for the issuance of the order by the court. The order shall direct the person to undergo HIV testing within 48 hours after the issuance of the court order.

1. The testing shall be performed in accordance with s. 381.004.
2. The results of the test shall be disclosed to the law enforcement officer, employee, or agent no later than 2 weeks after the receipt of the test results.
3. The results of the test are not admissible in any subsequent court proceeding involving the person being transported.

(b) A law enforcement officer; employee of an emergency medical transport service, private transport company contracting with the county, or mobile crisis response service; or other designated agent of the county, department, or the court who comes into contact with or is exposed to body fluids, to which universal precautions apply as outlined in s. 381.004(2)(c), of a person being transported pursuant to this section and who requests HIV testing may obtain such test from his or her respective county health department at no cost.

Section 3. Subsection (21) of section 394.67, Florida Statutes, is amended to read:

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

(21) “Residential treatment center for children and adolescents” means a 24-hour residential program, including a therapeutic group home, which provides mental health services to emotionally disturbed children or adolescents as defined in s. 394.492(5) or (6) and which is a private for-profit or not-for-profit corporation licensed by the Agency for Health Care Administration under contract with the department which offers a variety of treatment modalities in a more restrictive setting.

Section 4. Section 394.674, Florida Statutes, is amended to read:

394.674 ~~Clinical~~ Eligibility for publicly funded substance abuse and mental health services; fee collection requirements.—

(1) To be eligible to receive substance abuse and mental health services funded by the department, a person must be a member of at least one of the department’s priority populations target groups approved by the Legislature, pursuant to s. 216.0166. The priority populations include:

(a) For adult mental health services:

1. Adults who have severe and persistent mental illness, as designated by the department using criteria which include severity of diagnosis, duration of the mental illness, ability to independently perform activities of daily living, and receipt of disability income for a psychiatric condition. Within this group priority populations include:

- a. Older adults in crisis.
- b. Older adults who are at risk of being placed in a more restrictive environment because of their mental illness.
- c. Individuals deemed incompetent to proceed or not guilty by reason of insanity under chapter 916.
- d. Other individuals with criminal justice involvement.
- e. Individuals who have co-occurring mental illness and substance use disorders.

2. Adults experiencing an acute mental or emotional crisis as defined in s. 394.67(17).

(b) For children’s mental health services:

1. Children who have a serious emotional disturbance.
2. Children who have an emotional disturbance.
3. Children who are at risk of emotional disturbance.

(c) For substance abuse services:

1. Adults who have substance use disorders and have a history of intravenous drug use.
2. Persons dually diagnosed as having co-occurring substance abuse and mental health disorders.
3. Parents putting children at risk due to a substance abuse disorder.
4. Persons who have a substance abuse disorder and have been ordered by the court to receive treatment.
5. Children at risk for initiating drug use.
6. Children under state supervision.
7. Children who have a substance abuse disorder but who are not under the supervision of a court or in the custody of a state agency.
8. Persons identified as a priority population as a condition of the receipt of the Substance Abuse Block Grant.

(2) Crisis services, as defined in s. 394.67, must, within the limitations of available state and local matching resources, be available to each person who is eligible for services under subsection (1), regardless of the person’s ability to pay for such services. A person who is experiencing a mental health crisis and who does not meet the criteria for involuntary examination under s. 394.463(1), or a person who is experiencing a substance abuse crisis and who does not meet the involuntary admission criteria in s. 397.675, must contribute to the cost of his or her care and treatment pursuant to the sliding fee scale developed under subsection (4), unless charging a fee is contraindicated because of the crisis situation.

(3) Mental health services, substance abuse services, and crisis services, as defined in s. 394.67, must, within the limitations of available state and local matching resources, be available to each person who is eligible for services under subsection (1). Such person must contribute to the cost of his or her care and treatment pursuant to the sliding fee scale developed under subsection (4).

(4) The department shall adopt rules relating to client ~~implement the clinical eligibility, client enrollment, and fee collection requirements~~ for publicly funded substance abuse and mental health services. The rules must require that each provider under contract with the department which enrolls eligible persons into treatment to develop a sliding fee scale for persons who have a net family income at or above 150 percent of the Federal Poverty Income Guidelines, unless otherwise required by state or federal law. The sliding fee scale must use the uniform schedule of discounts by which a provider under contract with the department discounts its established client charges for services supported with state, federal, or local funds, using, at a minimum, factors such as family income, financial assets, and family size as declared by the person or the person’s guardian. The rules must include uniform criteria to be used by all service providers in developing the schedule of discounts for the sliding fee scale. The rules must address the most expensive types of treatment, such as residential and inpatient treatment, in order to make it possible for a client to responsibly contribute to his or her mental health or substance abuse care without jeopardizing the family’s financial stability. A person who is not eligible for Medicaid and whose net family income is less than 150 percent of the Federal Poverty Income Guidelines must pay a portion of his or her treatment costs which is comparable to the copayment amount required by the Medicaid program for Medicaid clients pursuant to s. 409.9081. The rules must require that persons who receive financial assistance from the Federal Government because of a disability and are in long-term residential treatment settings contribute to their board and care costs and treatment costs and must be consistent with the provisions in s. 409.212.

(5) A person who meets the eligibility criteria in subsection (1) shall be served in accordance with the appropriate district substance abuse and mental health services plan specified in s. 394.75 and within available resources.

(6) The department may adopt rules to administer this section.

Section 5. Section 394.4996, Florida Statutes, is created to read:

394.4996 Integrated adult mental health crisis stabilization and addictions receiving facilities.—

(1) *Beginning July 1, 2008, the Agency for Health Care Administration, in consultation with the Department of Children and Family Services, may license facilities that integrate services provided in an adult mental health crisis stabilization unit with services provided in an adult addictions receiving facility. Such a facility shall be licensed by the agency as an adult crisis stabilization unit under part IV and shall meet all licensure requirements for crisis stabilization units providing integrated services.*

(2) *An integrated mental health crisis stabilization unit and addictions receiving facility may provide services under this section to adults, 18 years of age or older, who fall into one or more of the following categories:*

(a) *An adult meeting the requirements for voluntary admission for mental health treatment under s. 394.4625.*

(b) *An adult meeting the criteria for involuntary examination for mental illness under s. 394.463.*

(c) *An adult qualifying for voluntary admission for substance abuse treatment under s. 397.601.*

(d) *An adult meeting the criteria for involuntary admission for substance abuse impairment under s. 397.675.*

(3) *The department, in consultation with the agency, shall adopt by rule standards that address eligibility criteria; clinical procedures; staffing requirements; operational, administrative, and financing requirements; and the investigation of complaints. Standards that are implemented specific to substance abuse treatment services shall meet or exceed existing standards for addiction receiving facilities.*

Section 6. Subsection (1) of section 553.80, Florida Statutes, is amended to read:

553.80 Enforcement.—

(1) Except as provided in paragraphs (a)-(g) ~~(a)-(f)~~, each local government and each legally constituted enforcement district with statutory authority shall regulate building construction and, where authorized in the state agency's enabling legislation, each state agency shall enforce the Florida Building Code required by this part on all public or private buildings, structures, and facilities, unless such responsibility has been delegated to another unit of government pursuant to s. 553.79(9).

(a) Construction regulations relating to correctional facilities under the jurisdiction of the Department of Corrections and the Department of Juvenile Justice are to be enforced exclusively by those departments.

(b) Construction regulations relating to elevator equipment under the jurisdiction of the Bureau of Elevators of the Department of Business and Professional Regulation shall be enforced exclusively by that department.

(c) *Construction regulations relating to secure mental health treatment facilities under the jurisdiction of the Department of Children and Family Services and secure mental health treatment facilities licensed under chapter 395 by the Agency for Health Care Administration shall be enforced exclusively by that department and the agency.*

(d)~~(e)~~ In addition to the requirements of s. 553.79 and this section, facilities subject to the provisions of chapter 395 and part II of chapter 400 shall have facility plans reviewed and construction surveyed by the state agency authorized to do so under the requirements of chapter 395 and part II of chapter 400 and the certification requirements of the Federal Government.

(e)~~(d)~~ Building plans approved under s. 553.77(3) and state-approved manufactured buildings, including buildings manufactured and assembled offsite and not intended for habitation, such as lawn storage buildings and storage sheds, are exempt from local code enforcing agency plan reviews except for provisions of the code relating to erection, assembly, or construction at the site. Erection, assembly, and construction at the site are subject to local permitting and inspections. Lawn storage buildings and storage sheds bearing the insignia of approval of the department are not subject to s. 553.842. Such buildings that do not exceed 400 square feet may be delivered and installed without need of a contractor's or specialty license.

(f)~~(e)~~ Construction regulations governing public schools, state universities, and community colleges shall be enforced as provided in subsection (6).

(g)~~(f)~~ The Florida Building Code as it pertains to toll collection facilities under the jurisdiction of the turnpike enterprise of the Department of Transportation shall be enforced exclusively by the turnpike enterprise.

The governing bodies of local governments may provide a schedule of fees, as authorized by s. 125.56(2) or s. 166.222 and this section, for the enforcement of the provisions of this part. Such fees shall be used solely for carrying out the local government's responsibilities in enforcing the Florida Building Code. The authority of state enforcing agencies to set fees for enforcement shall be derived from authority existing on July 1, 1998. However, ~~nothing contained in this subsection does not shall operate to~~ limit such agencies from adjusting their fee schedule in conformance with existing authority.

Section 7. Section 916.111, Florida Statutes, is amended to read:

916.111 Training of mental health experts.—The evaluation of defendants for competency to proceed or for sanity at the time of the commission of the offense shall be conducted in such a way as to ensure uniform application of the criteria enumerated in Rules 3.210 and 3.216, Florida Rules of Criminal Procedure.

(1) *A forensic evaluator training course approved by the department must be provided at least annually to ensure that mental health professionals have the opportunity to be placed on the department's forensic evaluator registry.*

(a) *Beginning July 1, 2009, experts shall remain on the registry if they have completed or retaken the required training within the previous 5 years. Those who have not completed the required training within the previous 5 years shall be removed from the registry and may not conduct evaluations for the courts.*

(b) *A mental health professional who has completed the training course within the previous 5 years is responsible for maintaining documentation of completion of the required training and providing the department with current contact information.*

(2) The department shall develop, and may contract with accredited institutions:

(a)~~(1)~~ To provide:

1.~~(a)~~ A plan for training mental health professionals to perform forensic evaluations and to standardize the criteria and procedures to be used in these evaluations;

2.~~(b)~~ Clinical protocols and procedures based upon the criteria of Rules 3.210 and 3.216, Florida Rules of Criminal Procedure; and

3.~~(c)~~ Training for mental health professionals in the application of these protocols and procedures in performing forensic evaluations and providing reports to the courts; and

(b)~~(2)~~ To compile and maintain the necessary information for evaluating the success of this program, including the number of persons trained, the cost of operating the program, and the effect on the quality of forensic evaluations as measured by appropriateness of admissions to state forensic facilities and to community-based care programs.

Section 8. Subsection (1) of section 916.115, Florida Statutes, is amended to read:

916.115 Appointment of experts.—

(1) The court shall appoint no more than three experts to determine the mental condition of a defendant in a criminal case, including competency to proceed, insanity, involuntary placement, and treatment. The experts may evaluate the defendant in jail or in another appropriate local facility or in a facility of the Department of Corrections.

(a) ~~To the extent possible, the~~ Appointed experts ~~must~~ shall have completed forensic evaluator training ~~as provided in s. 916.111 approved by the department,~~ and each shall be a psychiatrist, licensed psychologist, or physician.

(b) Graduate students completing a practicum or internship, psychological specialists or counselors, and postdoctoral fellows at the state's mental health treatment facilities may assist in the evaluation process as long as their reports are overseen and signed by a supervising evaluator who has completed forensic evaluator training within the previous 5 years.

(c)(b) The department shall maintain and annually provide the courts with a forensic evaluator registry list of available mental health professionals who have completed the approved training as experts.

Section 9. Section 916.13, Florida Statutes, is amended to read:

916.13 Involuntary commitment of defendant adjudicated incompetent.—

(1) Except for a defendant who is serving a sentence in the custody of the Department of Corrections, a ~~Every~~ defendant who is charged with a felony and who is adjudicated incompetent to proceed may be involuntarily committed for treatment upon a finding by the court of clear and convincing evidence that:

(a) The defendant has a mental illness and because of the mental illness:

1. The defendant is manifestly incapable of surviving alone or with the help of willing and responsible family or friends, including available alternative services, and, without treatment, the defendant is likely to suffer from neglect or refuse to care for herself or himself and such neglect or refusal poses a real and present threat of substantial harm to the defendant's well-being; or

2. There is a substantial likelihood that in the near future the defendant will inflict serious bodily harm on herself or himself or another person, as evidenced by recent behavior causing, attempting, or threatening such harm;

(b) All available, less restrictive treatment alternatives, including treatment in community residential facilities or community inpatient or outpatient settings, which would offer an opportunity for improvement of the defendant's condition have been judged to be inappropriate; and

(c) There is a substantial probability that the mental illness causing the defendant's incompetence will respond to treatment and the defendant will regain competency to proceed in the reasonably foreseeable future.

(2)(a) A defendant who has been charged with a felony and who has been adjudicated incompetent to proceed due to mental illness, and who meets the criteria for involuntary commitment ~~to the department under the provisions of this chapter,~~ may be committed to the department, and the department shall retain and treat the defendant. ~~Within No later than 6 months after the date of admission and at the end of any period of extended commitment, or at any time the administrator or designee shall have determined that the defendant has regained competency to proceed or no longer meets the criteria for continued commitment, the administrator or designee shall file a report with the court pursuant to the applicable Florida Rules of Criminal Procedure.~~

(b) A defendant who is serving a sentence in the custody of the Department of Corrections, who is charged with a new felony or is entitled to a mandatory appeal pursuant to Rule 3.851, Florida Rules of Criminal Procedure, and who has been adjudicated incompetent to proceed due to mental illness shall be retained in the physical custody of the Department of Corrections and the department shall administer a lesson plan for competency restoration training provided by the Department of Children and Family Services. Within 6 months after the administration of the lesson plan and every 12 months thereafter, or at any time the Department of Children and Family Services determines that the defendant has regained competency to proceed, the Department of Children and Family Services shall file a report with the court pursuant to the applicable Florida Rules of Criminal Procedure.

(c) Within 15 days after the court receives notification that a defendant is competent to proceed or no longer meets the criteria for continued commitment, the defendant shall be transported back to jail pursuant to s. 916.107(10) for the purpose of holding a competency hearing.

(d) A competency hearing shall be held within 30 days after a court receives notification that the defendant is competent to proceed.

Section 10. Section 916.15, Florida Statutes, is amended to read:

916.15 Involuntary commitment of defendant adjudicated not guilty by reason of insanity.—

(1) The determination of whether a defendant is not guilty by reason of insanity shall be determined in accordance with Rule 3.217, Florida Rules of Criminal Procedure.

(2) Except for a defendant who is serving a sentence in the custody of the Department of Corrections, a defendant who is acquitted of criminal charges because of a finding of not guilty by reason of insanity may be involuntarily committed pursuant to such finding if the defendant has a mental illness and, because of the illness, is manifestly dangerous to himself or herself or others.

(3) Except for a defendant who is serving a sentence in the custody of the Department of Corrections, a ~~Every~~ defendant acquitted of criminal charges by reason of insanity and found to meet the criteria for involuntary commitment may be committed and treated in accordance with the provisions of this section and the applicable Florida Rules of Criminal Procedure. The department shall admit a defendant so adjudicated to an appropriate facility or program for treatment and shall retain and treat such defendant.

(a) Within ~~No later than~~ 6 months after the date of admission, prior to the end of any period of extended commitment, or at any time the administrator or designee ~~has shall have~~ determined that the defendant no longer meets the criteria for continued commitment placement, the administrator or designee shall file a report with the court pursuant to the applicable Florida Rules of Criminal Procedure.

(b) Within 15 days after the court receives notification that the defendant no longer meets the criteria for continued commitment placement, the defendant shall, pursuant to s. 916.107(10), be transported back to jail for the purpose of holding a commitment hearing.

(c) A commitment hearing shall be held within 30 days after the court receives notification that the defendant no longer meets the criteria for continued commitment placement.

(4) A defendant who is serving a sentence in the custody of the Department of Corrections, who has been charged with a new felony, and who has been adjudicated not guilty by reason of insanity shall be retained in the physical custody of the Department of Corrections for the remainder of his or her sentence. Within 30 days before the defendant's anticipated release date, the Department of Children and Family Services shall evaluate the defendant and file a report with the court requesting that the defendant be returned to the court's jurisdiction to determine if the defendant continues to meet the criteria for continued commitment placement.

(5)(4) In all proceedings under this section, both the defendant and the state shall have the right to a hearing before the committing court. Evidence at such hearing may be presented by the hospital administrator or the administrator's designee as well as by the state and the defendant. The defendant shall have the right to counsel at any such hearing. ~~If in the event that~~ a defendant is determined to be indigent pursuant to s. 27.52, the public defender shall represent the defendant. The parties shall have access to the defendant's records at the treating facilities and may interview or depose personnel who have had contact with the defendant at the treating facilities.

Section 11. Paragraphs (b) and (d) of subsection (1) of section 985.19, Florida Statutes, are amended to read:

985.19 Incompetency in juvenile delinquency cases.—

(1) If, at any time prior to or during a delinquency case, the court has reason to believe that the child named in the petition may be incompetent to proceed with the hearing, the court on its own motion may, or on the motion of the child's attorney or state attorney must, stay all proceedings and order an evaluation of the child's mental condition.

(b) All determinations of competency shall be made at a hearing, with findings of fact based on an evaluation of the child's mental condition made by not less than two nor more than three experts appointed by the court. The basis for the determination of incompetency must be specifically stated in the evaluation and shall be conducted in compliance with uniform procedures relating to competency to proceed and

~~evaluation criteria. In addition, a recommendation as to whether residential or nonresidential treatment or training is required must be included in the evaluation.~~ Experts appointed by the court to determine the mental condition of a child shall be allowed reasonable fees for services rendered. State employees may be paid expenses pursuant to s. 112.061. The fees shall be taxed as costs in the case.

~~(d) Appointed experts shall have completed forensic evaluator training approved by the Department of Children and Family Services within 5 years before conducting evaluations for the court, and each shall be a psychiatrist, licensed psychologist, or physician.~~

1. ~~(d)~~ For incompetency evaluations related to mental illness, the Department of Children and Family Services shall maintain and annually provide the courts with a list of available mental health professionals who have completed a training program approved by the Department of Children and Family Services to perform the evaluations. *Beginning July 1, 2009, experts shall remain on the list as long as they have completed or retaken the forensic evaluator training within the previous 5 years. Those who have not completed the required training within the previous 5 years shall be removed from the list and may not conduct evaluations for the courts.*

2. *Experts are responsible for maintaining documentation of completion of the required training and providing the department with current contact information during the 5-year effective period of the required training.*

Section 12. *The Department of Children and Family Services and the Agency for Health Care Administration, in consultation with the Florida Substance Abuse and Mental Health Corporation and the Criminal Justice, Mental Health, and Substance Abuse Technical Assistance Center, shall prepare a plan relating to the provision and management of mental health services for consideration by the Legislature.*

(1) *The plan shall, at a minimum, include the following:*

(a) *A review and evaluation of the structure of governance of mental health services and recommendations that will improve the coordination of services at the local and state level, maximize the use of resources, and inform and link target populations with available services.*

(b) *A review and evaluation of, and recommendations concerning, the development of methodologies to accurately estimate target populations for mental health services, the service needs of each target population, and the availability of services.*

(c) *Proposed guidelines for the development and implementation of community-based mental health programs and services that reduce the likelihood of future involvement with the criminal justice system.*

(d) *Proposed guidelines for the development and implementation of programs and services that facilitate the transition and successful reentry into the community by providing a continuum of mental health services to persons released from criminal justice or forensic facilities.*

(e) *Recommended performance measures and reporting requirements for state and local programs and services specified in paragraphs (c) and (d).*

(f) *Proposed guidelines and strategies for providing a continuum of care to persons receiving competency restoration services.*

(2) *The plan shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2010.*

Section 13. *The Office of Program Policy Analysis and Government Accountability shall conduct a study and make recommendations relating to mental health services by January 2009. The study shall include a review of the following:*

(1) *Mental health courts in this state compared with similar courts in other states.*

(2) *Mental health funding in this state compared with mental health funding in other states.*

(3) *A review of cost-containment strategies for mental health services in other states.*

(4) *Mental health diversion programs in this state compared with similar programs in other states.*

Section 14. 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 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.

MOTION

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

Senator Storms moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A (663282)—Delete line(s) 510 and 511 and insert: *with current contact information.*

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **HB 7085** as amended was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 1440** was deferred.

By Senator Dean—

CS for CS for SB 1488—A bill to be entitled An act relating to consumer information concerning health care; providing a short title; providing a purpose; amending s. 381.026, F.S.; requiring a health care provider or a health care facility to provide an uninsured person with a reasonable estimate of charges for planned nonemergency medical services before such services are provided; requiring that the provider or the facility provide the uninsured person with information regarding such provider's or facility's discount or charity policies; requiring that the estimate be in writing and in a language comprehensible to an ordinary layperson; amending s. 395.301, F.S.; requiring certain licensed facilities to provide a written estimate within a certain period of time to an uninsured person seeking planned nonemergency elective admission; requiring the facility to notify the person if the estimate is revised; requiring the facility to provide the person with a copy of any discount or charity care discount policies for which such person may be eligible; requiring the facility to place a notice in the reception area where such information is available; imposing a monetary penalty if the facility fails to provide the requested information; amending s. 408.05, F.S.; revising the list of patient charge data that may be disclosed by the Agency for Health Care Administration; requiring the agency to publish on its website information concerning prices for the most commonly performed adult and pediatric procedures; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1488** was placed on the calendar of Bills on Third Reading.

By Senator Justice—

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 affiliated 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.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1582** was placed on the calendar of Bills on Third Reading.

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.

—was read the second time by title.

Senator Aronberg moved the following amendment which was adopted:

Amendment 1 (851960)(with title amendment)—Between line(s) 25 and 26 insert:

Section 1. *This act may be cited as the “Denise Amber Lee Act.”*
(Redesignate subsequent sections.)

And the title is amended as follows:

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

On motions by Senator Aronberg, by two-thirds vote **CS for SB 1694** 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

CS for CS for SB 1696—A bill to be entitled An act relating to orthotics, prosthetics, and pedorthics; amending s. 468.80, F.S.; providing and revising definitions; amending s. 468.801, F.S.; changing the composition of the Board of Orthotists and Prosthetists; removing an obsolete requirement for initial staggering of terms; amending s. 468.802, F.S.; expanding the authority for rule adoption to include standards of practice for orthotic fitters, orthotic fitter assistants, and residents; amending s. 468.803, F.S.; providing for registration for a resident to practice orthotics or prosthetics; authorizing licensure as a prosthetist-orthotist; providing requirements for such licensure; requiring applicants for registration, examination, or licensure to apply on forms created and provided by the Department of Health; requiring applicants to submit fingerprints and a fee to cover department costs for criminal background checks; requiring board verification of certain information prior to an applicant's examination, registration, or licensure; providing requirements for registration as a resident in orthotics or prosthetics; providing for registration and renewal fees for registration; authorizing either the Department of Health to develop and administer a state examination for an orthotist or prosthetist license or the board to approve an existing examination of a national standards organization; providing examination requirements; authorizing examination fees; delineating applicant qualifications for examination; delineating requirements for licensure and licensure fees for an orthotist, a prosthetist, an orthotic fitter, an orthotic fitter assistant, and a pedorthist; amending s. 468.806, F.S.; revising the list of materials required for submission for biennial license renewal, including information necessary to conduct a statewide criminal history check and payment of associated costs; requiring certain mandatory courses, standards, and qualifications for continuing education courses, and standards and qualifications for course providers to be established by rule; repealing s. 468.807, F.S., relating to the issuance of a temporary license; amending s. 468.808, F.S.; revising duties that can be delegated to unlicensed support personnel; providing requirements for support personnel identification; amending s. 468.809, F.S.; including the practice of orthotics, prosthetics, or pedorthics without registration in certain prohibitions; providing penalties; creating s. 468.8095, F.S.; requiring licensees and registrants to post licenses, registrations, recent photographs, and certain notices in a facility and to wear certain identification tags or badges; amending s. 468.811, F.S.; revising grounds for denial of a license or disciplinary

action; providing grounds for denial of registration; amending s. 468.812, F.S.; revising provisions exempting certain persons from licensure; amending s. 468.813, F.S.; revising requirements regarding use of titles; providing effective dates.

—was read the second time by title.

Senator Baker moved the following amendment which was adopted:

Amendment 1 (249050)—Delete line(s) 590-597 and insert:

(2) This *part act* does not require an additional license of, or regulate the practice of, any other licensed health care professional within the state, or prevent a qualified member of any other profession or any person employed under the supervision of such a licensed professional from doing work of a nature consistent with that person's training, as long as the person does not hold himself or herself out to the public as a licensee under this act.

Senator Baker moved the following amendment:

Amendment 2 (083782)(with title amendment)—Between lines 627 and 628 insert:

Section 13. Paragraph (l) of subsection (4) of section 400.9905, Florida Statutes, is amended to read:

400.9905 Definitions.—

(4) "Clinic" means an entity at which health care services are provided to individuals and which tenders charges for reimbursement for such services, including a mobile clinic and a portable equipment provider. For purposes of this part, the term does not include and the licensure requirements of this part do not apply to:

(l) Orthotic or prosthetic, *pediatric cardiology*, or *maternal fetal medicine* clinical facilities that are a publicly traded corporation or that are wholly owned, directly or indirectly, by a publicly traded corporation. As used in this paragraph, a publicly traded corporation is a corporation that issues securities traded on an exchange registered with the United States Securities and Exchange Commission as a national securities exchange.

And the title is amended as follows:

On line 55, after the semicolon (;) insert: amending s. 400.9905, F.S.; providing that, for purposes of the Health Care Clinic Act and the licensure requirements of that act, the definition of the term "clinic" does not apply to pediatric cardiology or maternal fetal medicine clinical facilities;

On motion by Senator Baker, further consideration of **CS for CS for SB 1696** with pending **Amendment 2 (083782)** was deferred.

Consideration of **CS for SB 1954** and **CS for SB 2170** was deferred.

On motion by Senator Storms, by two-thirds vote **CS for HB 625** was withdrawn from the Committees on Children, Families, and Elder Affairs; and Health and Human Services Appropriations.

On motion by Senator Storms—

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 family 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.

—a companion measure, was substituted for **CS for SB 2192** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 625** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 2400** was deferred.

By Senator Atwater—

CS for CS for SB 2598—A bill to be entitled An act relating to treatment programs for impaired medical practitioners; amending s. 456.076, F.S.; revising requirements for consultants retained by the Department of Health; providing that a consultant may contract for services to be provided to students of allopathic and osteopathic medicine or physician assistants and nursing students who are alleged to be impaired, if requested by the school; exempting the department from paying the costs for services provided by treatment providers or consultants; indemnifying certain schools from liability in civil actions under certain circumstances; providing limited sovereign immunity for certain program consultants under specified contractual conditions; requiring that the Department of Financial Services defend legal actions against program consultants; providing an effective date.

—was read the second time by title.

MOTION

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

Senator Atwater moved the following amendments which were adopted:

Amendment 1 (534128)(with title amendment)—Delete line(s) 57 and insert: *nurses under chapter 464, or pharmacists under chapter 465 who are alleged to be impaired as a*

And the title is amended as follows:

Delete line(s) 6-8 and insert: *services to be provided to students enrolled in schools for licensure as allopathic and osteopathic physicians or physician assistants, nurses, or pharmacists who are alleged to be impaired, if requested by*

Amendment 2 (429412)—Delete line(s) 67-69 and insert: *allopathic physicians under chapter 458 or osteopathic physicians under chapter 459, which is governed by accreditation*

Pursuant to Rule 4.19, **CS for CS for SB 2598** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

By Senator Wise—

CS for SB 988—A bill to be entitled An act relating to transitional services for young adults with disabilities; creating a health care transition services task force within the Department of Health; providing legislative intent; providing for membership, duties, and responsibilities of the task force; providing for reimbursement of members for expenses; requiring the task force to assess the need for health care transition services and provide a report to the Governor and the Legislature; providing an effective date.

—was read the second time by title.

Senator Wise moved the following amendment which was adopted:

Amendment 1 (612014)—Delete line(s) 28-30 and insert:

(a) *The Deputy Secretary of Children's Medical Services within the Department of Health or his or her designee who shall be the chairperson of the task force.*

Pursuant to Rule 4.19, **CS for SB 988** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for CS for CS for SB 802—A bill to be entitled An act relating to operating a motor vehicle; creating s. 316.1926, F.S.; creating additional offenses regarding the operation of a motor vehicle; 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. 318.14, F.S.; providing additional penalties for certain offenses involving the operation of a motorcycle or excessive speed; providing for revocation of the person's privilege to operate a motor vehicle; creating s. 318.195, F.S.; providing that a person who is convicted of a moving violation that causes or contributes to causing serious injury to or the death of a person riding a motorcycle commits a misdemeanor offense; requiring that the offender pay a specified fine, serve a minimum of period of incarceration, and attend a driver improvement course; requiring the court to revoke the person's driver's license for a specified period; providing criminal penalties; providing that the act does not prohibit the offender from being charged with, convicted of, or punished for any other violation of law; providing an effective date.

—was read the second time by title.

Senator Crist moved the following amendment:

Amendment 1 (456412)(with title amendment)—Between lines 97 and 98 insert:

(4) *A person who commits a criminal traffic offense may not pay a fine in lieu of community service, if community service would otherwise be required in addition to financial restitution. A judge may only order a defendant to pay a fine in lieu of required community service if the court finds that the defendant's residence, location, or employment obligations would create an undue hardship for the defendant.*

And the title is amended as follows:

On line 22, after the semicolon (;) insert: providing that a person who commits a criminal traffic offense may not pay a fine in lieu of community service, if community service would otherwise be required in addition to financial restitution; providing that a person may pay a fine in lieu of community service only under specified conditions;

On motion by Senator Villalobos, further consideration of **CS for CS for CS for SB 802** with pending **Amendment 1 (456412)** was deferred.

On motion by Senator Dockery, by two-thirds vote **HB 85** was withdrawn from the Committees on Criminal Justice; Judiciary; and Criminal and Civil Justice Appropriations.

On motion by Senator Dockery—

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.

—a companion measure, was substituted for **SB 496** and read the second time by title.

Pursuant to Rule 4.19, **HB 85** was placed on the calendar of Bills on Third Reading.

By Senator Dockery—

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.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for CS for SB 1614** was placed on the calendar of Bills on Third Reading.

By Senator Ring—

SB 1986—A bill to be entitled An act relating to lien claims by homeowners’ associations; amending s. 720.3085, F.S.; providing that when authorized by the governing documents, a homeowners’ association has a lien on each parcel to secure the payment of assessments and other amounts; providing an exception to first mortgages of record; providing that the act does not bestow upon any lien, mortgage, or certified judgment of record on July 1, 2008, a priority that the lien, mortgage, or judgment did not have before that date; providing for the elements of a valid claim of lien; providing for the content of a recording notice; requiring a parcel owner or the parcel owner’s agent or attorney to require the homeowners’ association to enforce a recorded claim of lien against his or her parcel; providing procedures for notifying the homeowners’ association; requiring that service be made by certified mail, return receipt requested; authorizing the homeowners’ association to bring a civil action to foreclose a lien for assessments in the same manner in which a mortgage of real property is foreclosed; providing that the homeowners’ association may also bring an action to recover a money judgment for the unpaid assessments without waiving any claim of lien; providing that if a parcel owner remains in possession of the parcel after a foreclosure judgment has been entered, the court may require the parcel owner to pay a reasonable rent for the parcel; providing that the homeowners’ association may purchase the parcel at the foreclosure sale and hold, lease, mortgage, or convey the parcel; limiting the liability of a first mortgagee or its successor or assignee as a subsequent holder of the first mortgage who acquires title to a parcel by foreclosure or by deed in lieu of foreclosure for the unpaid assessments that became due before the mortgagee’s acquisition of title; providing that the time limitations in the act do not apply if the parcel is subject to a foreclosure action or forced sale of another party; providing for a qualified offer during the pendency of a foreclosure action; providing procedures for offering and accepting a qualifying offer; requiring that the qualifying offer be in a particular format; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1986** was placed on the calendar of Bills on Third Reading.

By Senator Bennett—

SB 1700—A bill to be entitled An act relating to mutual aid agreements; creating s. 285.185, F.S.; authorizing the Seminole Tribe of Florida to enter into any existing mutual aid plan, arrangement, or agreement; requiring the Division of Emergency Management and the Department of Law Enforcement to abide by the terms of such plan, arrangement, or agreement and provide assistance; authorizing parties to modify the provisions of such plan, arrangement, or agreement; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1700** was placed on the calendar of Bills on Third Reading.

By 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.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1732** was placed on the calendar of Bills on Third Reading.

By 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.

—was read the second time by title.

MOTION

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

Senator Crist moved the following amendments which were adopted:

Amendment 1 (603470)—On line 40, after the period (.) insert: *However, the term “pretrial release program” shall not apply to the Department of Corrections.*

Amendment 2 (209394)(with title amendment)—Between line(s) 151 and 152 insert:

Section 4. *The Office of Program Policy Analysis and Government Accountability shall conduct an annual study to evaluate the effectiveness and cost-efficiency of pretrial release programs in this state. The study’s scope shall include, but need not be limited to, gathering information pertaining to the funding sources of each pretrial release program, the nature of criminal convictions of defendants accepted into the programs, the number of failed court appearances by defendants accepted into each program, and the number of warrants issued subsequently by defendants in each program, as well as the program’s compliance with the provisions of this section. OPPAGA shall submit a report to the President of the Senate and the Speaker of the House of Representatives by January 1 of each year.*

(Redesignate subsequent section.)

And the title is amended as follows:

On line(s) 24, after the semicolon (;) insert: requiring the Office of Program Policy Analysis and Government Accountability to conduct a study to evaluate the effectiveness and cost-efficiency of pretrial release programs in this state; describing the scope of the study; requiring OPPAGA to submit a report of the study to the President of the Senate and the Speaker of the House of Representatives by a specified date;

Pursuant to Rule 4.19, **CS for CS for SB 2676** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

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.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 342** was placed on the calendar of Bills on Third Reading.

The Senate resumed consideration of—

CS for CS for SB 1696—A bill to be entitled An act relating to orthotics, prosthetics, and pedorthics; amending s. 468.80, F.S.; providing and revising definitions; amending s. 468.801, F.S.; changing the composition of the Board of Orthotists and Prosthetists; removing an obsolete requirement for initial staggering of terms; amending s. 468.802, F.S.; expanding the authority for rule adoption to include standards of practice for orthotic fitters, orthotic fitter assistants, and residents; amending s. 468.803, F.S.; providing for registration for a resident to practice orthotics or prosthetics; authorizing licensure as a prosthetist-orthotist; providing requirements for such licensure; requiring applicants for registration, examination, or licensure to apply on forms created and provided by the Department of Health; requiring applicants to submit fingerprints and a fee to cover department costs for criminal background checks; requiring board verification of certain information prior to an applicant's examination, registration, or licensure; providing requirements for registration as a resident in orthotics or prosthetics; providing for registration and renewal fees for registration; authorizing either the Department of Health to develop and administer a state examination for an orthotist or prosthetist license or the board to approve an existing examination of a national standards organization; providing examination requirements; authorizing examination fees; delineating applicant qualifications for examination; delineating requirements for licensure and licensure fees for an orthotist, a prosthetist, an orthotic fitter, an orthotic fitter assistant, and a pedorthist; amending s. 468.806, F.S.; revising the list of materials required for submission for biennial license renewal, including information necessary to conduct a statewide criminal history check and payment of associated costs; requiring certain mandatory courses, standards, and qualifications for continuing education courses, and standards and qualifications for course providers to be established by rule; repealing s. 468.807, F.S., relating to the issuance of a temporary license; amending s. 468.808, F.S.; revising duties that can be delegated to unlicensed support personnel; providing requirements for support personnel identification; amending s. 468.809, F.S.; including the practice of orthotics, prosthetics, or pedorthics without registration in certain prohibitions; providing penalties; creating s. 468.8095, F.S.; requiring licensees and registrants to post licenses, registrations, recent photographs, and certain notices in a facility and to wear certain identification tags or badges; amending s. 468.811, F.S.; revising grounds for denial of a license or disciplinary action; providing grounds for denial of registration; amending s. 468.812, F.S.; revising provisions exempting certain persons from licensure; amending s. 468.813, F.S.; revising requirements regarding use of titles; providing effective dates.

—which was previously considered and amended this day with pending **Amendment 2 (083782)** by Senator Baker.

POINT OF ORDER

Senator Margolis raised a point of order that pursuant to Rule 7.1 **Amendment 2 (083782)** was not germane to the bill.

The President referred the point of order and the amendment to Senator King, Chair of the Committee on Rules.

On motion by Senator Baker, further consideration of **CS for CS for SB 1696** with pending **Amendment 2 (083782)** was deferred.

SB 2400—A bill to be entitled An act relating to abortion; amending s. 390.0111, F.S.; requiring that an ultrasound be performed on any woman obtaining an abortion; specifying who must perform an ultrasound; requiring that the ultrasound be reviewed with the patient prior to the woman giving informed consent; specifying who must review the

ultrasound with the patient; requiring that the woman certify in writing that she declined to review the ultrasound and did so of her own free will and without undue influence; providing an exemption from the requirement to view the ultrasound for women who are the victims of rape, incest, domestic violence, or human trafficking or for women who have a serious medical condition necessitating the abortion; revising requirements for written materials; amending s. 390.012, F.S.; conforming cross-references; requiring ultrasounds for all patients; requiring that live ultrasound images be reviewed and explained to the patient; requiring that all other provisions in s. 390.0111, F.S., be complied with if the patient declines to view her live ultrasound images; providing for severability; providing an effective date.

—was read the second time by title.

Senators Bennett, Rich, King, Dockery, Deutch, Margolis and Joyner offered the following amendment which was moved by Senator Bennett:

Amendment 1 (445744)(with title amendment)—Delete line(s) 43-114 and insert:

- b. The probable gestational age of the fetus at the time the termination of pregnancy is to be performed.
- c. The medical risks to the woman and fetus of carrying the pregnancy to term.
 2. Printed materials prepared and provided by the department have been provided to the pregnant woman, if she chooses to view these materials, including:
 - a. A description of the fetus.
 - b. A list of agencies that offer alternatives to terminating the pregnancy.
 - c. Detailed information on the availability of medical assistance benefits for prenatal care, childbirth, and neonatal care.
 3. The woman acknowledges in writing, before the termination of pregnancy, that the information required to be provided under this subsection has been provided.

Nothing in this paragraph is intended to prohibit a physician from providing any additional information which the physician deems material to the woman's informed decision to terminate her pregnancy.

(b) In the event a medical emergency exists and a physician cannot comply with the requirements for informed consent, a physician may terminate a pregnancy if he or she has obtained at least one corroborative medical opinion attesting to the medical necessity for emergency medical procedures and to the fact that to a reasonable degree of medical certainty the continuation of the pregnancy would threaten the life of the pregnant woman. In the event no second physician is available for a corroborating opinion, the physician may proceed but shall document reasons for the medical necessity in the patient's medical records.

(c) *If an ultrasound is performed at any time before an abortion is performed or the physician or health care professional working in conjunction with the physician determines that an ultrasound will be performed as part of the abortion procedure, such physician or health care professional working in conjunction with the physician shall offer the woman the opportunity to view a live ultrasound image and, upon the request of the woman, contemporaneously review and explain the live ultrasound images.*

1. *The ultrasound must be performed by the physician who is to perform the abortion or by a health care professional under such physician's supervision.*
2. *The woman has the right to decline to view the ultrasound images after she is informed of her right and offered the opportunity to view such ultrasound images.*
3. *The requirements in this paragraph must be performed at no additional charge to the pregnant woman.*

This paragraph does not apply if the woman is a victim of rape or incest or if the woman has been diagnosed as having a condition that, on the basis of the physician's good faith clinical judgment, so threatens the

health or life of the pregnant woman as to necessitate the immediate termination of her pregnancy.

(d)(e) Violation of this subsection by a physician constitutes grounds for disciplinary action under s. 458.331 or s. 459.015. Substantial compliance or reasonable belief that complying with the requirements of informed consent would threaten the life or health of the patient is a defense to any action brought under this paragraph.

And the title is amended as follows:

Delete line(s) 3-15 and insert: requiring a physician or health care professional to offer a pregnant woman the opportunity to view a live ultrasound image and, upon request, review and explain the images under certain circumstances; requiring that the ultrasound be performed by the physician or health care professional who will perform the abortion; providing for the right to decline an opportunity to view the ultrasound images; requiring that the services be performed at no additional charge; providing an exception if the woman is a victim of rape or incest or has been diagnosed as having a condition that necessitates the immediate termination of the pregnancy; amending s.

MOTION

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

Senator Webster moved the following substitute amendment:

Amendment 2 (767380)(with title amendment)—Delete lines 43-114 and insert:

b. The probable gestational age of the fetus, *verified by an ultrasound*, at the time the termination of pregnancy is to be performed.

(I) *The ultrasound must be performed by the physician who is to perform the abortion or by a person having documented evidence that he or she has completed a course in the operation of ultrasound equipment as prescribed by rule and who is working in conjunction with the physician.*

(II) *The person performing the ultrasound must allow the woman to view the live ultrasound images, and a physician or a registered nurse, licensed practical nurse, advanced registered nurse practitioner, or physician assistant working in conjunction with the physician must contemporaneously review and explain the live ultrasound images to the woman prior to the woman giving informed consent to having an abortion procedure performed. However, this sub-sub-subparagraph does not apply if, at the time the woman schedules or arrives for her appointment to obtain an abortion, a copy of a restraining order, police report, medical record, or other court order or documentation is presented that evidences that the woman is obtaining the abortion because the woman is a victim of rape, incest, domestic violence, or human trafficking or that the woman has been diagnosed with a condition that, on the basis of a physician's good faith clinical judgment, would create a serious risk of substantial and irreversible impairment of a major bodily function if the woman delayed terminating her pregnancy.*

(III) *The woman has a right to decline to view the ultrasound images after she is informed of her right and offered an opportunity to view them. If the woman declines to view the ultrasound images, the woman shall complete a form acknowledging that she was offered an opportunity to view her ultrasound but that she rejected that opportunity. The form must also indicate that the woman's decision not to view the ultrasound was not based on any undue influence from any third party to discourage her from viewing the images and that she declined to view the images of her own free will.*

c. The medical risks to the woman and fetus of carrying the pregnancy to term.

2. Printed materials prepared and provided by the department have been provided to the pregnant woman, if she chooses to view these materials, including:

a. A description of the fetus, *including a description of the various stages of development.*

b. A list of *entities agencies* that offer alternatives to terminating the pregnancy.

c. Detailed information on the availability of medical assistance benefits for prenatal care, childbirth, and neonatal care.

3. The woman acknowledges in writing, before the termination of pregnancy, that the information required to be provided under this subsection has been provided.

Nothing in this paragraph is intended to prohibit a physician from providing any additional information which the physician deems material to the woman's informed decision to terminate her pregnancy.

(b) In the event a medical emergency exists and a physician cannot comply with the requirements for informed consent, a physician may terminate a pregnancy if he or she has obtained at least one corroborative medical opinion attesting to the medical necessity for emergency medical procedures and to the fact that to a reasonable degree of medical certainty the continuation of the pregnancy would threaten the life of the pregnant woman. In the event no second physician is available for a corroborating opinion, the physician may proceed but shall document reasons for the medical necessity in the patient's medical records.

(c) Violation of this subsection by a physician constitutes grounds for disciplinary action under s. 458.331 or s. 459.015. Substantial compliance or reasonable belief that complying with the requirements of informed consent would threaten the life or health of the patient is a defense to any action brought under this paragraph.

And the title is amended as follows:

Delete lines 3-15 and insert: requiring that an ultrasound be performed on any woman obtaining an abortion; specifying who must perform an ultrasound; requiring that the ultrasound be reviewed with the patient prior to the woman giving informed consent; specifying who must review the ultrasound with the patient; requiring that the woman certify in writing that she declined to review the ultrasound and did so of her own free will and without undue influence; providing an exemption from the requirement to view the ultrasound for women who are the victims of rape, incest, domestic violence, or human trafficking or for women who have a serious medical condition necessitating the abortion; revising requirements for written materials; amending s.

Further consideration of **Amendment 1 (445744)** and **Substitute Amendment 2 (767380)** was deferred.

Senators Bennett, Rich, Deutch, Margolis, Dockery, Joyner and King offered the following amendment which was moved by Senator Bennett:

Amendment 3 (343562)(with title amendment)—Delete line(s) 115-175 and renumber subsequent sections.

And the title is amended as follows:

Delete line(s) 15-21 and insert: revising requirements for written materials; providing for

MOTION

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

Senator Webster moved the following substitute amendment:

Amendment 4 (856752)(with title amendment)—Delete lines 115-175 and insert:

Section 2. Subsection (1) and paragraph (d) of subsection (3) of section 390.012, Florida Statutes, are amended to read:

390.012 Powers of agency; rules; disposal of fetal remains.—

(1) The agency may develop and enforce rules pursuant to ss. ~~390.011-390.018~~ ~~390.001-390.018~~ and part II of chapter 408 for the health, care, and treatment of persons in abortion clinics and for the safe operation of such clinics.

(a) The rules shall be reasonably related to the preservation of maternal health of the clients.

(b) The rules shall be in accordance with s. 797.03 and may not impose an unconstitutional burden on a woman's freedom to decide whether to terminate her pregnancy.

(c) The rules shall provide for:

1. The performance of pregnancy termination procedures only by a licensed physician.

2. The making, protection, and preservation of patient records, which shall be treated as medical records under chapter 458.

(3) For clinics that perform or claim to perform abortions after the first trimester of pregnancy, the agency shall adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter, including the following:

(d) Rules relating to the medical screening and evaluation of each abortion clinic patient. At a minimum, these rules shall require:

1. A medical history including reported allergies to medications, anesthetic solutions, or latex; past surgeries; and an obstetric and gynecological history.

2. A physical examination, including a bimanual examination estimating uterine size and palpation of the adnexa.

3. The appropriate laboratory tests, including:

a. ~~For an abortion in which an ultrasound examination is not performed before the abortion procedure,~~ Urine or blood tests for pregnancy performed before the abortion procedure.

b. A test for anemia.

c. Rh typing, unless reliable written documentation of blood type is available.

d. Other tests as indicated from the physical examination.

4. An ultrasound evaluation for all patients ~~who elect to have an abortion after the first trimester.~~ The rules shall require that if a person who is not a physician performs an ultrasound examination, that person shall have documented evidence that he or she has completed a course in the operation of ultrasound equipment as prescribed in rule. The physician, registered nurse, licensed practical nurse, advanced registered nurse practitioner, or physician assistant shall review *and explain* ~~at the request of the patient,~~ the *live ultrasound images evaluation results*, including an estimate of the probable gestational age of the fetus, with the patient before the abortion procedure is performed, *unless the patient declines pursuant to s. 390.0111. If the patient declines to view the live ultrasound images, the rules shall require that s. 390.0111 be complied with in all other respects.*

5. That the physician is responsible for estimating the gestational age of the fetus based on the ultrasound examination and obstetric standards in keeping with established standards of care regarding the estimation of fetal age as defined in rule and shall write the estimate in the patient's medical history. The physician shall keep original prints of each ultrasound examination of a patient in the patient's medical history file.

And the title is amended as follows:

Delete lines 15-21 and insert: revising requirements for written materials; amending s. 390.012, F.S.; conforming cross-references; requiring ultrasounds for all patients; requiring that live ultrasound images be reviewed and explained to the patient; requiring that all other provisions in s. 390.0111, F.S., be complied with if the patient declines to view her live ultrasound images; providing for

MOTION

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

Senator Webster moved the following amendment to **Substitute Amendment 4 (856752)**:

Amendment 4A (621152)(with title amendment)—Delete lines 5-67 and insert:

Delete lines 26-182 and insert:

Section 1. Subsection (3) of section 390.0111, Florida Statutes, is amended to read:

390.0111 Termination of pregnancies.—

(3) CONSENTS REQUIRED.—A termination of pregnancy may not be performed or induced except with the voluntary and informed written consent of the pregnant woman or, in the case of a mental incompetent, the voluntary and informed written consent of her court-appointed guardian.

(a) Except in the case of a medical emergency, consent to a termination of pregnancy is voluntary and informed only if:

1. The physician who is to perform the procedure, or the referring physician, has, at a minimum, orally, in person, informed the woman of:

a. The nature and risks of undergoing or not undergoing the proposed procedure that a reasonable patient would consider material to making a knowing and willful decision of whether to terminate a pregnancy.

b. The probable gestational age of the fetus, *verified by an ultrasound*, at the time the termination of pregnancy is to be performed.

(I) *The ultrasound must be performed by the physician who is to perform the abortion or by a person having documented evidence that he or she has completed a course in the operation of ultrasound equipment as prescribed by rule and who is working in conjunction with the physician.*

(II) *The person performing the ultrasound must allow the woman to view the live ultrasound images, and a physician or a registered nurse, licensed practical nurse, advanced registered nurse practitioner, or physician assistant working in conjunction with the physician must contemporaneously review and explain the live ultrasound images to the woman prior to the woman giving informed consent to having an abortion procedure performed. However, this sub-sub-subparagraph does not apply if, at the time the woman schedules or arrives for her appointment to obtain an abortion, a copy of a restraining order, police report, medical record, or other court order or documentation is presented that evidences that the woman is obtaining the abortion because the woman is a victim of rape, incest, domestic violence, or human trafficking or that the woman has been diagnosed with a condition that, on the basis of a physician's good faith clinical judgment, would create a serious risk of substantial and irreversible impairment of a major bodily function if the woman delayed terminating her pregnancy.*

(III) *The woman has a right to decline to view the ultrasound images after she is informed of her right and offered an opportunity to view them. If the woman declines to view the ultrasound images, the woman shall complete a form acknowledging that she was offered an opportunity to view her ultrasound but that she rejected that opportunity. The form must also indicate that the woman's decision not to view the ultrasound was not based on any undue influence from any third party to discourage her from viewing the images and that she declined to view the images of her own free will.*

c. The medical risks to the woman and fetus of carrying the pregnancy to term.

2. Printed materials prepared and provided by the department have been provided to the pregnant woman, if she chooses to view these materials, including:

a. A description of the fetus, *including a description of the various stages of development.*

b. A list of *entities* ~~agencies~~ that offer alternatives to terminating the pregnancy.

c. Detailed information on the availability of medical assistance benefits for prenatal care, childbirth, and neonatal care.

3. The woman acknowledges in writing, before the termination of pregnancy, that the information required to be provided under this subsection has been provided.

Nothing in this paragraph is intended to prohibit a physician from providing any additional information which the physician deems material to the woman's informed decision to terminate her pregnancy.

(b) In the event a medical emergency exists and a physician cannot comply with the requirements for informed consent, a physician may terminate a pregnancy if he or she has obtained at least one corroborative medical opinion attesting to the medical necessity for emergency medical procedures and to the fact that to a reasonable degree of medical certainty the continuation of the pregnancy would threaten the life of the pregnant woman. In the event no second physician is available for a corroborating opinion, the physician may proceed but shall document reasons for the medical necessity in the patient's medical records.

(c) Violation of this subsection by a physician constitutes grounds for disciplinary action under s. 458.331 or s. 459.015. Substantial compliance or reasonable belief that complying with the requirements of informed consent would threaten the life or health of the patient is a defense to any action brought under this paragraph.

Section 2. Subsection (1) and paragraph (d) of subsection (3) of section 390.012, Florida Statutes, are amended to read:

390.012 Powers of agency; rules; disposal of fetal remains.—

(1) The agency may develop and enforce rules pursuant to ss. 390.011-390.018 ~~390.001-390.018~~ and part II of chapter 408 for the health, care, and treatment of persons in abortion clinics and for the safe operation of such clinics.

(a) The rules shall be reasonably related to the preservation of maternal health of the clients.

(b) The rules shall be in accordance with s. 797.03 and may not impose an unconstitutional burden on a woman's freedom to decide whether to terminate her pregnancy.

(c) The rules shall provide for:

1. The performance of pregnancy termination procedures only by a licensed physician.

2. The making, protection, and preservation of patient records, which shall be treated as medical records under chapter 458.

(3) For clinics that perform or claim to perform abortions after the first trimester of pregnancy, the agency shall adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter, including the following:

(d) Rules relating to the medical screening and evaluation of each abortion clinic patient. At a minimum, these rules shall require:

1. A medical history including reported allergies to medications, antiseptic solutions, or latex; past surgeries; and an obstetric and gynecological history.

2. A physical examination, including a bimanual examination estimating uterine size and palpation of the adnexa.

3. The appropriate laboratory tests, including:

a. ~~For an abortion in which an ultrasound examination is not performed before the abortion procedure,~~ Urine or blood tests for pregnancy performed before the abortion procedure.

b. A test for anemia.

c. Rh typing, unless reliable written documentation of blood type is available.

d. Other tests as indicated from the physical examination.

4. An ultrasound evaluation for all patients ~~who elect to have an abortion after the first trimester.~~ The rules shall require that if a person who is not a physician performs an ultrasound examination, that person shall have documented evidence that he or she has completed a course in the operation of ultrasound equipment as prescribed in rule. The physician, registered nurse, licensed practical nurse, advanced registered nurse practitioner, or physician assistant shall review and explain ~~at the request of the patient,~~ the *live ultrasound images evaluation results*, including an estimate of the probable gestational age of the fetus, with the patient before the abortion procedure is performed, *unless the patient declines pursuant to s. 390.0111. If the patient declines*

to view the live ultrasound images, the rules shall require that s. 390.0111 be complied with in all other respects.

5. That the physician is responsible for estimating the gestational age of the fetus based on the ultrasound examination and obstetric standards in keeping with established standards of care regarding the estimation of fetal age as defined in rule and shall write the estimate in the patient's medical history. The physician shall keep original prints of each ultrasound examination of a patient in the patient's medical history file.

Section 3. *If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.*

Section 4. This act shall take effect July 1, 2008.

And the title is amended as follows:

Delete lines 72-80 and insert:

Delete lines 2-22 and insert: An act relating to abortion; amending s. 390.0111, F.S.; requiring that an ultrasound be performed on any woman obtaining an abortion; specifying who must perform an ultrasound; requiring that the ultrasound be reviewed with the patient prior to the woman giving informed consent; specifying who must review the ultrasound with the patient; requiring that the woman certify in writing that she declined to review the ultrasound and did so of her own free will and without undue influence; providing an exemption from the requirement to view the ultrasound for women who are the victims of rape, incest, domestic violence, or human trafficking or for women who have a serious medical condition necessitating the abortion; revising requirements for written materials; amending s. 390.012, F.S.; conforming cross-references; requiring ultrasounds for all patients; requiring that live ultrasound images be reviewed and explained to the patient; requiring that all other provisions in s. 390.0111, F.S., be complied with if the patient declines to view her live ultrasound images; providing for severability; providing an effective date.

On motion by Senator Webster, further consideration of **SB 2400** with pending **Amendment 1 (445744)**, **Amendment 2 (767380)**, **Amendment 3 (343562)**, **Amendment 4 (856752)** and **Amendment 4A (621152)**, was deferred.

On motion by Senator Webster, by two-thirds vote **CS for HB 257** was withdrawn from the Committees on Health Regulation; and Health and Human Services Appropriations.

On motion by Senator Webster, by unanimous consent—

CS for HB 257—A bill to be entitled An act relating to abortion; amending s. 390.0111, F.S.; requiring that third trimester abortions be performed in a hospital; providing for disciplinary action for violation of specified provisions; requiring an ultrasound to be performed on any woman obtaining an abortion; specifying who must perform an ultrasound; providing that the ultrasound must be reviewed with the patient prior to the woman giving informed consent; specifying who must review the ultrasound with the patient; providing that the woman must certify in writing that she declined to review the ultrasound and did so of her own free will and without undue influence; providing an exemption to view the ultrasound for women who are the victims of rape, incest, domestic violence, or human trafficking or for women who have a serious medical condition necessitating the abortion; revising requirements for printed materials; amending s. 390.01114, F.S.; revising provisions relating to parental notice of abortion; requiring the appointment of a guardian ad litem for a minor who petitions for a waiver of the notice requirements; specifying factors to be considered in determining whether a minor is sufficiently mature to waive the notice requirements; revising provisions relating to confidentiality of hearings; requiring that an annual report concerning waiver proceedings provide additional information; amending s. 390.012, F.S.; correcting a cross-reference; providing that agency rules shall prohibit the performance of third trimester abortions other than in a hospital; conforming provisions; requiring ultrasounds for all patients; requiring that live ultrasound images be reviewed and explained to the patient; requiring that all other provisions in s. 390.0111, F.S., must be complied with should the patient

decline to view her live ultrasound images; providing for severability; providing an effective date.

—was taken up out of order and by two-thirds vote read the second time by title.

MOTION

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

Senator Webster moved the following amendment:

Amendment 1 (386098)(with directory and title amendments)—Delete after the enacting clause and insert:

Section 1. Subsection (3) of section 390.0111, Florida Statutes, is amended to read:

390.0111 Termination of pregnancies.—

(3) CONSENTS REQUIRED.—A termination of pregnancy may not be performed or induced except with the voluntary and informed written consent of the pregnant woman or, in the case of a mental incompetent, the voluntary and informed written consent of her court-appointed guardian.

(a) Except in the case of a medical emergency, consent to a termination of pregnancy is voluntary and informed only if:

1. The physician who is to perform the procedure, or the referring physician, has, at a minimum, orally, in person, informed the woman of:

a. The nature and risks of undergoing or not undergoing the proposed procedure that a reasonable patient would consider material to making a knowing and willful decision of whether to terminate a pregnancy.

b. The probable gestational age of the fetus, *verified by an ultrasound*, at the time the termination of pregnancy is to be performed.

(I) *The ultrasound must be performed by the physician who is to perform the abortion or by a person having documented evidence that he or she has completed a course in the operation of ultrasound equipment as prescribed by rule and who is working in conjunction with the physician.*

(II) *The person performing the ultrasound must allow the woman to view the live ultrasound images, and a physician or a registered nurse, licensed practical nurse, advanced registered nurse practitioner, or physician assistant working in conjunction with the physician must contemporaneously review and explain the live ultrasound images to the woman prior to the woman giving informed consent to having an abortion procedure performed. However, this sub-sub-paragraph does not apply if, at the time the woman schedules or arrives for her appointment to obtain an abortion, a copy of a restraining order, police report, medical record, or other court order or documentation is presented that evidences that the woman is obtaining the abortion because the woman is a victim of rape, incest, domestic violence, or human trafficking or that the woman has been diagnosed with a condition that, on the basis of a physician's good faith clinical judgment, would create a serious risk of substantial and irreversible impairment of a major bodily function if the woman delayed terminating her pregnancy.*

(III) *The woman has a right to decline to view the ultrasound images after she is informed of her right and offered an opportunity to view them. If the woman declines to view the ultrasound images, the woman shall complete a form acknowledging that she was offered an opportunity to view her ultrasound but that she rejected that opportunity. The form must also indicate that the woman's decision not to view the ultrasound was not based on any undue influence from any third party to discourage her from viewing the images and that she declined to view the images of her own free will.*

c. The medical risks to the woman and fetus of carrying the pregnancy to term.

2. Printed materials prepared and provided by the department have been provided to the pregnant woman, if she chooses to view these materials, including:

a. A description of the fetus, *including a description of the various stages of development.*

b. A list of *entities* ~~agencies~~ that offer alternatives to terminating the pregnancy.

c. Detailed information on the availability of medical assistance benefits for prenatal care, childbirth, and neonatal care.

3. The woman acknowledges in writing, before the termination of pregnancy, that the information required to be provided under this subsection has been provided.

Nothing in this paragraph is intended to prohibit a physician from providing any additional information which the physician deems material to the woman's informed decision to terminate her pregnancy.

(b) In the event a medical emergency exists and a physician cannot comply with the requirements for informed consent, a physician may terminate a pregnancy if he or she has obtained at least one corroborative medical opinion attesting to the medical necessity for emergency medical procedures and to the fact that to a reasonable degree of medical certainty the continuation of the pregnancy would threaten the life of the pregnant woman. In the event no second physician is available for a corroborating opinion, the physician may proceed but shall document reasons for the medical necessity in the patient's medical records.

(c) Violation of this subsection by a physician constitutes grounds for disciplinary action under s. 458.331 or s. 459.015. Substantial compliance or reasonable belief that complying with the requirements of informed consent would threaten the life or health of the patient is a defense to any action brought under this paragraph.

Section 2. Subsection (1) and paragraph (d) of subsection (3) of section 390.012, Florida Statutes, are amended to read:

390.012 Powers of agency; rules; disposal of fetal remains.—

(1) The agency may develop and enforce rules pursuant to ss. ~~390.011-390.018~~ ~~390.001-390.018~~ and part II of chapter 408 for the health, care, and treatment of persons in abortion clinics and for the safe operation of such clinics.

(a) The rules shall be reasonably related to the preservation of maternal health of the clients.

(b) The rules shall be in accordance with s. 797.03 and may not impose an unconstitutional burden on a woman's freedom to decide whether to terminate her pregnancy.

(c) The rules shall provide for:

1. The performance of pregnancy termination procedures only by a licensed physician.

2. The making, protection, and preservation of patient records, which shall be treated as medical records under chapter 458.

(3) For clinics that perform or claim to perform abortions after the first trimester of pregnancy, the agency shall adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter, including the following:

(d) Rules relating to the medical screening and evaluation of each abortion clinic patient. At a minimum, these rules shall require:

1. A medical history including reported allergies to medications, antiseptic solutions, or latex; past surgeries; and an obstetric and gynecological history.

2. A physical examination, including a bimanual examination estimating uterine size and palpation of the adnexa.

3. The appropriate laboratory tests, including:

a. ~~For an abortion in which an ultrasound examination is not performed before the abortion procedure,~~ Urine or blood tests for pregnancy performed before the abortion procedure.

b. A test for anemia.

- c. Rh typing, unless reliable written documentation of blood type is available.
- d. Other tests as indicated from the physical examination.

4. An ultrasound evaluation for all patients ~~who elect to have an abortion after the first trimester~~. The rules shall require that if a person who is not a physician performs an ultrasound examination, that person shall have documented evidence that he or she has completed a course in the operation of ultrasound equipment as prescribed in rule. The physician, registered nurse, licensed practical nurse, advanced registered nurse practitioner, or physician assistant shall review *and explain* ~~at the request of the patient, the live ultrasound images evaluation results~~, including an estimate of the probable gestational age of the fetus, with the patient before the abortion procedure is performed, *unless the patient declines pursuant to s. 390.0111. If the patient declines to view the live ultrasound images, the rules shall require that s. 390.0111 be complied with in all other respects.*

5. That the physician is responsible for estimating the gestational age of the fetus based on the ultrasound examination and obstetric standards in keeping with established standards of care regarding the estimation of fetal age as defined in rule and shall write the estimate in the patient's medical history. The physician shall keep original prints of each ultrasound examination of a patient in the patient's medical history file.

Section 3. *If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.*

Section 4. 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 abortion; amending s. 390.0111, F.S.; requiring that an ultrasound be performed on any woman obtaining an abortion; specifying who must perform an ultrasound; requiring that the ultrasound be reviewed with the patient prior to the woman giving informed consent; specifying who must review the ultrasound with the patient; requiring that the woman certify in writing that she declined to review the ultrasound and did so of her own free will and without undue influence; providing an exemption from the requirement to view the ultrasound for women who are the victims of rape, incest, domestic violence, or human trafficking or for women who have a serious medical condition necessitating the abortion; revising requirements for written materials; amending s. 390.012, F.S.; conforming cross-references; requiring ultrasounds for all patients; requiring that live ultrasound images be reviewed and explained to the patient; requiring that all other provisions in s. 390.0111, F.S., be complied with if the patient declines to view her live ultrasound images; providing for severability; providing an effective date.

On motion by Senator Webster, further consideration of **CS for HB 257** with pending **Amendment 1 (386098)** was deferred.

MOTIONS

On motion by Senator King, the rules were waived and by two-thirds vote **CS for HB 257** was placed first on the Special Order Calendar for Friday, April 25.

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 Friday, April 25.

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 Friday, April 25.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator King, the rules were waived and the Committee on Transportation and Economic Development Appropriations was granted permission to meet at 4:00 p.m. this day.

On motion by Senator King, the rules were waived and the Special Order Calendar Group was granted permission to meet 15 minutes after announcement.

INTRODUCTION OF FORMER SENATOR

Senator Justice introduced former Senator Les Miller who was present in the chamber.

REPORTS OF COMMITTEES

The Responsible Regulation Policy and Calendar Committee submits the following bills to be placed on the Special Order Calendar for Thursday, April 24, 2008: CS for CS for CS for CS for SB 560, CS for CS for SB 482, CS for CS for SB 704, CS for SB 500, CS for SB 1300, SB 1986, CS for SB 758, CS for CS for SB 2848, CS for SB 1014, CS for SB 1308, SB 1486, CS for SB 2052, SB 1558

Respectfully submitted,
Lee Constantine, Chair

The Social Responsibility Policy and Calendar Committee submits the following bills to be placed on the Special Order Calendar for Thursday, April 24, 2008: CS for CS for SB 546, CS for SB 994, SB 1106, CS for CS for CS for SB 1150, CS for CS for SB 1440, SB 1456, CS for CS for SB 1488, CS for CS for SB 1582, CS for SB 1694, CS for CS for SB 1696, CS for SB 1954, CS for SB 2170, CS for SB 2192, SB 2400, CS for CS for SB 2598

Respectfully submitted,
Burt L. Saunders, Chair

The Law and Justice Policy and Calendar Committee submits the following bills to be placed on the Special Order Calendar for Thursday, April 24, 2008: SB 496, CS for CS for CS for SB 1614, SB 1700, CS for CS for SB 1732, CS for CS for SB 2676, CS for SB 342

Respectfully submitted,
Paula Dockery, Chair

The Committee on General Government Appropriations recommends a committee substitute for the following: SB 1376

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

The Committee on Transportation recommends a committee substitute for the following: CS for SB 474

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

The Committee on Criminal and Civil Justice Appropriations recommends a committee substitute for the following: CS for CS for SB 2026

The Committee on General Government Appropriations recommends committee substitutes for the following: CS for SB 498; CS for SB 652; CS for SB 1422; SB 1502; CS for CS for SB 1684; CS for SB 2018; CS for SB 2080; CS for SB 2378; CS for SB 2532; CS for SB 2640

The Committee on Health and Human Services Appropriations recommends a committee substitute for the following: CS for SB 688

The Committee on Transportation and Economic Development Appropriations recommends a committee substitute for the following: CS for SB 2220

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on General Government Appropriations; Governmental Operations; and Senator Bennett—

CS for CS for SB 498—A bill to be entitled An act relating to agency inspectors general; amending s. 20.055, F.S.; providing definitions; requiring agency inspectors general to comply with certain principles and standards; requiring an inspector general to submit findings of audits and investigations to specified persons or entities if such findings are not exempt from disclosure; requiring responses to findings within 20 working days; requiring agencies under the Governor to notify the Chief Inspector General of inspector general appointments and terminations; prohibiting agency staff from preventing or prohibiting the inspector general from initiating, carrying out, or completing any audit or investigation; requiring audits to be conducted in accordance with the current International Standards for the Professional Practice of Internal Auditing; requiring the inspector general of each state agency to report certain written complaints to the agency head, and for agencies under the Governor, to the agency head and the Chief Inspector General; providing an effective date.

By the Committees on General Government Appropriations; Governmental Operations; and Senator Lynn—

CS for CS for SB 652—A bill to be entitled An act relating to workplace safety; creating the Florida Public Task Force on Workplace Safety within the Safety Florida Consultation Program at the University of South Florida; providing purpose of the task force; providing for membership; requiring that the task force address certain issues concerning workplace safety in the public and private sectors; providing for staffing; providing for members to serve without compensation but to be reimbursed for per diem and travel expenses; authorizing the task force to procure information or assistance from any officer or agency of the state; requiring that such officers or agencies provide information and assistance to the task force; requiring that the task force submit a report and recommendations to the Governor, the Chief Financial Officer, and the Legislature by a specified date; requiring that the report include certain information; providing for dissolution of the task force; providing an appropriation; providing an effective date.

By the Committees on Health and Human Services Appropriations; Judiciary; and Senators Crist, Gaetz and Lynn—

CS for CS for SB 688—A bill to be entitled An act relating to guardian advocates for persons with developmental disabilities; amending s. 393.12, F.S.; requiring the court to conduct determination of incapacity of persons with developmental disabilities and appointment of guardian advocates in separate proceedings; revising conditions relating to venue for appointment of guardian advocates; providing that the guardian advocate need not be represented by an attorney unless required by the court or the guardian advocate is delegated certain rights regarding property; limiting applicability to certain proceedings relating to appointment and supervision of guardian advocates; requiring the petition to include the relationship of the proposed guardian advocate to certain providers; modifying the persons to whom a notice of the filing of the petition must be given to include next of kin, the health care surrogate designated to execute an advance directive, and the agent under durable power of attorney; establishing a timeframe for appointment of counsel and modifying who may be appointed as counsel to a person with a developmental disability; providing conditions for the court to appoint attorneys; requiring court proceedings and orders to consider advance directives for health care and durable powers of attorney; requiring the court's order to provide the name and reasons for the selection of the guardian advocate; providing a process for restoration of rights for the person with a developmental disability; providing for the petitioner to submit evidentiary support to the court; providing for a hearing if no evidentiary support is available; amending s. 393.13, F.S.; conforming a cross-reference; providing an effective date.

By the Committee on General Government Appropriations; and Senator Dean—

CS for SB 1376—A bill to be entitled An act relating to agriculture; amending s. 163.3162, F.S.; prohibiting county government imposition of an assessment or fee for stormwater management on agricultural land meeting certain requirements; amending s. 205.064, F.S.; expanding the applicability of an exemption from a local business tax receipt for the privilege of selling specified products; creating s. 500.70, F.S.; providing that a tomato farmer, packer, repacker, or handler acts in good faith if certain requirements are met; amending s. 570.07, F.S.; authorizing the Department of Agriculture and Consumer Services to adopt rules relating to the comprehensive best-management practice for agricultural production and food safety; amending s. 581.091, F.S.; providing conditions for use of Casuarina cunninghamiana as a windbreak for commercial citrus groves; providing for permitting and permit fees; providing for destruction of Casuarina cunninghamiana; providing that use as a windbreak does not preclude research or release of agents to control Casuarina spp.; providing that the use of Casuarina cunninghamiana for windbreaks does not interfere with or restrict efforts to manage or control noxious weeds or invasive plants; prohibiting any other agency or local government from removing Casuarina cunninghamiana planted as a windbreak under special permit; requiring the removal of Casuarina cunninghamiana under certain conditions; requiring that the permit-holder pay the costs of removal; providing for a lien against the property of a permit-holder for failure to pay such costs; amending s. 604.15, F.S.; revising the term "agricultural products" to exempt tropical foliage from regulation; amending s. 823.145, F.S.; expanding the materials used in agricultural operations that can be openly burned; providing limitations; providing an effective date.

By the Committees on General Government Appropriations; Banking and Insurance; and Senator Bennett—

CS for CS for SB 1422—A bill to be entitled An act relating to commercial property insurance; amending s. 215.555, F.S.; excluding nonassessable commercial property insurance from emergency assessments for the Florida Hurricane Catastrophe Fund; amending s. 627.041, F.S.; defining the terms "assessable commercial property insurance" and "nonassessable commercial property insurance"; amending s. 627.062, F.S.; providing rate standards regarding nonassessable commercial property insurance; providing that nonassessable commercial property insurance is not subject to a determination that the rate is excessive or unfairly discriminatory; providing an exception; amending s. 627.351, F.S.; excluding nonassessable commercial property insurance from the definition of "subject lines of business"; providing that insurers issuing nonassessable commercial property insurance policies are not assessable for the portion of the assessment from which the nonassessable commercial property insurance policy is exempt; creating s. 627.7031, F.S.; authorizing insurers offering assessable commercial property insurance policies to offer nonassessable commercial property insurance policies; authorizing an owner of a commercial property to purchase a nonassessable commercial property insurance policy if such a policy is offered by the insurer; requiring that an application for a nonassessable commercial property policy contain a specified disclaimer; requiring that the declarations page of a nonassessable commercial property policy contain a specified disclaimer; providing an effective date.

By the Committee on General Government Appropriations; and Senator Margolis—

CS for SB 1502—A bill to be entitled An act relating to property leased for public purposes; amending s. 125.031, F.S.; exempting counties operating under a home rule charter from a 30-year lease limitation under certain circumstances; providing an effective date.

By the Committees on General Government Appropriations; Governmental Operations; Banking and Insurance; and Senators Baker and Gaetz—

CS for CS for CS for SB 1684—A bill to be entitled An act relating to title insurance; creating the Florida 2008 Title Insurance Study Advi-

sory 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 appropriations and authorizing additional positions; providing an effective date.

By the Committees on General Government Appropriations; Judiciary; and Senators Posey, Jones and Baker—

CS for CS for SB 2018—A bill to be entitled An act relating to financial assistance for contaminated petroleum storage sites; amending s. 376.30715, F.S.; providing for financial assistance in certain additional circumstances involving a transfer of the contaminated property; 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. 376.30781, 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 Criminal and Civil Justice Appropriations; Judiciary; Criminal Justice; and Senators Ring, Crist and Fasano—

CS for CS for CS for SB 2026—A bill to be entitled An act relating to sexual offenders and predators; amending ss. 775.21, 943.0435, 944.607, and 985.4815, F.S.; requiring sexual offenders and predators to provide home telephone numbers and any cellular telephone numbers as part of the registration process; specifying that failure to provide such telephone numbers as required is a third-degree felony; requiring registrants to attest to the truthfulness of the information submitted during registration; providing criminal penalties for submission of false information during registration; amending s. 943.043; requiring the Department of Law Enforcement to notify the public through the Internet of

information concerning sexual predators and sexual offenders, including any information regarding juveniles who are designated as a sexual predator or who meet the criteria of a sexual offender; specifying what sexual predator and sexual offender information and features must be available on the Internet; requiring the Department of Law Enforcement to develop a uniform system to verify predator and offender address information when address submitted cannot be plotted on a map; requiring the Department of Law Enforcement to determine the feasibility of certain Internet features; amending s. 944.606, F.S.; requiring that the Department of Law Enforcement be notified of the home telephone number and any cellular telephone number of a sexual offender released from incarceration; amending s. 985.481, F.S.; requiring that the Department of Law Enforcement be notified of the home telephone number and any cellular telephone number of a juvenile sexual offender released after serving a period of residential commitment; providing effective dates.

By the Committees on General Government Appropriations; Finance and Tax; and Senator Haridopolos—

CS for CS for SB 2080—A bill to be entitled An act relating to value adjustment boards; amending s. 194.011, F.S.; requiring that the Department of Revenue develop a uniform policies and procedures manual for use in proceedings before value adjustment boards; specifying availability requirements for such manual; amending s. 194.015, F.S.; revising the membership of value adjustment boards; providing for citizen members; revising criteria related to appointment to such boards; revising quorum requirements; deleting provisions authorizing county attorneys to act as counsel for value adjustment boards; amending s. 194.035, F.S.; providing that a requirement that value adjustment boards appoint special magistrates for certain purposes applies to all counties; requiring value adjustment boards to verify the qualifications of special magistrates prior to appointment; providing selection criteria; requiring that the department provide training for special magistrates; providing training requirements; requiring that the department charge tuition for such training; requiring that the department deposit fees collected from such tuition into the Certification Program Trust Fund; amending s. 194.037, F.S.; revising information required to be provided on the disclosure of tax impact form to include certain additional information; amending s. 195.002, F.S.; conforming provisions to changes made by the act; providing an effective date.

By the Committees on Transportation and Economic Development Appropriations; Transportation; and Transportation—

CS for CS for SB 2220—A bill to be entitled An act relating to a review of the Department of Highway Safety and Motor Vehicles under the Florida Government Accountability Act; reenacting and amending s. 20.24, F.S., relating to the establishment of the department; eliminating an obsolete reference to the Bureau of Motor Vehicle Inspection; creating s. 318.195, F.S.; providing that a person who is convicted of a moving violation that causes or contributes to causing serious injury to or the death of a person riding a motorcycle commits a misdemeanor offense; requiring that the offender pay a specified fine, serve a minimum of period of incarceration, and attend a driver improvement course; requiring the court to revoke the person's driver's license for a specified period; providing criminal penalties; providing that the act does not prohibit the offender from being charged with, convicted of, or punished for any other violation of law; amending ss. 320.08056 and 320.08058, F.S.; directing the department to develop a Horse Country license plate; providing an annual use fee for the license plate; providing for the distribution of funds received from the sale of the Horse Country license plate; amending s. 322.01, F.S.; defining the term "convenience service"; amending s. 322.02, F.S.; requiring the department to collect and report to the Legislature information concerning customer service at driver's license offices; 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. 322.135, F.S.; increasing the amount of the service fee that may be charged by driver's

license agents; amending s. 322.14, F.S.; requiring that an applicant for a driver's license provide a residence address; 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; repealing s. 322.60, F.S., relating to a prohibition against possessing more than one driver's license under certain circumstances; amending s. 316.003, F.S.; defining the term "traffic infraction detector"; creating s. 316.0083, F.S.; preempting to the state the use of cameras to enforce traffic laws; authorizing the use of traffic infraction detectors and traffic infraction detector enforcement officers by the Department of Highway Safety and Motor Vehicles, the Department of Transportation, counties, and municipalities; providing requirements for notifying a driver of the issuance of a citation; providing that the owner of the motor vehicle involved in a violation is responsible and liable for payment of the fine assessed; providing exceptions; establishing admissibility of evidence as a rebuttable presumption of a violation; providing that submission of a false affidavit constitutes a second-degree misdemeanor; requiring the Department of Transportation to adopt and publish specifications relating to the operation and implementation of traffic infraction detectors; requiring that the specifications conform to certain minimum requirements; requiring the certification of a location by a traffic engineer before a detector is installed; authorizing the Department of Transportation to direct the removal of a detector that fails to meet the required specifications; authorizing the department to allow the installation of a detector that does not conform to the required specification upon a showing of good cause; exempting certain existing traffic infraction detectors from the requirements for meeting the department's specifications for a specified period; requiring the qualification of vendors by the Department of Transportation; amending s. 316.640, F.S.; directing the Department of Transportation to develop training and qualifications for traffic infraction detector enforcement officers; amending s. 318.18, F.S.; providing for penalties and distribution of fines for failing to stop at a traffic signal when such violation is enforced by a traffic infraction detector enforcement officer; amending s. 322.27, F.S.; prohibiting the imposition of points against a violator's driver's license for infractions enforced by a traffic infraction detector enforcement officer; directing the Department of Highway Safety and Motor Vehicles and the Department of Transportation to jointly report the efficacy of traffic infraction detectors on or before a specified date; providing an effective date.

By the Committees on General Government Appropriations; Regulated Industries; and Senator Aronberg—

CS for CS for SB 2378—A bill to be entitled An act relating to pari-mutuel wagering permitholders; amending s. 550.054, F.S.; providing for a jai alai permitholder meeting certain conditions to apply to the Division of Pari-mutuel Wagering to convert a permit to conduct jai alai to a permit to conduct greyhound racing; directing the division to issue a permit to conduct greyhound racing if certain conditions are met; providing for the relocation of certain permits; providing an effective date.

By the Committees on General Government Appropriations; Children, Families, and Elder Affairs; and Senator Lynn—

CS for CS for SB 2532—A bill to be entitled An act relating to child custody and support; providing a directive to the Division of Statutory Revision to retitle ch. 61, F.S.; amending s. 61.046, F.S.; defining the terms "parenting plan," "parenting plan recommendation," and "time-sharing schedule"; deleting definitions of the terms "custodial parent" and "noncustodial parent"; amending ss. 61.052, 61.09, and 61.10, F.S.; conforming provisions to changes in terminology; repealing s. 61.121,

F.S., relating to rotating custody; amending s. 61.122, F.S.; conforming provisions to changes in terminology; revising provisions relating to a presumption of good faith for psychologists making specified determinations; amending s. 61.13, F.S.; revising provisions relating to modification of support; conforming provisions to changes in terminology; revising provisions relating to development of a parenting plan; amending s. 61.13001, F.S.; conforming provisions to changes in terminology; deleting obsolete definitions; amending s. 61.13002, F.S.; providing for orders of temporary support for children whose time-sharing is temporarily modified due to a parent's military service; conforming provisions to changes in terminology; amending ss. 61.14, 61.181, and 61.1827, F.S.; conforming provisions to changes in terminology; conforming a cross-reference; amending s. 61.20, F.S.; conforming provisions to changes in terminology; revising provisions relating to social investigation and recommendations regarding a parenting plan; amending s. 61.21, F.S.; conforming provisions to changes in terminology; amending s. 61.30, F.S.; conforming provisions to changes in terminology; amending ss. 61.401, 61.45, 409.2554, and 409.2558, F.S.; conforming provisions to changes in terminology; amending s. 409.2563, F.S.; conforming provisions to changes in terminology; revising provisions relating to presumption of a parent's income for the purpose of establishing a support obligation; deleting an obsolete provision concerning a study by the Office of Program Policy Analysis and Government Accountability; amending ss. 409.2564, 409.25657, 409.25659, and 409.2577, F.S.; conforming provisions to changes in terminology; amending s. 409.2579, F.S.; conforming a cross-reference; amending ss. 409.811, 414.0252, 414.065, 414.085, 414.095, 414.295, and 445.024, F.S.; conforming provisions to changes in terminology; amending s. 741.0306, F.S.; revising requirements for a family law handbook; conforming provisions to changes in terminology; requiring a review of the handbook and report to the Legislature; amending s. 741.30, F.S.; conforming provisions to changes in terminology; amending s. 742.031, F.S.; conforming provisions to changes in terminology; providing for time-sharing and parental responsibility in paternity judgments; amending ss. 753.01 and 827.06, F.S.; conforming provisions to changes in terminology; reenacting s. 61.1825(3)(a), F.S., relating to relating to the State Case Registry, to incorporate the amendments made to s. 741.30, F.S., in a reference thereto; providing an effective date.

By the Committees on General Government Appropriations; Regulated Industries; and Senator Constantine—

CS for CS for SB 2640—A bill to be entitled An act relating to the Reduced Cigarette Ignition Propensity Standard and Firefighter Protection Act; creating s. 633.042, F.S.; providing a short title; providing legislative findings and intent; providing definitions; providing cigarette testing methods and performance standards; providing specific testing criteria; requiring manufacturers to provide certain written certification; requiring cigarettes to be marked in specific manners; providing for alternative testing methods under certain circumstances; providing reporting requirements; providing the Division of Alcoholic Beverages and Tobacco with certain powers and responsibilities; providing certification requirements for manufacturers; providing fee; providing for the deposit of certification fees into the Reduced Cigarette Ignition Propensity and Firefighter Protection Enforcement Trust Fund; providing requirements for the marking of certain cigarette packaging; providing reporting requirements; providing approval requirements for markings submitted to the division by a manufacturer; providing notification requirements; providing fines and penalties; providing for the deposit of penalties into the Fire Prevention and Public Safety Trust Fund; providing the division with rulemaking authority; authorizing certain government entities with inspection powers to examine specified documents of any person in possession, control, or occupancy of any premises where cigarettes are placed, stored, sold, or offered for sale, as well as the stock of cigarettes on the premises; providing that nothing in the act shall be construed to prohibit any person or entity from manufacturing or selling cigarettes that do not meet the specified requirements if such cigarettes are or will be stamped for sale in another state or are packaged for sale outside the United States; providing for repeal upon the enactment of a preemptive federal standard; prohibiting local government units from enacting and enforcing any ordinance or other local law or regulation that conflicts with, or is preempted by, any provision of the act; providing effective dates.

REFERENCE CHANGES PURSUANT TO RULE 4.7(2)

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 com-

mercial and recreational fishing activities to conform to changes made by this act; providing an effective date.

—was placed on the Calendar.

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.

—was placed on the Calendar.

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.

—was placed on the Calendar.

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 CS for HB 257, CS for HB 419, CS for CS for HB 1175, HB 7049, HB 7075; has passed as amended CS for CS for HB 745 and requests the concurrence of the Senate.

William S. Pittman III, Chief Clerk

By the Healthcare Council; and Representative Traviesa and others—

CS for HB 257—A bill to be entitled An act relating to abortion; amending s. 390.0111, F.S.; requiring that third trimester abortions be performed in a hospital; providing for disciplinary action for violation of specified provisions; requiring an ultrasound to be performed on any woman obtaining an abortion; specifying who must perform an ultrasound; providing that the ultrasound must be reviewed with the patient prior to the woman giving informed consent; specifying who must review

the ultrasound with the patient; providing that the woman must certify in writing that she declined to review the ultrasound and did so of her own free will and without undue influence; providing an exemption to view the ultrasound for women who are the victims of rape, incest, domestic violence, or human trafficking or for women who have a serious medical condition necessitating the abortion; revising requirements for printed materials; amending s. 390.01114, F.S.; revising provisions relating to parental notice of abortion; requiring the appointment of a guardian ad litem for a minor who petitions for a waiver of the notice requirements; specifying factors to be considered in determining whether a minor is sufficiently mature to waive the notice requirements; revising provisions relating to confidentiality of hearings; requiring that an annual report concerning waiver proceedings provide additional information; amending s. 390.012, F.S.; correcting a cross-reference; providing that agency rules shall prohibit the performance of third trimester abortions other than in a hospital; conforming provisions; requiring ultrasounds for all patients; requiring that live ultrasound images be reviewed and explained to the patient; requiring that all other provisions in s. 390.0111, F.S., must be complied with should the patient decline to view her live ultrasound images; providing for severability; providing an effective date.

—was referred to the Committees on Health Regulation; and Health and Human Services Appropriations.

By the Jobs and Entrepreneurship Council; and Representative Simmons and others—

CS for HB 419—A bill to be entitled An act relating to business entities; amending s. 607.1109, F.S.; exempting a domestic corporation from the requirement to file articles of merger under certain circumstances; amending s. 607.1113, F.S.; exempting a domestic corporation from the requirement to file a certificate of conversion under certain circumstances; amending s. 607.1115, F.S.; requiring that each converting entity file a certificate of conversion with the Department of State; amending s. 608.4382, F.S.; exempting a domestic limited liability company from the requirement to file a certificate of merger under certain circumstances; amending s. 608.439, F.S.; including a corporation within the definition of “other business entity” or “another business entity”; requiring that each converting entity file a certificate of conversion with the department; amending s. 608.4403, F.S.; exempting a limited liability company from the requirement to file a certificate of conversion under certain circumstances; amending s. 617.1108, F.S.; exempting a domestic corporation not for profit from the requirement to file articles of merger under certain circumstances; providing for a copy of articles of merger or the certificate of merger to be filed in each county in which real property of a party to the merger is situated; amending s. 620.1406, F.S.; revising the requirements for general partners with respect to exercising certain management rights; providing that the expulsion of a limited partner requires the consent of all of the other limited partners; amending s. 620.2104, F.S.; requiring that a certificate of conversion be signed by each general partner and by the converting organization; exempting a limited partnership from the requirement to file a certificate of conversion if the partnership complies with certain other laws; amending s. 620.2108, F.S.; providing exceptions to a requirement that constituent limited partnerships file articles of merger or a certificate of merger with the Department of State; amending s. 620.2204, F.S.; changing the date of application of provisions authorizing a limited partner to dissociate from a limited partnership; amending s. 620.8101, F.S.; redefining the term “statement” to exclude a statement of merger; amending s. 620.8105, F.S.; requiring that a registration statement be filed with the department before filing a certificate of conversion or a certificate of merger; amending s. 620.81055, F.S.; providing that a filing fee applies to a certificate of merger; amending s. 620.8911, F.S.; clarifying that the term “organization” includes a converted or surviving organization under certain circumstances; amending s. 620.8914, F.S.; revising requirements for conversions; exempting converting domestic partnerships from filing a certificate of conversion under certain circumstances; providing that the certificate of conversion acts as a cancellation of the registration statement for a converting partnership; amending s. 620.8918, F.S.; exempting domestic constituent partnerships from filing a certificate of merger under certain circumstances; requiring that such partnership file a registration statement with the department under certain circumstances; amending s. 621.06, F.S.; revising limitations on qualifications to render professional services; amending s. 621.10, F.S.; revising limitations on disqualifications

to render professional services; amending s. 621.13, F.S.; deleting limitations on mergers between domestic and foreign professional corporations and limited liability companies; amending s. 727.114, F.S.; providing for disposition of residue moneys after payment of certain creditors’ claims; providing effective dates.

—was referred to the Committees on Commerce; Judiciary; Finance and Tax; and Transportation and Economic Development Appropriations.

By the Policy and Budget Council; Healthcare Council; and Representative Robaina—

CS for CS for HB 1175—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.

—was referred to the Committees on Transportation; Community Affairs; and Transportation and Economic Development Appropriations.

By the Healthcare Council; and Representative Bean and others—

HB 7049—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; providing requirements for obtaining a permit to operate in certain capacities; deleting certain permit requirements; amending and redesignating provisions of ss. 499.012, 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; 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 and 499.041, F.S.; conforming provisions to changes made by the act; 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 cross-references to changes made by the act; providing an effective date.

—was referred to the Committees on Health Regulation; and Judiciary.

By the Healthcare Council; and Representative Galvano—

HB 7075—A bill to be entitled An act relating to developmental disabilities; amending s. 393.063, F.S.; revising definitions applicable to ch. 393, F.S., relating to persons with developmental disabilities; amending ss. 287.155, 393.064, 393.0651, 393.066, 393.135, 393.22, 393.23, 402.181, 402.22, 408.036, and 435.03, F.S.; conforming terminology to changes made by the act; amending s. 393.0657, F.S.; revising an exemption from certain requirements for re-fingerprinting and rescreening; amending s. 393.0673, F.S.; providing circumstances under which the

Agency for Persons with Disabilities may deny, revoke, or suspend a license or impose a fine; amending s. 393.506, F.S.; authorizing direct service providers to administer a certain medication to clients with developmental disabilities; amending s. 400.063, F.S.; conforming a cross-reference; amending s. 916.301, F.S.; clarifying provisions relating to court appointment of certain qualified experts to evaluate a defendant's mental condition; amending s. 916.302, F.S.; authorizing the sheriff to transport a defendant determined incompetent to proceed due to retardation or autism to county jail under certain conditions pending a court appearance at a competency hearing held within a specified period of time; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Health Regulation; and Health and Human Services Appropriations.

By the Policy and Budget Council; Schools and Learning Council; and Representative Precourt and others—

CS for CS for HB 745—A bill to be entitled An act relating to postsecondary education; amending s. 216.136, F.S.; revising provisions relating to student enrollment projections, and adjustments thereto, for the state educational system developed by the Education Estimating Conference; amending s. 1005.32, F.S.; revising requirements for application for licensure by accreditation by an independent postsecondary educational institution; amending s. 1007.24, F.S.; revising provisions regarding determination of equivalency of courses; amending s. 1009.01, F.S.; providing definitions relating to postsecondary education; amending s. 1009.21, F.S.; providing that determination of resident status applies to eligibility for state financial aid awards and tuition assistance grants; revising definitions; revising provisions relating to qualification as a resident for tuition purposes; providing for reclassification of status; providing duties of institutions of higher education; amending s. 1009.22, F.S.; revising provisions relating to the workforce education postsecondary student capital improvement fee; amending s. 1009.23, F.S.; providing an exemption relating to establishment of the community college activity and service student fee; authorizing an increase in the amount of fees collected for financial aid purposes; increasing the amount of financial aid fees that may be used to assist students who meet specified criteria; authorizing rulemaking; amending s. 1009.24, F.S.; revising provisions relating to state university student fees; providing for the establishment of tuition and fees at the undergraduate and graduate levels and for professional programs; revising provisions relating to use of the student financial aid fee; revising provisions relating to establishment and conditions of the undergraduate tuition differential; amending s. 1009.25, F.S.; revising provisions authorizing student fee exemptions by community colleges; defining "fee-paying student"; amending s. 1009.265, F.S.; revising conditions for the use of state employee fee waivers; amending ss. 1009.98 and 1011.48, F.S.; conforming cross-references; amending s. 196.192, F.S.; specifying educational institutions as exempt entities for purposes of exemptions from ad valorem taxation for property owned by exempt entities; providing an effective date.

—was referred to the Committee on Higher Education Appropriations.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 23 was corrected and approved.

CO-INTRODUCERS

Senators Bullard—SB 2296; Dockery—CS for SB 2778; Gaetz—CS for CS for SB 2848; Haridopolos—CS for SB 624; Lynn—CS for SB 1318, CS for CS for SB 1732; Storms—CS for CS for SB 2848; Wilson—SB 1558

VOTES RECORDED

Senator Posey was recorded as voting "yea" on the following bills which were considered April 9: **CS for SB 82, SB 96, CS for SB 192, CS for SB 322, CS for SB 656, SB 784, CS for SB 1036, CS for SB 1070, CS for CS for SB 1702, CS for SB 1756, CS for SB 1774, CS for SB 1788, CS for SB 1790, CS for SB 1792, CS for SB 1810, CS for SB 1820, CS for SB 1824, CS for SB 1830, CS for SB 1838, CS for SB 1856, CS for SB 1882, CS for SB 1886, CS for SB 1888, CS**

for SB 1892, CS for CS for SB 2000, CS for CS for SB 2002, SB 2820 and CS for HB 503; and “nay” on CS for SB 1988.

RECESS

On motion by Senator King, the Senate recessed at 3:55 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Friday, April 25 or upon call of the President.