



# Journal of the Senate

Number 14—Regular Session

Monday, April 27, 2009

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## CALL TO ORDER

The Senate was called to order by President Atwater at 1:30 p.m. A quorum present— 38:

Mr. President	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise
Dockery	Oelrich	

Excused: Senator Hill

## PRAYER

The following prayer was offered by Senator Justice:

Eternal God, we begin our prayer today by asking for special watch and special care of our children, our spouses and those who support us and love us back home; those who wait for us to return soon, very, very soon.

God, we bow today in a spirit of gratitude, grateful for the many blessings we enjoy—family, friendships, and the opportunity to serve our communities. While we are grateful for these blessings, we come today asking for these graces even more abundantly. We ask today for more faith, love, courage, wisdom, hope and strength. We do this, knowing that you do not always grant our petitions in ways we immediately understand. We do so knowing that when we ask for strength, you give us opportunities to be strong; we do so knowing that when we ask for hope, you give us opportunities to be hopeful; we do so knowing that when we ask for wisdom, you give us opportunities to be wise; we do so knowing that when we ask for courage, you give us opportunities to be courageous; we do so knowing that when we ask for love, you give us opportunities to show love; we do so knowing that when we ask for faith, you give us opportunities to be faithful.

Lord, we ask for all of these blessings today. In every request, we simply ask your will be done. Amen

## PLEDGE

Senate Pages Kelechi Anyanwu of Orlando; Rebekah Giordano of New Port Richey; Kelsey Ryan of Celebration; and Kyla Rae Wilkinson of DeFuniak Springs, 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. Stephanie Haridopolos of Merritt Island, sponsored by her husband, Senator Haridopolos, as doctor of the day. Dr. Haridopolos specializes in Family Medicine.

## MOMENT OF SILENCE

The President recognized Senator Lawson who led the Senate in a moment of silence for Senator Hill's brother-in-law, Ryan R. Davis, who passed away on April 26.

## SPECIAL GUESTS

Senator Garcia recognized former Senator Dan Webster and former Senate President John McKay, who were present in the chamber.

## ADOPTION OF RESOLUTIONS

On motion by Senator Constantine—

By Senator Constantine—

**SR 1384**—A resolution congratulating the Seminole High School Seminoles Football Team on its recognition by the Florida High School Athletic Association as the Class 6A 2008 State Champions.

WHEREAS, Seminole High School is an "A"-ranked school and a charter member of the Florida High School Athletic Association, and

WHEREAS, the Seminole High School Seminoles Football Team achieved a 13-2 winning record during the 2008 season, defeating Lake Brantley High School by a score of 34-14 to win the 6A District 2 Championship, defeating DeLand High School by a score of 38-12 to win the Regional Quarterfinals, defeating Spruce Creek High School by a score of 30-13 to win the Regional Semifinals, defeating Apopka High School by a score of 28-7 to win the Regional Championship, and defeating Boone High School by a score of 21-17 to win the State Semifinals, and

WHEREAS, in an impressive come-from-behind victory, the Seminole High School Seminoles Football Team defeated the 2-time consecutive 6A Champion Miami Northwestern High School football team by a score of 28-21 to claim the 6A State Championship, and

WHEREAS, outstanding skill, sportsmanship, and competitiveness have been characteristics consistently demonstrated by Seminoles teammates Nile Owens, Tyrone Bouie, Andre Debose, Rodney Bryant, Jarkevis Fields, Ryan Sanford, Dyron Dye, Aravious Armstrong, Serderius Bryant, Toby Durham, Deron Thompson, Aaron Palumbo, Jamal Hooks, Ronald Moore, Leon McCray, Chris McIntosh, Eric Farkas,

Kwandarius Karr, Courtland Amos, Reginald Keitt, Jerod Jones, Chase Boyt, Brandon Kush, Zachary Martin, Adam Mordecai, Donovan Mitchell, Larrett Correa, Jared Lingle, Brandon Stiffey, Taylor McMurrin, Alton Butts, Dionate Collier, Casey Gibson, Jorge Garcia, Kyle Winsor, Michael Delbrey, Michael Keller, Teodoro Morales, Eric Winsor, Kadeem Edwards, Charles Thacker, Lessort Tresalus, Charles Green, Otha Jackson, Anthony Wilson, Michael Washington, Eric Williams, Thurman Byrd, Alonzo Gibson, Kerry Wiggins, Vandell Frison, Dustin Lee, and Swanson Cody, and

WHEREAS, the Seminoles could not have accomplished this magnificent achievement without the dedicated commitment of Head Coach Mike Cullison and Assistant Coaches Kerry Wiggins, Ron Moore, Sugar Ray Greer, Britt Henderson, Henry Anderson, Kelly Campbell, Sylvester Wynn, Ed Zaremba, Tom Ruby, Joe Hillard, Robert Vite, and Garvin Merritt, and

WHEREAS, Andre Debose, Dyron Dye, and Aravious Armstrong have brought further recognition to the Seminoles Team through their selection to the Under Armor All American Squad, and

WHEREAS, the Seminole High School Seminoles Football Team, in becoming the first team in Seminole County to win a State Football Championship, has demonstrated a spirit of dedication, commitment, and good sportsmanship that stands as an inspiration for all children in the State of Florida who aspire to succeed in academia and in life, NOW, THEREFORE,

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

That the Florida Senate commends the Seminole High School Seminoles Football Team, their coaches, their teachers, and their parents for the honor and pride they have brought to this state by their outstanding dedication and performance as athletes.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the Seminole High School Seminoles Football Team as a tangible token of the sentiments of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator Constantine, **SR 1384** was read the second time in full and adopted.

#### SPECIAL GUESTS

Senator Constantine recognized the Seminole High School Football team who was present in the gallery. He made special recognition of Principal Mike Gaudreau; Head Coach Mike Cullison; and football players, Andre Debose, Dyron Dye and Arvious Armstrong who were selected to the Under Armor All American Squad.

At the request of Senator Fasano—

By Senator Fasano—

**SR 2768**—A resolution recognizing the week of September 28 to October 3, 2009, as “Florida Behavior Analysis Week.”

WHEREAS, for the past 29 years the Florida Association for Behavior Analysis has promoted the ethical, humane, and effective application of behavior principles in all segments of society, including education, business, rehabilitation facilities, and government, and

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

WHEREAS, behavior analysis has been used successfully in a wide range of circumstances, including treating individuals who have autism, teaching basic self-help skills and language to persons who have developmental disabilities, and helping foster parents lovingly raise emotionally difficult children, and

WHEREAS, the behavior analysts who are members of the Florida Association for Behavior Analysis are from a variety of backgrounds, including consulting firms, state government programs, private therapy practices, and school administrators and

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

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

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

That the week of September 28 to October 3, 2009, is recognized as “Florida Behavior Analysis Week” in this state.

—**SR 2768** was introduced, read and adopted by publication.

At the request of Senator Fasano—

By Senator Fasano—

**SR 2772**—A resolution recognizing April 2009 as “Sexual Assault Awareness Month” in Florida.

WHEREAS, sexual assault continues to be a major social crisis in our society, with one in nine women in Florida having been a victim of sexual violence, and

WHEREAS, sexual assault affects many Floridians, as a victim of sexual assault or as a family member, friend, significant other, neighbor, or co-worker of a victim of sexual assault, and

WHEREAS, sexual assault has a devastating effect on the lives of victims, affecting every aspect of a person’s life and increasing the risk for post-traumatic stress disorder, depression, suicide, homelessness, and substance abuse, and

WHEREAS, volunteers and service providers in Florida’s 31 certified rape crisis centers work to provide a continuum of care to sexual assault survivors through 24-hour hotlines, counseling, support groups, advocacy, medical care, and education, and

WHEREAS, the Florida Council Against Sexual Violence seeks to improve services for victims of sexual assault and to prevent future sexual assault through public awareness and services for victims, and

WHEREAS, the Florida Senate recognizes the vital importance of designating a time devoted to increasing the general public’s awareness and support of agencies providing services to sexual assault victims, and envisions a future free from sexual violence in our communities, NOW, THEREFORE,

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

That April 2009 is recognized as “Sexual Assault Awareness Month” in Florida.

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

—**SR 2772** was introduced, read and adopted by publication.

#### MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Villalobos, by two-thirds vote **CS for SB 956** was withdrawn from the Committee on Governmental Oversight and Accountability; and **SB 2652** was withdrawn from the Committee on Rules.

**BILLS ON THIRD READING**

**SENATOR VILLALOBOS PRESIDING**

**CS for CS for SB 762**—A bill to be entitled An act relating to state university tuition and fees; amending s. 216.136, F.S.; requiring the Education Estimating Conference to develop information relating to the national average of tuition and fees; amending s. 1009.01, F.S.; revising the definition of the term “tuition differential”; amending s. 1009.24, F.S.; revising provisions relating to the use of the student financial aid fee; deleting obsolete provisions; revising provisions relating to the establishment of a tuition differential; providing requirements for the assessment and expenditure of a tuition differential; providing requirements for a university board of trustees to submit a proposal to the Board of Governors to implement a tuition differential; requiring the Board of Governors’ review and approval of a proposal; requiring the Board of Governors to report specified information annually to the Legislature and the Governor; providing for application; providing an effective date.

—was read the third time by title.

On motion by Senator Pruitt, **CS for CS for SB 762** was passed and certified to the House. The vote on passage was:

Yeas—30

Altman	Dockery	Peaden
Aronberg	Gaetz	Pruitt
Baker	Gardiner	Rich
Bennett	Gelber	Richter
Bullard	Jones	Ring
Constantine	Joyner	Siplin
Dean	King	Smith
Detert	Lawson	Sobel
Deutch	Lynn	Villalobos
Diaz de la Portilla	Oelrich	Wilson

Nays—7

Crist	Haridopolos	Wise
Fasano	Justice	
Garcia	Storms	

Vote after roll call:

Yea—Mr. President, Alexander

Yea to Nay—Sobel

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Consideration of **SB 902** was deferred.

On motion by Senator Gaetz, by two-thirds vote **HB 7023** was withdrawn from the Committees on Health Regulation; Governmental Oversight and Accountability; and Health and Human Services Appropriations.

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

**HB 7023**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding the Florida Patient Safety Corporation; repealing s. 381.0271, F.S., creating the Florida Patient Safety Corporation and establishing its powers and duties; repealing s. 381.0273, F.S., providing a public record exemption for patient safety data or other records held by the Florida Patient Safety Corporation and its subsidiaries, advisory committees, or contractors, and providing a public meeting exemption for portions of meetings held by the corporation or its subsidiaries, advisory committees, or contractors during which confidential and exempt information is discussed; providing an effective date.

—a companion measure, was substituted for **SB 1896** and read the second time by title.

On motion by Senator Gaetz, by two-thirds vote **HB 7023** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

Vote after roll call:

Yea—Smith

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On motion by Senator Lawson, by unanimous consent—

**CS for CS for HB 873**—A bill to be entitled An act relating to inactive licenses and certificates of need for health care providers; amending s. 408.040, F.S.; extending the period for which a certificate of need is valid; amending s. 408.808, F.S.; providing for renewal of inactive license status for statutory rural hospitals under certain circumstances; requiring plan approval and commencement of construction under certain circumstances; requiring certain proof of enforceable capital expenditures under certain circumstances; providing an effective date.

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

On motion by Senator Lawson, **CS for CS for HB 873** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise
Dockery	Oelrich	

Nays—None

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Consideration of **CS for CS for SB 148**; **CS for CS for CS for SB 1004** and **SB 2656** was deferred.

**CS for SB 342**—A bill to be entitled An act relating to license plates; amending ss. 320.08056 and 320.08058, F.S.; creating the St. Johns River license plate; establishing an annual use fee for the plate; providing for the distribution of use fees received from the sale of such plates; providing an effective date.

—was read the third time by title.

On motion by Senator King, **CS for SB 342** was passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Gaetz	Peaden
Altman	Garcia	Pruitt
Aronberg	Gardiner	Rich
Bennett	Gelber	Richter
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Diaz de la Portilla	Lawson	Wilson
Dockery	Lynn	Wise
Fasano	Oelrich	

Nays—2

Deutch Ring

Vote after roll call:

Yea—Alexander, Baker

Nay to Yea—Ring

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Consideration of **CS for SB 642** was deferred.

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**CS for SB 650**—A bill to be entitled An act relating to license plates; amending ss. 320.08056 and 320.08058, F.S.; creating the Catch Me, Release Me license plate; establishing an annual use fee for the plate; providing for the distribution of use fees received from the sale of the plate; providing an effective date.

—was read the third time by title.

On motion by Senator Garcia, **CS for SB 650** was passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Gaetz	Peaden
Altman	Garcia	Pruitt
Aronberg	Gardiner	Rich
Baker	Gelber	Richter
Bennett	Haridopolos	Ring
Bullard	Jones	Siplin
Crist	Joyner	Smith
Dean	Justice	Sobel
Detert	King	Storms
Deutch	Lawson	Villalobos
Diaz de la Portilla	Lynn	Wilson
Fasano	Oelrich	Wise

Nays—1

Dockery

Vote after roll call:

Yea—Alexander, Constantine

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**CS for SB's 674 and 1422**—A bill to be entitled An act relating to construction contracting; amending s. 489.103, F.S.; requiring that owners of property acting as their own contractor and providing direct, onsite supervision of all work not performed by licensed contractors read and sign a disclosure statement before a permit is issued; requiring that the disclosure statement contain certain statements and provisions; amending ss. 489.128 and 489.532, F.S.; providing that certain individuals or business organizations may not be considered unlicensed for

failure to have a required local jurisdiction license; providing for retro-active application; providing an effective date.

—was read the third time by title.

On motion by Senator Constantine, **CS for SB's 674 and 1422** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise
Dockery	Oelrich	

Nays—None

Vote after roll call:

Yea—Alexander

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**CS for CS for SB 714**—A bill to be entitled An act relating to condominiums; creating s. 627.714, F.S.; requiring that coverage under a unit owner's policy for certain assessments include at least a minimum amount of loss assessment coverage; requiring that every property insurance policy to an individual unit owner contain a specified provision; amending s. 633.0215, F.S.; providing an exemption for certain condominiums from installing a manual fire alarm system as required in the Life Safety Code if certain conditions are met; amending s. 718.111, F.S.; requiring that adequate property insurance be based upon the replacement cost of the property to be insured as determined by an independent appraisal or update of a prior appraisal; requiring that such replacement cost be determined at least once within a specified period; providing means by which an association may provide adequate property insurance; providing that certain property insurance policies or programs are not subject to review and approval by the Office of Insurance Regulation; prohibiting such coverage or program from existing beyond a specified date; authorizing an association to consider deductibles when determining an adequate amount of property insurance; providing that failure to maintain adequate property insurance constitutes a breach of fiduciary duty by the members of the board of directors of an association; revising the procedures for the board to establish the amount of deductibles; requiring that an association controlled by unit owners operating as a residential condominium use its best efforts to obtain and maintain adequate property insurance to protect the association and certain property; requiring that every property insurance policy issued or renewed on or after a specified date provide certain coverage; excluding certain items from such requirement; providing that excluded items and any insurance thereupon are the responsibility of the unit owner; requiring that condominium unit owner's policies conform to certain provisions of state law; deleting provisions relating to certain hazard and casualty insurance policies; conforming provisions to changes made by the act; amending s. 718.112, F.S.; conforming cross-references; revising requirements for the reappointment of certain board members; revising board eligibility requirements; revising notice requirements for board candidates; establishing requirements for newly elected board members; extending the period during which condominium common areas do not have to be retrofitted with sprinkler systems; providing that certain directors and officers delinquent in the payment of any fee, fine, or regular or special assessments shall be deemed to have abandoned their office; repealing s. 553.509(2), F.S., relating to the requirement that certain residential family dwellings have at least one public elevator that is capable of operating on an alternate power source for emergency purposes; providing an effective date.

—as amended April 24 was read the third time by title.

On motion by Senator Jones, **CS for CS for SB 714** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise
Dockery	Oelrich	

Nays—None

Vote after roll call:

Yea—Alexander

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Consideration of **SB 860** was deferred.

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**SB 872**—A bill to be entitled An act relating to fictitious names; repealing s. 15.16(6), F.S., relating to a conditional waiver by the Department of State of the requirement that an applicant to do business under a fictitious name advertise the intention to register such fictitious name in a newspaper in the county in which the principal place of business will be located; providing an effective date.

—was read the third time by title.

On motion by Senator Smith, **SB 872** was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Fasano	Pruitt
Altman	Gaetz	Rich
Aronberg	Garcia	Richter
Baker	Gardiner	Ring
Bennett	Gelber	Siplin
Bullard	Haridopolos	Smith
Constantine	Jones	Sobel
Crist	Justice	Storms
Dean	King	Villalobos
Detert	Lawson	Wilson
Deutch	Lynn	Wise
Diaz de la Portilla	Oelrich	
Dockery	Peaden	

Nays—1

Joyner

Vote after roll call:

Yea—Alexander

Nay to Yea—Joyner

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**CS for CS for HB 405**—A bill to be entitled An act relating to delivery vehicles; amending s. 316.2126, F.S.; defining the terms “golf cart,” “residential area,” and “seasonal delivery personnel”; authorizing the use of golf carts, low-speed vehicles, and utility vehicles by seasonal delivery personnel during a certain timeframe; requiring specified vehicles to be equipped with safety equipment; providing an effective date.

—was read the third time by title.

On motion by Senator Altman, **CS for CS for HB 405** was passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Dockery	Peaden
Altman	Fasano	Pruitt
Aronberg	Gaetz	Rich
Baker	Garcia	Richter
Bennett	Gardiner	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Storms
Dean	King	Villalobos
Detert	Lawson	Wise
Deutch	Lynn	
Diaz de la Portilla	Oelrich	

Nays—3

Gelber	Sobel	Wilson
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Vote after roll call:

Yea—Alexander

Nay—Justice

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**SB 1398**—A bill to be entitled An act relating to specialty license plates; amending ss. 320.08056 and 320.08058, F.S.; creating a Fraternal Order of Police license plate and an Autism license plate; establishing an annual use fee for the plates; providing for the distribution of use fees received from the sale of such plates; providing an effective date.

—as amended April 24 was read the third time by title.

On motion by Senator Fasano, **SB 1398** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Gardiner	Rich
Baker	Gelber	Richter
Bennett	Haridopolos	Ring
Bullard	Jones	Siplin
Constantine	Joyner	Smith
Crist	Justice	Sobel
Dean	King	Storms
Detert	Lawson	Villalobos
Deutch	Lynn	Wilson
Diaz de la Portilla	Oelrich	Wise

Nays—1

Dockery

Vote after roll call:

Yea—Alexander, Garcia

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**CS for CS for SB 1404**—A bill to be entitled An act relating to child-restraint requirements; amending s. 316.613, F.S.; providing child-restraint requirements for children ages 4 through 7; providing exceptions; redefining the term “motor vehicle” to exclude certain vehicles from such requirements; providing a grace period; providing exceptions; providing effective dates.

—as amended April 24 was read the third time by title.

On motion by Senator Altman, **CS for CS for SB 1404** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Dockery	Lynn
Altman	Fasano	Oelrich
Aronberg	Gaetz	Peaden
Baker	Garcia	Pruitt
Bennett	Gardiner	Rich
Bullard	Gelber	Richter
Constantine	Haridopolos	Ring
Crist	Jones	Siplin
Dean	Joyner	Sobel
Detert	Justice	Storms
Deutch	King	Villalobos
Diaz de la Portilla	Lawson	Wise

Nays—2

Smith                      Wilson

Vote after roll call:

Yea—Alexander

Nay to Yea—Smith

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Consideration of **CS for SB 582** was deferred.

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**SB 2064**—A bill to be entitled An act relating to construction defects; amending s. 558.002, F.S.; providing and revising definitions; amending s. 558.003, F.S.; limiting application of certain notices; amending s. 558.004, F.S.; revising requirements and procedures for notice and opportunity to repair certain defects; specifying that there are no construction lien rights under certain provisions of law for certain testing; providing an exception; revising requirements for parties to exchange certain materials; providing penalties; amending s. 558.005, F.S.; revising requirements for application to certain claims for legal relief; specifying certain notices required for certain contracts; authorizing parties to agree to mediation; revising application of notice requirements to certain earlier contracts; specifying a required notice for certain contracts; providing construction of the requirement; providing an effective date.

—was read the third time by title.

On motion by Senator Altman, **SB 2064** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise
Dockery	Oelrich	

Nays—None

Vote after roll call:

Yea—Alexander

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**CS for SB 2210**—A bill to be entitled An act relating to the charter county transit system surtax; amending s. 212.055, F.S.; changing the name of the surtax; expanding eligible counties authorized to levy the surtax; requiring interlocal agreements in certain counties to be updated no less than every 5 years to include certain municipalities; providing an effective date.

—was read the third time by title.

An amendment was considered and adopted to conform **CS for SB 2210** to **CS for CS for HB 1205**.

Pending further consideration of **CS for SB 2210** as amended, on motion by Senator Wilson, by two-thirds vote **CS for CS for HB 1205** was withdrawn from the Committees on Transportation; Community Affairs; Finance and Tax; and Transportation and Economic Development Appropriations.

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

**CS for CS for HB 1205**—A bill to be entitled An act relating to the charter county transit system surtax; amending s. 212.055, F.S.; changing the name of the surtax; expanding eligible counties authorized to levy the surtax; requiring interlocal agreements in certain counties to be updated no less than every 5 years to include certain municipalities; providing an effective date.

—a companion measure, was substituted for **CS for SB 2210** as amended and read the second time by title.

On motion by Senator Wilson, by two-thirds vote **CS for CS for HB 1205** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise
Dockery	Oelrich	

Nays—None

On motion by Senator Richter, by two-thirds vote **CS for HB 1311** was withdrawn from the Committees on Commerce; and Judiciary.

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

**CS for HB 1311**—A bill to be entitled An act relating to corporations; amending s. 607.0501, F.S.; deleting a provision providing that there shall be no charge for telephone requests for certain general corporate information; amending s. 607.1406, F.S.; requiring notice to known claimants of a dissolved corporation; amending s. 607.1620, F.S.; requiring that certain corporations furnish annual financial statements to shareholders within a specified period after the close of a fiscal year; providing an exception; providing a means by which such requirement may be satisfied; amending s. 617.01201, F.S.; requiring a document that is electronically transmitted to be in a format that may be retrieved in typewritten or printed form; requiring that a document be executed by a director of the domestic or foreign corporation; authorizing the delivery of a document by electronic transmission to the extent allowed by the Department of State; amending s. 617.0122, F.S.; requiring the department to collect a fee for filing an agent's statement of resignation from an inactive corporation; amending s. 617.0124, F.S.; authorizing a domestic or foreign corporation to correct a document filed by the department within 30 days under certain circumstances; amending s. 617.01401, F.S.; defining the terms "department," "distribution," "mutual benefit

corporation," "successor entity," and "voting power"; amending s. 617.0205, F.S.; requiring the incorporators to hold an organizational meeting after incorporation if the initial directors are not named in the articles of incorporation; amending s. 617.0302, F.S.; authorizing a corporation not for profit to make guaranties; amending s. 617.0501, F.S.; deleting a provision providing that there shall be no charge for telephone requests for certain general corporate information; amending s. 617.0503, F.S.; providing that an alien business organization may withdraw its registered agent designation by delivering an application for certificate of withdrawal to the department; amending s. 617.0505, F.S.; prohibiting a corporation not for profit from making distributions to its members; providing an exception; deleting provisions related to the issuance of certificates; amending s. 617.0601, F.S.; correcting a reference to the Solicitation of Contributions Act; providing that certain stock certificates constitute certificates of membership; requiring that a resignation, expulsion, or termination of membership be recorded in the membership book; creating s. 617.0605, F.S.; prohibiting a member of a corporation from transferring a membership under certain circumstances; creating s. 617.0606, F.S.; providing that the resignation of a member does not relieve the member from obligations incurred and commitments made prior to resignation; creating s. 617.0607, F.S.; requiring that a member of a corporation be terminated or suspended pursuant to a procedure that is fair and reasonable; requiring that written notice given and delivered by certified mail or first-class mail; requiring that a proceeding challenging an expulsion, suspension, or termination be commenced within 1 year after the effective date of such expulsion, suspension, or termination; providing that a member who has been expelled or suspended may be liable to the corporation for dues, assessments, or fees; creating s. 617.0608, F.S.; prohibiting a corporation from purchasing any of its memberships; authorizing a mutual benefit corporation to purchase the membership of a member who resigns or whose membership is terminated; amending s. 617.0701, F.S.; authorizing the holders of at least 5 percent of the voting power of a corporation to call a special meeting of the members under certain circumstances; authorizing a person who signs a demand for a special meeting to call a special meeting of the members under certain circumstances; revising the timeframes relating to written member consent to actions; clarifying the types of corporations that are not subject to certain requirements; amending s. 617.0721, F.S.; authorizing the corporation to reject a proxy action if it has reasonable doubt as to the validity of an appointment; providing that members and proxy holders who are not physically present at a meeting may participate by means of remote communication and are deemed to be present at the meeting under certain circumstances; amending s. 617.0725, F.S.; requiring an amendment to the articles of incorporation or the bylaws which adds a greater or lesser quorum or voting requirement to meet certain requirements; creating s. 617.07401, F.S.; prohibiting a person from commencing a proceeding in the right of a domestic or foreign corporation unless the person was a member of the corporation or became a member through transfer by operation of law; requiring that a complaint in a proceeding brought in the right of a domestic or foreign corporation be verified and allege the demand with particularity; authorizing the court to dismiss a derivative proceeding if the court finds that a determination was made in good faith after a reasonable investigation; prohibiting certain proceedings from being discontinued or settled without the approval of the court; authorizing the court to require a plaintiff to pay a defendant's reasonable expenses upon termination of a proceeding, including attorney's fees; amending s. 617.0801, F.S.; providing the duties of the board of directors; amending s. 617.0802, F.S.; providing an exception to the required minimum age of a member of the board of directors for certain corporations; amending s. 617.0806, F.S.; providing that directors may be divided into classes; amending s. 617.0808, F.S.; providing that any member of the board of directors may be removed from office with or without cause by a certain vote; providing that a director who is elected by a class, chapter, or other organizational unit may be removed only by members of that class, chapter, or organizational unit; providing that a director elected or appointed by the board may be removed without cause by a vote of two-thirds of the directors then in office; providing that a director of a corporation described in s. 501(c) of the Internal Revenue Code may be removed from office pursuant to procedures provided in the articles of incorporation or the bylaws; amending s. 617.0809, F.S.; providing that a vacancy on the board of directors for a director elected by a class, chapter, unit, or group may be filled only by members of that class, chapter, unit, or group; providing that the term of a director elected or appointed to fill a vacancy expires at the next annual meeting at which directors are elected; amending s. 617.0824, F.S.; prohibiting certain directors from being counted toward a quorum; amending s.

617.0832, F.S.; deleting a provision that authorizes common or interested directors to be counted in determining the presence of a quorum at a meeting that ratifies a contract between a corporation and one of its directors and any other corporation in which one of its directors is financially interested; providing circumstances under which a conflict-of-interest transaction is authorized; amending s. 617.0833, F.S.; providing an exception to the requirement that a loan not be made by a corporation to its directors; amending s. 617.0834, F.S.; providing that an officer or director of a certain nonprofit organization or agricultural or horticultural organization is immune from civil liability; amending s. 617.1007, F.S.; providing that a restatement of the articles of incorporation of a corporation may include one or more amendments; amending s. 617.1101, F.S.; providing requirements for a plan of merger; creating s. 617.1102, F.S.; providing a limitation on the merger of a corporation not for profit; creating s. 617.1301, F.S.; prohibiting a corporation from making distributions to its members under certain circumstances; creating s. 617.1302, F.S.; providing that a mutual benefit corporation may purchase its memberships only under certain circumstances; authorizing a corporation to make distributions upon dissolution; amending s. 617.1405, F.S.; providing that the name of a dissolved corporation may be available for immediate assumption by another corporation if the dissolved corporation provides the department with an affidavit authorizing such use; creating s. 617.1407, F.S.; authorizing a dissolved corporation or successor entity to execute certain procedures to resolve payment of unknown claims against it; providing that certain claims against a dissolved corporation are barred; providing that a claim may be entered against a dissolved corporation under certain circumstances; creating s. 617.1408, F.S.; authorizing a dissolved corporation or successor entity to execute certain procedures to dispose of known claims against it; requiring that a dissolved corporation deliver written notice of the dissolution to each of its known claimants; providing a procedure under which a dissolved corporation may reject a claim made against it; requiring that a dissolved corporation give notice of the dissolution to persons having known claims that are contingent, conditional, or unmaturing; requiring that a dissolved corporation follow certain procedures in offering compensation to a claimant if the claim matures; requiring that a dissolved corporation petition the circuit court to determine the amount and form of security that is sufficient to provide compensation to certain claimants; providing that the giving of notice or making of an offer does not revive a claim that has been barred; providing that directors of a dissolved corporation or governing persons of a successor entity that has complied with certain procedures are not personally liable to the claimants of a dissolved corporation; providing that certain members of a dissolved corporation are not liable for any claim against the corporation; providing a limit on the aggregate liability of any member of a dissolved corporation; repealing s. 617.1421(6), F.S., relating to the assumption and use of the name of a dissolved corporation; amending s. 617.1422, F.S.; deleting certain requirements for an application to reinstate a corporation that has been dissolved; requiring that a corporation submit a reinstatement form prescribed and furnished by the department; providing that the name of a dissolved corporation is not available for assumption or use by another corporation until 1 year after the effective date of dissolution; providing an exception; amending s. 617.1430, F.S.; revising the requirements for members to dissolve a corporation in circuit court; amending s. 617.1503, F.S.; requiring a foreign corporation to deliver a certificate of existence authenticated by the Secretary of State; amending s. 617.1504, F.S.; requiring that a foreign corporation make application to the department to obtain an amended certificate of authority within 90 days after the occurrence of a change; amending s. 617.1506, F.S.; requiring that an alternate corporate name adopted for use in this state be cross-referenced to the real corporate name in the records of the Division of Corporations; requiring that the corporate name of a foreign corporation be distinguishable from the corporate name of a corporation for profit incorporated or authorized to transact business in this state; amending s. 617.1530, F.S.; requiring that the department receive an authenticated certificate from the Secretary of State before commencing a proceeding to revoke the certificate of authority of a foreign corporation; amending s. 617.1601, F.S.; requiring that a corporation keep a copy of its articles of incorporation; revising certain requirements for corporate records; amending s. 617.1604, F.S.; providing an additional exception to a requirement that a corporation pay certain costs and attorney fees after a court-ordered inspection of certain records under certain circumstances; amending s. 617.1602, F.S.; providing that a member of a corporation is entitled to inspect and copy certain records of the corporation at a reasonable location specified by the corporation; requiring that a member give the corporation written notice 10 days before the date on which he

or she wishes to inspect and copy records; amending s. 617.1605, F.S.; revising the circumstances under which a corporation is required to furnish a member with its latest annual financial statement; creating s. 617.1703, F.S.; providing for the applicability of certain provisions to corporations regulated under the act; amending s. 617.1803, F.S.; providing for certain changes when a foreign not-for-profit corporation becomes domesticated; amending s. 617.1806, F.S.; revising the provisions for conversion to a corporation not for profit; amending s. 617.1907, F.S.; providing that the repeal or amendment of a statute does not affect certain operations and proceedings; repealing s. 617.2103, F.S., relating to exemptions for certain corporations; providing effective dates.

—a companion measure, was substituted for **SB 2330** as amended and by two-thirds vote read the second time by title.

On motion by Senator Richter, by two-thirds vote **CS for HB 1311** was read the third time by title. On motion by Senator Richter, further consideration was deferred.

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Consideration of **CS for CS for SB 1894** was deferred.

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### SENATOR FASANO PRESIDING

**SB 216**—A bill to be entitled An act relating to campaign financing; creating s. 106.113, F.S.; defining the terms “local government” and “public funds”; prohibiting a local government from expending, and a person or group from accepting, public funds for a political advertisement or electioneering communication concerning an issue, referendum, or amendment that is subject to the vote of the electors; providing an exception for certain electioneering communications; clarifying restrictions with respect to local officials; providing an effective date.

—was read the third time by title.

On motion by Senator Justice, **SB 216** was passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Diaz de la Portilla	Lawson
Alexander	Dockery	Oelrich
Altman	Fasano	Peaden
Aronberg	Gaetz	Pruitt
Baker	Garcia	Rich
Bennett	Gardiner	Richter
Bullard	Gelber	Ring
Constantine	Haridopolos	Siplin
Crist	Jones	Sobel
Dean	Joyner	Storms
Detert	Justice	Wilson
Deutch	King	Wise

Nays—2

Lynn	Smith
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Vote after roll call:

Yea—Villalobos

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**SB 324**—A bill to be entitled An act relating to state aid to public libraries; amending s. 257.12, F.S.; encouraging all public libraries to implement an Internet safety education program for children and adults; providing minimum requirements for the program; requiring libraries to annually report to the Division of Library and Information Services of the Department of State the number of participants who complete the program; requiring that the division adopt rules to award additional points to grant applicants implementing such a program; providing an effective date.

—was read the third time by title.

On motion by Senator Crist, **SB 324** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

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**CS for CS for SB 2160**—A bill to be entitled An act relating to obsolete or outdated agency plans, reports, and programs; repealing s. 14.25, F.S., relating to the Florida State Commission on Hispanic Affairs; amending s. 14.26, F.S.; revising reporting requirements of the Citizen's Assistance Office; repealing s. 14.27, F.S., relating to the Florida Commission on African-American Affairs; repealing s. 16.58, F.S., relating to the Florida Legal Resource Center; amending s. 17.32, F.S.; revising the recipients of the annual report of trust funds by the Chief Financial Officer; amending s. 17.325, F.S.; deleting a reporting requirement relating to the governmental efficiency hotline; amending s. 20.057, F.S.; deleting a reporting requirement of the Governor relating to interagency agreements to delete duplication of inspections; repealing s. 20.316(4)(e), (f), and (g), F.S.; relating to information systems of the Department of Juvenile Justice; amending s. 20.43, F.S.; revising provisions relating to planning by the Department of Health; amending s. 39.4086, F.S.; deleting provisions relating to a report by the State Courts Administrator on a guardian ad litem program for dependent children; amending s. 98.255, F.S.; deleting provisions relating to a report on the effectiveness of voter education programs; amending s. 110.1227, F.S.; revising provisions relating to a report by the board of directors of the Florida Long-Term-Care Plan; amending s. 120.542, F.S.; deleting provisions relating to reports of petitions filed for variances to agency rules; amending s. 121.45, F.S.; deleting provisions relating to reports on interstate compacts relating to pension portability; repealing s. 153.952, F.S., relating to legislative findings and intent concerning privately owned wastewater systems and facilities; amending s. 161.053, F.S.; deleting a provision relating to a report on the coastal construction control line; amending s. 161.161, F.S.; deleting a provision requiring a report on funding for beach erosion control; repealing s. 163.2526, F.S., relating to the review and evaluation of urban infill; amending s. 163.3167, F.S.; deleting provisions relating to local government comprehensive plans; amending s. 163.3177, F.S.; revising requirements for comprehensive plans; amending s. 163.3178, F.S.; deleting a duty of the Coastal Resources Interagency Management Committee to submit certain recommendations; repealing s. 163.519(12), F.S., relating to the requirement for a report on neighborhood improvement districts by the Department of Legal Affairs; repealing s. 186.007(9), F.S.; deleting provisions relating to a committee to recommend to the Governor changes in the state comprehensive plan; amending ss. 189.4035 and 189.412, F.S.; revising requirements relating to dissemination of the official list of special districts; amending s. 194.034, F.S.; deleting a requirement that the Department of Revenue be notified of certain decisions of value adjustment boards; amending s. 206.606, F.S.; revising provisions relating to a report on the Florida Boating Improvement Program; amending s. 212.054, F.S.; deleting the requirement for a report on costs of administering the discretionary sales surtax; amending s. 212.08, F.S.; deleting a requirement for a report on the sales tax exemption for machinery and equipment used in semiconductor, defense, or space technology production and research and development; repealing s. 213.0452, F.S., relating to a report on the structure of the Department of Revenue; repealing s. 213.054, F.S., relating to monitoring and reporting regarding persons claiming tax exemptions; amending s. 215.70, F.S.; requiring the State Board of Administration to report to the Governor when funds need to be appropriated to honor the full faith and

credit of the state; amending s. 216.011, F.S.; redefining the term "long-range program plan"; repealing s. 216.181(10)(c), F.S., relating to reports of filled and vacant positions and salaries; amending s. 252.55, F.S.; revising certain reporting requirements relating to the Civil Air Patrol; amending s. 253.7825, F.S.; deleting provisions relating to the plan for the Cross Florida Greenways State Recreation and Conservation Area; repealing s. 253.7826, F.S., relating to structures of the Cross Florida Barge Canal; repealing s. 253.7829, F.S., relating to a management plan for retention or disposition of lands of the Cross Florida Barge Canal; amending s. 259.037, F.S.; revising provisions relating to a report of the Land Management Uniform Accounting Council; repealing s. 267.074(4), F.S., relating to a plan for the State Historical Marker Program; repealing s. 284.50(3), F.S., relating to a requirement for a report by the Interagency Advisory Council on Loss Prevention and certain department heads; repealing s. 287.045(11), F.S., relating to a requirement for reports on use of recycled products; amending s. 287.059, F.S.; deleting a requirement for reporting proposed fee schedules for private attorney services for the Attorney General's office; repealing s. 288.108(7), F.S., relating to a requirement for a report by the Office of Tourism, Trade, and Economic Development on high-impact businesses; repealing s. 288.1185, F.S., relating to the Recycling Markets Advisory Committee; amending s. 288.1229, F.S.; revising duties of the direct-support organization to support sports-related industries and amateur athletics; repealing s. 288.7015(4), F.S., relating to a requirement for a report by the rules ombudsman in the Executive Office of the Governor; amending s. 288.7771, F.S.; revising a reporting requirement of the Florida Export Finance Corporation; repealing s. 288.8175(8), (10), and (11), F.S., relating to certain responsibilities of the Department of Education with respect to linkage institutes between postsecondary institutions in this state and foreign countries; repealing s. 288.853(5), F.S., relating to the requirement for a report on assistance to and commerce with Cuba; amending s. 288.95155, F.S.; revising requirements for a report by Enterprise Florida, Inc., on the Florida Small Business Technology Growth Program; amending s. 288.9604, F.S.; deleting a requirement for a report by the Florida Development Finance Corporation; amending s. 288.9610, F.S.; revising provisions relating to annual reporting by the corporation; amending s. 292.05, F.S.; revising requirements relating to a report by the Department of Veterans' Affairs; repealing ss. 296.16 and 296.39, F.S., relating to reports by the executive director of the Department of Veterans' Affairs; repealing s. 315.03(12)(c), F.S., relating to legislative review of a loan program of the Florida Seaport Transportation and Economic Development Council; amending s. 319.324, F.S.; deleting provisions relating to funding a report on odometer fraud prevention and detection; repealing s. 322.181, F.S., relating to a study by the Department of Highway Safety and Motor Vehicles on driving by the elderly; repealing s. 322.251(7)(c), F.S., relating to a plan to indemnify persons wanted for passing worthless bank checks; repealing ss. 341.8201-341.842, F.S., relating to the Florida High-Speed Rail Authority Act; amending s. 373.0391, F.S.; deleting provisions relating to provision of certain information by water management districts; amending s. 373.046, F.S.; deleting an obsolete provision requiring a report by the Secretary of Environmental Protection; repealing s. 376.121(14), F.S., relating to a report by the Department of Environmental Protection on damage to natural resources; repealing s. 376.17, F.S., relating to reports of the department to the Legislature; repealing s. 376.30713(5), F.S., relating to a report on preapproved advanced cleanup; amending s. 379.2211, F.S.; revising provisions relating to a report by the Fish and Wildlife Conservation Commission on waterfowl permit revenues; amending s. 379.2212, F.S.; revising provisions relating to a report by the commission on wild turkey permit revenues; repealing s. 379.2523(8), F.S., relating to duties of the Fish and Wildlife Conservation Commission concerning an aquaculture plan; amending s. 380.06, F.S.; deleting provisions on transmission of revisions relating to statewide guidelines and standards for developments of regional impact; repealing s. 380.0677(3), F.S., relating to powers of the Green Swamp Land Authority; repealing s. 381.0011(3), F.S., relating to an inclusion in the Department of Health's strategic plan; repealing s. 381.0036, F.S., relating to planning for implementation of educational requirements concerning HIV and AIDS; repealing s. 381.731, F.S., relating to strategic planning of the Department of Health; amending s. 381.795, F.S.; deleting provisions relating to studies by the Department of Health on long-term, community-based supports; amending s. 381.931, F.S.; deleting provisions relating to the duty of the Department of Health to develop a report on Medicaid expenditures; amending s. 383.19, F.S.; revising provisions relating to reports by hospitals contracting to provide perinatal intensive care services; repealing s. 383.21, F.S., relating to reviews of perinatal intensive care service programs; amending s.

383.2161, F.S.; revising requirements relating to a report by the Department of Health on maternal and child health; repealing s. 394.4573(4), F.S., relating to the requirement for a report by the Department of Children and Family Services on staffing state mental health facilities; amending s. 394.4985, F.S.; deleting provisions relating to plans by department districts; repealing s. 394.82, F.S., relating to the funding of expanded community mental health services; repealing s. 394.9082(9), F.S., relating to reports on contracting with behavioral health management entities; repealing s. 394.9083, F.S., relating to the Behavioral Health Services Integration Workgroup; repealing s. 395.807(2)(c), F.S., relating to requirements for a report on the retention of family practice residents; repealing s. 397.332(3), F.S., relating to the requirement for a report by the director of the Office of Drug Control; amending s. 397.333, F.S.; deleting the requirement for a report by the Statewide Drug Policy Advisory Council; repealing s. 397.94(1), F.S., relating to children's substance abuse services plans by service districts of the Department of Children and Family Services; repealing s. 400.148(2), F.S., relating to a pilot program of the Agency for Health Care Administration for a quality-of-care contract management program; amending s. 400.967, F.S.; deleting provisions relating to a report by the Agency for Health Care Administration on intermediate care facilities for developmentally disabled persons; repealing s. 402.3016(3), F.S., relating to the requirement for a report by the agency on Early Head Start collaboration grants; repealing s. 402.40(9), F.S., relating to submission to the Legislature of certain information related to child welfare training; amending s. 403.4131, F.S.; deleting provisions relating to a report on the adopt-a-highway program; repealing s. 406.02(4)(a), F.S., relating to the requirement for a report by the Medical Examiners Commission; amending s. 408.033, F.S.; revising provisions relating to reports by local health councils; repealing s. 408.914(4), F.S., relating to the requirement of the Agency for Health Care Administration to submit to the Governor a plan on the comprehensive health and human services eligibility access system; repealing s. 408.915(3)(i), F.S., relating to the requirement for periodic reports on the pilot program for such access; repealing s. 408.917, F.S., relating to an evaluation of the pilot project; amending s. 409.1451, F.S.; revising requirements relating to reports on independent living transition services; repealing s. 409.152, F.S., relating to service integration and family preservation; repealing s. 409.1679(1) and (2), F.S., relating to reports concerning residential group care services; amending s. 409.1685, F.S.; revising provisions relating to reports by the Department of Children and Family Services on children in foster care; repealing s. 409.221(4)(k), F.S., relating to reports on consumer-directed care; amending s. 409.25575, F.S.; deleting provisions relating to a report by the Department of Revenue regarding a quality assurance program for privatization of services; amending s. 409.2558, F.S.; deleting provisions relating to the Department of Revenue's solicitation of recommendations related to a rule on undistributable collections; repealing s. 409.441(3), F.S., relating to the state plan for the handling of runaway youths; amending s. 409.906, F.S.; deleting a requirement for reports of child-welfare-targeted case management projects; amending s. 409.912, F.S.; revising provisions relating to duties of the agency with respect to cost-effective purchasing of health care; repealing s. 410.0245, F.S., relating to a study of service needs of the disabled adult population; repealing s. 410.604(10), F.S., relating to a requirement for the Department of Children and Family Services to evaluate the community care for disabled adults program; amending s. 411.0102, F.S.; deleting provisions relating to use of child care purchasing pool funds; repealing s. 411.221, F.S., relating to prevention and early assistance; repealing s. 411.242, F.S., relating to the Florida Education Now and Babies Later program; amending s. 414.14, F.S.; deleting a provision relating to a report by the Secretary of Children and Family Services on public assistance policy simplification; repealing s. 414.36(1), F.S., relating to a plan for privatization of recovery of public assistance overpayment claims; repealing s. 414.391(3), F.S., relating to a plan for automated fingerprint imaging; amending s. 415.1045, F.S.; deleting a requirement for a study by the Office of Program Policy Analysis and Government Accountability on documentation of exploitation, abuse, or neglect; amending s. 420.622, F.S.; revising requirements relating to a report by the State Council on Homelessness; repealing s. 420.623(4), F.S., relating to the requirement of a report by the Department of Community Affairs on homelessness; amending s. 427.704, F.S.; revising requirements relating to a report by the Public Service Commission on a telecommunications access system; amending s. 427.706, F.S.; revising requirements relating to a report by the advisory committee on telecommunications access; amending s. 429.07, F.S.; deleting provisions relating to a report by the Department of Elderly Affairs on extended congregate care facilities; repealing s.

429.08(2), F.S., relating to local workgroups of field offices of the Agency for Health Care Administration; amending s. 429.41, F.S.; deleting provisions relating to a report concerning standards for assisted living facilities; amending s. 430.04, F.S.; revising duties of the Department of Elderly Affairs with respect to certain reports and recommendations; amending s. 430.502, F.S.; revising requirements with respect to reports by the Alzheimer's Disease Advisory Committee; amending s. 445.006, F.S.; deleting provisions relating to a strategic plan for workforce development; repealing s. 455.204, F.S., relating to long-range policy planning in the Department of Business and Professional Regulation; repealing s. 455.2226(8), F.S., relating to the requirement of a report by the Board of Funeral Directors and Embalmers; repealing s. 455.2228(6), F.S., relating to the requirement of reports by the Barbers' Board and the Board of Cosmetology; amending s. 456.005, F.S.; revising requirements relating to long-range planning by professional boards; amending s. 456.025, F.S.; revising requirements relating to a report to professional boards by the Department of Health; repealing s. 456.034(6), F.S., relating to reports by professional boards about HIV and AIDS; amending s. 517.302, F.S.; deleting a requirement for a report by the Office of Financial Regulation on deposits into the Anti-Fraud Trust Fund; repealing s. 531.415(3), F.S., relating to the requirement of a report by the Department of Agriculture and Consumer Services on fees; repealing s. 570.0705(3), F.S., relating to the requirement of a report by the Commissioner of Agriculture concerning advisory committees; repealing s. 570.0725(5), F.S., relating to a report by the Department of Agriculture and Consumer Services concerning support for food recovery programs; repealing s. 570.543(3), F.S., relating to legislative recommendations of the Florida Consumers' Council; amending s. 603.204, F.S.; revising requirements relating to the South Florida Tropical Fruit Plan; amending s. 627.64872, F.S.; deleting provisions relating to an interim report by the board of directors of the Florida Health Insurance Plan; prohibiting the board from acting to implement the plan until certain funds are appropriated; amending s. 744.708, F.S.; revising provisions relating to audits of public guardian offices and to reports concerning those offices; amending s. 768.295, F.S.; revising duties of the Attorney General relating to reports concerning "SLAPP" lawsuits; amending s. 775.084, F.S.; deleting provisions relating to sentencing of violent career criminals and to reports of judicial actions with respect thereto; amending s. 790.22, F.S.; deleting provisions relating to reports by the Department of Juvenile Justice concerning certain juvenile offenses that involve weapons; amending s. 943.125, F.S.; deleting provisions relating to reports by the Florida Sheriffs Association and the Florida Police Chiefs Association concerning law enforcement agency accreditation; amending s. 943.68, F.S.; revising requirements relating to reports by the Department of Law Enforcement concerning transportation and protective services; amending s. 944.023, F.S.; adding a cross reference; amending s. 944.801, F.S.; deleting a requirement to deliver to specified officials copies of certain reports concerning education of state prisoners; repealing s. 945.35(10), F.S., relating to the requirement of a report by the Department of Corrections concerning HIV and AIDS education; repealing s. 958.045(9), F.S., relating to a report by the department concerning youthful offenders; amending s. 960.045, F.S.; revising requirements relating to reports by the Department of Legal Affairs with respect to victims of crimes; repealing s. 985.02(8)(c), F.S., relating to the requirement of a study by the Office of Program Policy Analysis and Government Accountability on programs for young females within the Department of Juvenile Justice; amending s. 985.047, F.S.; deleting provisions relating to a plan by a multiagency task force on information systems related to delinquency; amending s. 985.47, F.S.; deleting provisions relating to a report on serious or habitual juvenile offenders; amending s. 985.483, F.S.; deleting provisions relating to a report on intensive residential treatment for offenders younger than 13 years of age; repealing s. 985.61(5), F.S., relating to a report by the Department of Juvenile Justice on early delinquency intervention; amending s. 985.622, F.S.; deleting provisions relating to submission of the multiagency plan for vocational education; repealing s. 985.632(7), F.S., relating to a report by the Department of Juvenile Justice on funding incentives and disincentives; repealing s. 1002.34(19), F.S., relating to an evaluation and report by the Commissioner of Education concerning charter technical career centers; repealing s. 1003.61(4), F.S., relating to evaluation of a pilot attendance project in Manatee County; amending s. 1004.22, F.S.; deleting provisions relating to university reports concerning sponsored research; repealing s. 1004.50(6), F.S., relating to the requirement of a report by the Governor concerning unmet needs in urban communities; repealing s. 1004.94(2) and (4), F.S., relating to guidelines for and a report on plans for a state adult literacy program; amending s. 1004.95, F.S.; revising requirements relating to

implementing provisions for adult literacy centers; repealing s. 1006.0605, F.S., relating to students' summer nutrition; repealing s. 1006.67, F.S., relating to a report of campus crime statistics; amending s. 1009.70, F.S.; deleting provisions relating to a report on a minority law school scholarship program; amending s. 1011.32, F.S.; requiring the Governor to be given a copy of a report related to the Community College Facility Enhancement Challenge Grant Program; amending s. 1011.62, F.S.; deleting provisions relating to recommendations for implementing the extended-school-year program; repealing s. 1012.05(2)(1), F.S., relating to a plan concerning teacher recruitment and retention; amending s. 1012.42, F.S.; deleting provisions relating to a plan of assistance for teachers teaching out-of-field; amending s. 1013.11, F.S.; deleting provisions relating to transmittal of a report on physical plant safety; amending ss. 161.142, 163.065, 163.2511, 163.2514, 163.3202, 259.041, 259.101, 369.305, 379.2431, 381.732, 381.733, 411.01, 411.232, and 445.006, F.S., conforming cross-references to changes made by the act; amending s. 1001.42, F.S.; deleting provisions that require each district school board to reduce paperwork and data collection and report its findings and potential solutions on reducing burdens associated with such collection; amending s. 1008.31, F.S.; requiring that the Commissioner of Education monitor and review the collection of paperwork, data, and reports by school districts; requiring that the commissioner complete an annual review of such collection by a specified date each year; requiring that the commissioner prepare a report, by a specified date each year, assisting the school districts with eliminating or consolidating paperwork, data, and reports by providing suggestions, technical assistance, and guidance; providing an effective date.

—as amended April 24 was read the third time by title.

On motion by Senator Haridopolos, **CS for CS for SB 2160** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	

Nays—None

Vote after roll call:

Yea—Sobel

**CS for CS for CS for SB 494**—A bill to be entitled An act relating to water conservation; amending s. 373.62, F.S.; revising the requirements for automatic landscape irrigation systems; requiring irrigation contractors to test for the correct operation of system devices or switches and ensure their proper operation before completing other work on the system; requiring the Department of Environmental Protection to create a model ordinance that may be adopted by local governments; providing penalties; providing for the disposition of funds raised through penalties imposed; authorizing local governments to approve smart irrigation controllers; providing legislative findings relating to the adoption of soil moisture sensor control irrigation systems; defining terms; providing a statewide process and conditions for obtaining a variance from water management district restrictions on water use; creating s. 403.9335, F.S.; providing a short title; creating s. 403.9336, F.S.; providing legislative findings; creating s. 403.9337, F.S.; encouraging county and municipal governments to adopt and enforce the Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes or an equivalent requirement as a mechanism for protecting local surface water and groundwater quality; requiring a county government or municipal gov-

ernment located within the watershed of a water body or water segment that is listed by the Department of Environmental Protection as impaired to adopt the model ordinance; providing that additional or more stringent provisions may be adopted under certain circumstances; providing a timeframe for adopting the model ordinance; providing exceptions; creating s. 403.9338, F.S.; requiring the department to establish and approve training and testing programs providing urban landscape best-management practices; providing that such training authorizes a person to apply for a limited certification for urban landscape commercial fertilizer application issued by the Department of Agriculture and Consumer Services; providing that a person having such certification is not subject to additional local testing; amending s. 482.021, F.S.; defining the terms “commercial fertilizer application” and “urban landscape”; creating s. 482.1562, F.S.; providing for limited certification for urban landscape commercial fertilizer application provided by the Department of Agriculture and Consumer Services; requiring such certification in order to commercially apply fertilizer, beginning on a certain date; providing requirements and fees; providing for expiration and renewal; authorizing the department to provide information concerning persons who are certified; providing for exceptions to the requirements of certification; authorizing the department to adopt rules; providing an effective date.

—as amended April 24 was read the third time by title.

On motion by Senator Bennett, **CS for CS for CS for SB 494** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

Consideration of **CS for SB 624**, **HB 73**, **CS for CS for SB 2536**, and **SB 68** was deferred.

**CS for CS for SB 162**—A bill to be entitled An act relating to electronic health records; amending s. 395.3025, F.S.; expanding access to a patient’s health records in order to facilitate the exchange of data between certain health care facility personnel, practitioners, and providers and attending physicians; deleting the exemption that allows long-term ombudsman councils to have access to certain nursing home patient records; creating s. 408.051, F.S.; creating the “Florida Electronic Health Records Exchange Act”; providing definitions; authorizing the release of certain health records under emergency medical conditions without the consent of the patient or the patient representative; providing for immunity from civil liability; providing duties of the Agency for Health Care Administration with regard to the availability of specified information on the agency’s Internet website; requiring the agency to develop and implement a universal patient authorization form in paper and electronic formats for the release of certain health records; providing procedures for use of the form; providing penalties; providing for certain compensation and attorney’s fees and costs; creating s. 408.0512, F.S.; requiring the Agency for Health Care Administration to operate an electronic health record technology loan fund, subject to a specific appropriation; requiring the agency to adopt rules related to standard terms and conditions for the loan program; amending s. 409.916, F.S.; requiring that the agency deposit into the Grants and Donations Trust Fund private donations provided for the purpose of funding a certified electronic health record technology loan fund; amending s. 483.181, F.S.;

expanding access to laboratory reports in order to facilitate the exchange of data between certain health care practitioners and providers; providing an effective date.

—as amended April 24 was read the third time by title.

On motion by Senator Ring, **CS for CS for SB 162** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

On motion by Senator Baker, by two-thirds vote **HB 109** was withdrawn from the Committees on Health Regulation; and Judiciary.

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

**HB 109**—A bill to be entitled An act relating to clinical, counseling, and psychotherapy services; amending s. 491.0147, F.S.; providing for a waiver of confidentiality and privileged communications when, in the clinical judgment of a person licensed or certified under chapter 491, F.S., there is a clear and immediate probability of certain harm; providing immunity from liability for, and prohibiting causes of action against, such person for disclosure of otherwise confidential communications under such circumstances; providing an effective date.

—a companion measure, was substituted for **SB 498** and by two-thirds vote read the second time by title.

On motion by Senator Baker, by two-thirds vote **HB 109** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

On motion by Senator Villalobos, by unanimous consent—

**CS for SB 1576**—A bill to be entitled An act relating to discretionary sales surtaxes; amending s. 212.055, F.S.; allowing each charter county to levy a voter-approved surtax for a community college in the county; providing restrictions on the sources of funds to pay for expenses for a referendum relating to such surtax; requiring notice of the referendum;

defining the term “community college”; providing a maximum rate of the surtax; providing requirements for the ordinance imposing the surtax; providing purposes for which the proceeds of the surtax may be used; providing for the investment of proceeds collected from the surtax; providing for the automatic expiration of such a surtax unless it is reenacted by ordinance; requiring that the proceeds be deposited in a separate fund and promptly disbursed to a board of trustees; providing that state funding may not be reduced because a community college has received such proceeds; providing for liberal construction; providing an effective date.

—as amended April 24 was taken up out of order and read the third time by title.

On motion by Senator Villalobos, **CS for SB 1576** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

**CS for SB 720**—A bill to be entitled An act relating to physician practice; amending s. 458.3312, F.S.; revising provisions regarding board certification of a physician as a specialist; amending ss. 458.347 and 459.022, F.S.; providing that a supervising physician may not be required to review and cosign a physician assistant’s charts or medical records; deleting certain supervisory physician requirements related to prescribing and dispensing medications noted in appropriate medical records; amending s. 458.348, F.S.; exempting offices at which laser hair removal is the exclusive service being performed from certain provisions requiring direct supervision by a physician; providing an effective date.

—as amended April 24 was read the third time by title.

On motion by Senator Peaden, **CS for SB 720** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	

Nays—None

Vote after roll call:

Yea—Storms

**SB 1848**—A bill to be entitled An act relating to verification of a prisoner’s immigration status; creating s. 907.06, F.S.; requiring the staff of a jail or other detention center or facility to make a reasonable effort to determine the citizenship status of a person charged with specified crimes; requiring that facility staff make a reasonable effort to verify whether the prisoner is lawfully present in the United States; requiring facility staff to verify the person’s immigration status and notify the United States Department of Homeland Security if the person is not lawfully in the United States; creating, for purposes of a release bond, a rebuttable presumption that a prisoner is at risk of flight if the Department of Homeland Security verifies that the prisoner is a foreign national and is not lawfully present in the United States; requiring agencies affected by this act to adopt written procedures to conform to the act; requiring that the act be construed consistent with applicable federal law; providing an effective date.

—as amended April 24 was read the third time by title.

On motion by Senator Detert, **SB 1848** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

On motion by Senator Haridopolos, by two-thirds vote **CS for CS for HB 1539** was withdrawn from the Committees on Education Pre-K - 12; and Education Pre-K - 12 Appropriations.

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

**CS for CS for HB 1539**—A bill to be entitled An act relating to certification of public school athletic coaches; amending s. 1012.55, F.S.; providing that completion of a sports safety course shall meet certain inservice certification requirements; requiring the sports safety course to be approved by the Florida High School Athletic Association Board of Directors and to meet specified requirements; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2066** and read the second time by title.

On motion by Senator Haridopolos, by two-thirds vote **CS for CS for HB 1539** 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	Lawson
Alexander	Dockery	Lynn
Altman	Fasano	Oelrich
Aronberg	Gaetz	Peaden
Baker	Garcia	Pruitt
Bennett	Gardiner	Rich
Bullard	Gelber	Richter
Constantine	Haridopolos	Ring
Crist	Jones	Siplin
Dean	Joyner	Smith
Detert	Justice	Sobel
Deutch	King	Storms

Wilson Wise

Nays—None

Consideration of CS for CS for SB 2612 was deferred.

CS for HB 285—A bill to be entitled An act relating to the Medicaid low-income pool and disproportionate share program; amending s. 409.911, F.S.; expanding the membership of the Medicaid Low-Income Pool Council; providing for composition of expanded membership; designating a council chair; providing restrictions on specified appointments; providing an effective date.

—was read the third time by title.

On motion by Senator Gaetz, CS for HB 285 was passed and certified to the House. The vote on passage was:

Yeas—37

Table with 3 columns: Mr. President, Alexander, Altman, Aronberg, Baker, Bennett, Bullard, Constantine, Crist, Dean, Detert, Deutch, Diaz de la Portilla, Dockery, Fasano, Gaetz, Garcia, Gardiner, Gelber, Haridopolos, Jones, Joyner, Justice, Lawson, Lynn, Oelrich, Peaden, Pruitt, Rich, Richter, Ring, Siplin, Smith, Sobel, Storms, Wilson, Wise

Nays—None

Vote after roll call:

Yea—King

CS for CS for HB 991—A bill to be entitled An act relating to school improvement and accountability; providing a short title; amending s. 1001.42, F.S.; revising provisions relating to the powers and duties of district school boards to implement the state system of school improvement and education accountability; amending s. 1008.33, F.S.; requiring that the State Board of Education comply with the federal Elementary and Secondary Education Act (ESEA); authorizing the state board to adopt rules in compliance with the ESEA and rules to maintain such compliance; providing requirements for the state system of school improvement and education accountability; requiring that school districts be held accountable for improving the academic achievement of all students and identifying and turning around low-performing schools; requiring that the Department of Education categorize public schools annually based on school grade and the level and rate of change in student performance; providing that schools are subject to certain intervention and support strategies; authorizing the state board to prescribe reporting requirements to review and monitor the progress of schools; requiring that the department create a matrix reflecting which intervention and support strategies to apply to schools in each category; providing criteria for categorizing schools as the lowest-performing schools; requiring that a school district submit a plan, subject to state board approval, for implementing one of four options to improve the performance of the lowest-performing schools; requiring that a school district submit a plan, subject to state board approval, for implementing another option under certain circumstances; requiring that a school make significant progress by improving its grade and increasing student performance in mathematics and reading to advance to a higher category; requiring the state board to adopt rules; amending s. 1008.345, F.S.; conforming provisions to changes made by the act; amending s. 1012.2315, F.S.; revising legislative findings and intent and provisions relating to the assignment of teachers to conform to changes made by the act; providing an effective date.

—was read the third time by title.

On motion by Senator Wise, CS for CS for HB 991 was passed and certified to the House. The vote on passage was:

Yeas—38

Table with 3 columns: Mr. President, Alexander, Altman, Aronberg, Baker, Bennett, Bullard, Constantine, Crist, Dean, Detert, Deutch, Diaz de la Portilla, Dockery, Fasano, Gaetz, Garcia, Gardiner, Gelber, Haridopolos, Jones, Joyner, Justice, King, Lawson, Lynn, Oelrich, Peaden, Pruitt, Rich, Richter, Ring, Siplin, Smith, Sobel, Storms, Wilson, Wise

Nays—None

Vote after roll call:

Yea—Villalobos

CS for CS for CS for SB's 2430 and SB 1960—A bill to be entitled An act relating to the taxation of documents; amending s. 3, ch. 83-220, Laws of Florida, as amended; extending a future repeal date of provisions authorizing counties to levy a discretionary surtax on documents; amending s. 125.0167, F.S.; limiting the percentage of surtax revenues that may be used for administrative costs; specifying a minimum amount of surtax revenues to be used for housing for certain low-income and moderate-income families; requiring an affirmative vote of a local government governing body to rehabilitate certain government-owned housing; authorizing certain counties to create by ordinance a housing choice assistance voucher program for the purpose of down payment assistance; providing definitions; providing eligibility requirements for such vouchers; authorizing purchasing employers to file for allocations for such vouchers; limiting allocations; requiring distribution of allocations to employees in the form of such vouchers; prohibiting use of allocations for such vouchers if not awarded within a certain period after certain documentary stamps taxes are collected; requiring the Office of Program Policy Analysis and Government Accountability to conduct a continuing review of the discretionary surtax program operated by counties; requiring reports to the Legislature; providing legislative intent to reverse a judicial opinion relating to the application of the excise tax on documents to certain transactions involving legal entities; amending s. 201.02, F.S.; defining terms; imposing the tax on certain transfers of a conduit entity; providing for the apportionment of the consideration for an interest in a conduit entity between real property interests and other assets; exempting from the tax property transferred as a gift to the extent there is no consideration; providing for trusts; providing legislative intent; providing for tax; imposing the tax on instruments, and other writings on the consideration for a transfer of real property pursuant to a short sale; providing that the consideration subject to the tax does not include unpaid indebtedness that is forgiven by a mortgagee; defining the term "short sale"; authorizing the Department of Revenue to adopt emergency rules relating to transfers of real property interest involving conduit entities and transfers of real property pursuant to short sales; amending s. 201.031, F.S.; expanding requirements for counties levying the discretionary surtax to include housing plan, affordable housing element, and annual reporting requirements; amending s. 719.105, F.S.; conforming a cross-reference; authorizing the issuance of Florida Forever bonds; providing an appropriation for debt service on such bonds; authorizing the issuance of Everglades Restoration bonds; providing an appropriation for debt service on such bonds; providing an appropriation to the Department of Environmental Protection for the design and construction of certain restoration and protection plans and for the acquisition of lands needed for these project components; providing an appropriation for the purpose of implementing agricultural nonpoint source controls in certain watersheds; amending s. 201.15, F.S.; conforming provisions to changes made

by the act; providing for application of specified provisions of the act; providing effective dates.

—as amended April 24 was read the third time by title.

#### MOTION

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

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

**Amendment 1 (738406) (with title amendment)**—Delete lines 252-308 and insert: *combination with transfers of ownership of, or distributions from, artificial entities.*

Section 4. Subsection (1) of section 201.02, Florida Statutes, is amended, and subsection (11) is added to that section, to read:

201.02 Tax on deeds and other instruments relating to real property or interests in real property.—

(1)(a) On deeds, instruments, or writings whereby any lands, tenements, or other real property, or any interest therein, shall be granted, assigned, transferred, or otherwise conveyed to, or vested in, the purchaser or any other person by his or her direction, on each \$100 of the consideration therefor the tax shall be 70 cents. When the full amount of the consideration for the execution, assignment, transfer, or conveyance is not shown in the face of such deed, instrument, document, or writing, the tax shall be at the rate of 70 cents for each \$100 or fractional part thereof of the consideration therefor. For purposes of this section, consideration includes, but is not limited to, the money paid or agreed to be paid; the discharge of an obligation; and the amount of any mortgage, purchase money mortgage lien, or other encumbrance, whether or not the underlying indebtedness is assumed. If the consideration paid or given in exchange for real property or any interest therein includes property other than money, it is presumed that the consideration is equal to the fair market value of the real property or interest therein.

(b)1. For purposes of this paragraph the term:

a. “Conduit entity” means a legal entity to which real property is conveyed without full consideration by a grantor who owns a direct or indirect interest in the entity, or a successor entity.

b. “Full consideration” means the consideration that would be paid in an arm’s length transaction between unrelated parties.

2. When real property is conveyed to a conduit entity and all or a portion of the grantor’s direct or indirect ownership interest in the conduit entity is subsequently transferred for consideration within 3 years of such conveyance, tax is imposed on each such transfer of an interest in the conduit entity for consideration at the rate of 70 cents for each \$100 or fraction thereof of the consideration paid or given in exchange for the ownership interest in the conduit entity.

3. When the ownership interest in the conduit entity being transferred includes assets other than the real property conveyed to the conduit entity, the tax shall be prorated based on the percentage the value of such real property represents of the total value of all assets owned by the conduit entity.

4. A gift of an ownership interest in a conduit entity is not subject to tax to the extent there is no consideration. The transfer of shares or similar equity interests in a conduit entity which are dealt in or traded on public, regulated security exchanges or markets is not subject to tax under this paragraph.

5. The transfer for purposes of estate planning by a natural person of an interest in a conduit entity to an irrevocable grantor trust as described in subpart E of part I of subchapter J of chapter 1 of subtitle A of the United States Internal Revenue Code is not subject to tax under this paragraph.

And the title is amended as follows:

Delete lines 32-38 and insert: to a conduit entity; providing for the tax to be prorated when the interest transferred includes assets other

than real property; exempting the transfer of shares or similar equity interests in a conduit entity from the tax; exempting certain transfers for purposes of estate planning; providing for liberal construction; providing for payment of the tax when no document is recorded; imposing the tax on deeds, instruments,

On motion by Senator Lawson, **CS for CS for CS for SB’s 2430 and SB 1960** as amended was passed, ordered engrossed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dockery	Peaden
Alexander	Fasano	Pruitt
Altman	Gaetz	Rich
Aronberg	Garcia	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Jones	Smith
Constantine	Joyner	Sobel
Crist	Justice	Storms
Dean	King	Villalobos
Detert	Lawson	Wilson
Deutch	Lynn	Wise
Diaz de la Portilla	Oelrich	

Nays—1

Gardiner

#### SENATOR VILLALOBOS PRESIDING

**CS for SB 2504**—A bill to be entitled An act relating to the corporate income tax; amending s. 220.03, F.S.; providing for the adoption of the 2009 version of the Internal Revenue Code; providing exceptions; amending s. 220.13, F.S.; revising the definition of the term “adjusted federal income” for purposes of specifying the treatment by this state of certain provisions dealing with depreciation and expensing of assets and deferral of income that are allowed for federal income tax purposes; authorizing the Department of Revenue to adopt rules; providing for retroactive operation; providing an effective date.

—was read the third time by title.

On motion by Senator Altman, **CS for SB 2504** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

**CS for SB 624**—A bill to be entitled An act relating to law enforcement officers and correctional officers; amending s. 112.532, F.S.; providing that a law enforcement officer or correctional officer is entitled to specified rights if the officer is subject to suspension in a disciplinary proceeding; providing that a law enforcement officer or correctional officer is entitled to review witness statements by other officers and other existing evidence before the officer under investigation is interrogated;

providing that time-limitation periods will be tolled during disciplinary proceedings under certain specified circumstance; amending s. 112.533, F.S.; authorizing a law enforcement officer or correctional officer who is subject to an investigation, and the officer's legal counsel, to review specified documents and recordings before the investigative interview; amending s. 112.534, F.S.; providing procedures and remedies to the officer if an agency intentionally fails to comply with specified provisions; providing that the officer bears the burden of proof to establish intentional violations; providing that the standard of proof is a preponderance of the evidence; providing an effective date.

—as amended April 24 was read the third time by title.

On motion by Senator Fasano, **CS for SB 624** as amended was passed and certified to the House. The vote on passage was:

Yeas—24

Alexander	Garcia	Peaden
Aronberg	Gardiner	Pruitt
Baker	Gelber	Rich
Bullard	Haridopolos	Ring
Crist	Joyner	Smith
Deutch	Justice	Sobel
Diaz de la Portilla	King	Villalobos
Fasano	Lynn	Wise

Nays—14

Altman	Dockery	Richter
Bennett	Gaetz	Siplin
Constantine	Jones	Storms
Dean	Lawson	Wilson
Detert	Oelrich	

Vote after roll call:

Nay to Yea—Lawson

**SPECIAL GUESTS**

Senator Lawson introduced Congresswoman and former Representative Corrine Brown who was present in the chamber.

**HB 73**—A bill to be entitled An act relating to expedited permitting process for economic development projects; providing a short title; creating s. 380.0657, F.S.; requiring the Department of Environmental Protection and water management districts to adopt programs to expedite the processing of permits for certain economic development projects; providing an exception; requiring municipalities and counties to identify certain businesses by commission resolution; requiring a pre-application review; providing a timeframe for permit application approval or denial; providing that projects designated as target industry businesses and located in charter counties that meet certain criteria are eligible for expedited permitting; providing an effective date.

—was read the third time by title.

On motion by Senator Fasano, **HB 73** was passed and certified to the House. The vote on passage was:

Yeas—37

Alexander	Deutch	Joyner
Altman	Diaz de la Portilla	Justice
Aronberg	Dockery	King
Baker	Fasano	Lynn
Bennett	Gaetz	Oelrich
Bullard	Garcia	Peaden
Constantine	Gardiner	Pruitt
Crist	Gelber	Rich
Dean	Haridopolos	Richter
Detert	Jones	Ring

Siplin	Storms	Wise
Smith	Villalobos	
Sobel	Wilson	

Nays—None

Vote after roll call:

Yea—Lawson

Yea to Nay—Dockery

**SB 860**—An act relating to specialty license plates; amending ss. 320.08056 and 320.08058, F.S.; creating an Endless Summer license plate; establishing an annual use fee for the plate; providing for the distribution of use fees received from the sale of such plates; providing an effective date.

—was read the third time by title.

On motion by Senator Altman, **SB 860** was passed and certified to the House. The vote on passage was:

Yeas—36

Altman	Gaetz	Peaden
Aronberg	Garcia	Pruitt
Baker	Gardiner	Rich
Bennett	Gelber	Richter
Bullard	Haridopolos	Ring
Constantine	Jones	Siplin
Crist	Joyner	Smith
Dean	Justice	Sobel
Detert	King	Storms
Deutch	Lawson	Villalobos
Diaz de la Portilla	Lynn	Wilson
Fasano	Oelrich	Wise

Nays—1

Dockery

**CS for SB 582**—A bill to be entitled An act relating to transportation; providing legislative findings with respect to the need to preserve investments in transportation infrastructure and reduce congestion; creating the Florida Transportation Revenue Study Commission for the purpose of studying the state's transportation needs and developing recommendations; requiring that the commission submit a report to the Legislature by a specified date; establishing powers and duties of the commission; providing for membership and authorizing the reimbursement of members for per diem and travel expenses; providing requirements for meetings of the commission; requiring the Center for Urban Transportation Research at the University of South Florida to provide staff support to the commission; requiring that the Department of Transportation direct a study for certain purposes; requiring that such study include and address certain elements; requiring that recommendations be delivered to the President of the Senate and the Speaker of the House of Representatives by a specified date; providing funding for the commission through federal funds for metropolitan transportation planning; amending s. 316.535, F.S.; requiring specified scale tolerances to be applied to weight limits for vehicles on highways that are not in the Interstate Highway System; amending s. 339.2818, F.S.; relating to the Small County Outreach Program; revising the purpose of the program to include certain program types; revising eligibility and prioritization criteria; authorizing the Northwest Florida Regional Transportation Planning Organization to conduct a study on advancing funds for certain construction projects; authorizing the Department of Transportation to assist with the study; requiring results of the study to be provided to the Governor, the Legislature, and certain entities; providing principles for the study; providing for content of the study; providing for legislative authorization prior to implementation of the study; amending s. 316.545, F.S.; providing for a reduction in the gross weight of certain vehicles equipped with idle-reduction technologies when calculating a penalty for exceeding maximum weight limits;

requiring the operator to provide certification of the weight of the idle-reduction technology and to demonstrate or certify that the idle-reduction technology is fully functional at all times; amending s. 339.62, F.S.; providing that certain intermodal logistics centers are components of the Strategic Intermodal System; amending s. 339.63, F.S.; providing that certain intermodal logistics centers are included within the Strategic Intermodal System and the Emerging Strategic Intermodal System; directing the Secretary of Transportation to designate certain intermodal logistics centers as part of the Strategic Intermodal System; creating an exemption for certain proposed affordable housing developments from transportation concurrency requirements; amending s. 316.1895, F.S., authorizing alternative installation of "Speeding Fines Doubled" signs in advance of school zones; amending s. 338.01, F.S.; prohibiting new toll facilities from eliminating non-tolled options for travel in the same corridor; creating the Ronshay Dugans Act; designating the first week in September as "Drowsy Driving Prevention Week"; amending s. 337.401, F.S.; providing for the placement of and access to transmission lines that are adjacent to and within the right-of-way of any public road controlled by the Department of Transportation; amending s. 163.3180, F.S.; providing a definition for "backlog"; providing an effective date.

—as amended April 24 was read the third time by title.

### MOTION

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

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

**Amendment 1 (903186) (with title amendment)**—Between lines 653 and 654 insert:

Section 16. Paragraph (c) of subsection (4) of section 348.0003, Florida Statutes, is amended to read:

348.0003 Expressway authority; formation; membership.—

(4)

(c) Members of *each expressway authority, transportation authority, bridge authority, or toll authority created pursuant to this chapter, chapter 343, chapter 349, or any other law shall be required to* comply with the applicable financial disclosure requirements of s. 8, Art. II of the State Constitution. *However, members of such authorities, other than expressway authorities, are subject only to the requirements of this paragraph and not to any other provision of this part.*

And the title is amended as follows:

Delete line 71 and insert: F.S.; providing a definition for "backlog"; amending s. 348.0003, F.S.; providing that members of certain authorities are subject to specified financial disclosure requirements; providing

### MOTION

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

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

**Amendment 2 (382124)**—Delete lines 354-416 and insert:

Section 6. Subsection (5) of section 316.535, Florida Statutes, is amended to read:

316.535 Maximum weights.—

(5) With respect to those highways not in the Interstate Highway System, in all cases in which it exceeds state law in effect on January 4, 1975, the overall gross weight on the vehicle or combination of vehicles, ~~including all enforcement tolerances~~, shall be as determined by the following formula:

$$W = 500((LN \div (N-1)) + 12N + 36)$$

where W = overall gross weight of the vehicle to the nearest 500 pounds; L = distance in feet between the extreme of the external axles; and N = number of axles on the vehicle. However, such overall gross weight of any vehicle or combination of vehicles may not exceed 80,000 pounds ~~including all enforcement tolerances~~. *The scale tolerance provided in s. 316.545(2) shall be applicable to all weight limitations of this subsection, except when a vehicle exceeds the posted weight limit on a road or bridge. The scale tolerance provided in s. 316.545(2) shall not apply to cranes. Fines for violations of the total gross weight limitations provided for in this subsection shall be based on the amount by which the actual weight of the vehicle and load exceeds the allowable maximum weight determined under this subsection plus the scale tolerance provided in s. 316.545(2).*

Section 7. Subsections (1) and (4) of section 339.2818, Florida Statutes, are amended to read:

339.2818 Small County Outreach Program.—

(1) There is created within the Department of Transportation the Small County Outreach Program. The purpose of this program is to assist small county governments in *repairing or rehabilitating county bridges, paving unpaved roads, addressing road-related drainage improvements, resurfacing or reconstructing county roads or in constructing capacity or safety improvements to county roads.*

(4)(a) Small counties shall be eligible to compete for funds that have been designated for the Small County Outreach Program for projects on county roads. The department shall fund 75 percent of the cost of projects on county roads funded under the program.

(b) In determining a county's eligibility for assistance under this program, the department may consider whether the county has attempted to keep county roads in satisfactory condition *which may be evidenced through an established pavement management plan.*

(c) The following criteria shall be used to prioritize road projects for funding under the program:

1. The primary criterion is the physical condition of the road as measured by the department.

2. As secondary criteria the department may consider:

- Whether a road is used as an evacuation route.
- Whether a road has high levels of agricultural travel.
- Whether a road is considered a major arterial route.
- Whether a road is considered a feeder road.

*e. Information as evidenced to the department through an established pavement management plan.*

*f. e. Other criteria related to the impact of a project on the public road system or on the state or local economy as determined by the department.*

Section 8. Subsections (2) and (3) of section 316.545, Florida Statutes, are amended to read:

316.545 Weight and load unlawful; special fuel and motor fuel tax enforcement; inspection; penalty; review.—

(2)(a) Whenever an officer, upon weighing a vehicle or combination of vehicles with load, determines that the axle weight or gross weight is unlawful, the officer may require the driver to stop the vehicle in a suitable place and remain standing until a determination can be made as to the amount of weight thereon and, if overloaded, the amount of penalty to be assessed as provided herein. ~~However, any gross weight over and beyond 6,000 pounds beyond the maximum herein set shall be unloaded and all material so unloaded shall be cared for by the owner or operator of the vehicle at the risk of such owner or operator.~~ Except as otherwise provided in this chapter, to facilitate compliance with and enforcement of the weight limits established in s. 316.535, weight tables published pursuant to s. 316.535(7) shall include a 10-percent scale tolerance and shall thereby reflect the maximum scaled weights allowed

any vehicle or combination of vehicles. As used in this section, scale tolerance means the allowable deviation from legal weights established in s. 316.535. Notwithstanding any other provision of the weight law, if a vehicle or combination of vehicles does not exceed the gross, external bridge, or internal bridge weight limits imposed in s. 316.535 and the driver of such vehicle or combination of vehicles can comply with the requirements of this chapter by shifting or equalizing the load on all wheels or axles and does so when requested by the proper authority, the driver shall not be held to be operating in violation of said weight limits. *Any vehicle or combination of vehicles which exceed the gross, or external bridge weight limits imposed in ss. 316.535(3), 316.535(4), or 316.535(6) over and beyond 6000 pounds shall be unloaded and all material so unloaded shall be cared for by the owner or operator of the vehicle at the risk of such owner or operator. Any vehicle or combination of vehicles which exceed the gross, or external bridge weight limits imposed in s. 316.535(5) shall be unloaded and all material so unloaded shall be cared for by the owner or operator of the vehicle at risk of such owner or operator.*

**Amendment 3 (220212)**—Delete lines 550-653 and insert:

Section 15. Subsection (1) of section 337.401, Florida Statutes, is amended to read:

337.401 Use of right-of-way for utilities subject to regulation; permit; fees.—

(1)(a) The department and local governmental entities, referred to in ss. 337.401-337.404 as the “authority,” that have jurisdiction and control of public roads or publicly owned rail corridors are authorized to prescribe and enforce reasonable rules or regulations with reference to the placing and maintaining along, across, or on any road or publicly owned rail corridors under their respective jurisdictions any electric transmission, telephone, telegraph, or other communications services lines; pole lines; poles; railways; ditches; sewers; water, heat, or gas mains; pipe-lines; fences; gasoline tanks and pumps; or other structures referred to in this section as the “utility.” ~~For aerial and underground electric utility transmission lines designed to operate at 69 or more kilovolts that are needed to accommodate the additional electrical transfer capacity on the transmission grid resulting from new base load generating facilities, where there is no other practicable alternative available for placement of the electric utility transmission lines on the department's rights of way, the department's rules shall provide for placement of and access to such transmission lines adjacent to and within the right of way of any department controlled public roads, including longitudinally within limited access facilities to the greatest extent allowed by federal law, if compliance with the standards established by such rules is achieved. Such rules may include, but need not be limited to, that the use of the right of way is reasonable based upon a consideration of economic and environmental factors, including, without limitation, other practicable alternative alignments, utility corridors and easements, impacts on adjacent property owners, and minimum clear zones and other safety standards, and further provide that placement of the electric utility transmission lines within the department's right of way does not interfere with operational requirements of the transportation facility or planned or potential future expansion of such transportation facility. If the department approves longitudinal placement of electric utility transmission lines in limited access facilities, compensation for the use of the right of way is required. Such consideration or compensation paid by the electric utility in connection with the department's issuance of a permit does not create any property right in the department's property regardless of the amount of consideration paid or the improvements constructed on the property by the utility. Upon notice by the department that the property is needed for expansion or improvement of the transportation facility, the electric utility transmission line will relocate from the facility at the electric utility's sole expense. The electric utility shall pay to the department reasonable damages resulting from the utility's failure or refusal to timely relocate its transmission lines. The rules to be adopted by the department may also address the compensation methodology and relocation. As used in this subsection, the term "base load generating facilities" means electric power plants that are certified under part II of chapter 403. The department may enter into a permit-delegation agreement with a governmental entity if issuance of a permit is based on requirements that the department finds will ensure the safety and integrity of facilities of the Department of Transportation; however, the permit-delegation agreement does not apply to facilities of electric utilities as defined in s. 366.02(2).~~

*(b) For aerial and underground electric utility transmission lines designed to operate at 69 or more kilovolts that are needed to accommodate the additional electrical transfer capacity on the transmission grid resulting from new base-load generating facilities, the department's rules shall provide for placement of and access to such transmission lines adjacent to and within the right-of-way of any department-controlled public roads, including longitudinally within limited access facilities where there is no other practicable alternative available, to the greatest extent allowed by federal law, if compliance with the standards established by such rules is achieved. Such rules may include, but need not be limited to, that the use of the limited access right-of-way for longitudinal placement of electric utility transmission lines is reasonable based upon a consideration of economic and environmental factors, including, without limitation, other practicable alternative alignments, utility corridors and easements, impacts on adjacent property owners, and minimum clear zones and other safety standards, and further provide that placement of the electric utility transmission lines within the department's right-of-way does not interfere with operational requirements of the transportation facility or planned or potential future expansion of such transportation facility. If the department approves longitudinal placement of electric utility transmission lines in limited access facilities, compensation for the use of the right-of-way is required. Such consideration or compensation paid by the electric utility in connection with the department's issuance of a permit does not create any property right in the department's property regardless of the amount of consideration paid or the improvements constructed on the property by the utility. Upon notice by the department that the property is needed for expansion or improvement of the transportation facility, the electric utility transmission line will relocate at the electric utility's sole expense. The electric utility shall pay to the department reasonable damages resulting from the utility's failure or refusal to timely relocate its transmission lines. The rules to be adopted by the department may also address the compensation methodology and relocation. As used in this subsection, the term “base-load generating facilities” means electric power plants that are certified under part II of chapter 403.*

## MOTION

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

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

**Amendment 4 (770154) (with title amendment)**—Between lines 378 and 379 insert:

Section 7. Paragraph (a) of subsection (2) of section 334.30, Florida Statutes, is amended to read:

334.30 Public-private transportation facilities.—The Legislature finds and declares that there is a public need for the rapid construction of safe and efficient transportation facilities for the purpose of traveling within the state, and that it is in the public's interest to provide for the construction of additional safe, convenient, and economical transportation facilities.

(2) Agreements entered into pursuant to this section may authorize the private entity to impose tolls or fares for the use of the facility. The following provisions shall apply to such agreements:

(a) With the exception of the Florida Turnpike System, the department may lease existing toll facilities through public-private partnerships, *subject to approval by the Legislature*. The public-private partnership agreement must ensure that the transportation facility is properly operated, maintained, and renewed in accordance with department standards.

And the title is amended as follows:

Delete line 27 and insert: that are not in the Interstate Highway System; amending s. 334.30, F.S.; authorizing the department to lease existing toll facilities through public-private partnerships, subject to approval by the Legislature;

## MOTION

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

Senator Baker moved the following amendment:

**Amendment 5 (454474) (with title amendment)**—Between lines 446 and 447 insert:

Section 9. Subsection (26) of section 334.044, Florida Statutes, is amended to read:

334.044 Department; powers and duties.—The department shall have the following general powers and duties:

(26) To provide for the *enhancement of environmental benefits, including air and water quality, to prevent roadside erosion, to conserve the conservation of* natural roadside growth and scenery and for the implementation and maintenance of roadside *conservation, enhancement, and stabilization beautification* programs, and no less than 1.5 percent of the amount contracted for construction projects shall be allocated by the department to ~~beautification programs. Except where prohibited by federal law or federal regulation and to the greatest extent practical,~~ a minimum of 50 percent of these funds shall be used to purchase large plant materials with the remaining funds for other plant materials. All such plant materials shall be purchased from *commercial nursery Florida-based nurseryman* stock *in this state* on a uniform competitive bid basis. The department will develop grades and standards for landscaping materials purchased through this process. To accomplish these activities, the department may contract with nonprofit organizations having the primary purpose of developing youth employment opportunities.

And the title is amended as follows:

Delete line 48 and insert: functional at all times; amending s. 334.044, F.S.; revising the powers and duties of the Department of Transportation; amending s. 339.62, F.S.;

#### MOTION

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

Senators Baker and Bullard offered the following substitute amendment which was moved by Senator Bullard and adopted by two-thirds vote:

**Amendment 6 (200208) (with title amendment)**—Between lines 446 and 447 insert:

Section 9. Subsection (26) of section 334.044, Florida Statutes, is amended to read:

334.044 Department; powers and duties.—The department shall have the following general powers and duties:

(26) To provide for the *enhancement of environmental benefits, including air and water quality, to prevent roadside erosion, to conserve the conservation of* natural roadside growth and scenery and for the implementation and maintenance of roadside *conservation, enhancement, and stabilization beautification* programs, and no less than 1.5 percent of the amount contracted for construction projects shall be allocated by the department to ~~beautification programs. Except where prohibited by federal law or federal regulation and to the greatest extent practical,~~ a minimum of 50 percent of these funds shall be used to purchase large plant materials with the remaining funds for other plant materials. All such plant materials shall be purchased from *commercial nursery Florida-based nurseryman* stock *in this state* on a uniform competitive bid basis. The department will develop grades and standards for landscaping materials purchased through this process. To accomplish these activities, the department may contract with nonprofit organizations having the primary purpose of developing youth employment opportunities.

And the title is amended as follows:

Delete line 48 and insert: functional at all times; amending s. 334.044, F.S.; revising the powers and duties of the Department of Transportation; amending s. 339.62, F.S.;

#### MOTION

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

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

**Amendment 7 (879796) (with title amendment)**—Between lines 653 and 654 insert:

Section 16. Paragraph (a) of subsection (9) of section 348.0004, Florida Statutes, is amended to read:

348.0004 Purposes and powers.—

(9) The Legislature declares that there is a public need for the rapid construction of safe and efficient transportation facilities for traveling within the state and that it is in the public's interest to provide for public-private partnership agreements to effectuate the construction of additional safe, convenient, and economical transportation facilities.

(a) Notwithstanding any other provision of the Florida Expressway Authority Act, any expressway authority, transportation authority, bridge authority, or toll authority may receive or solicit proposals and enter into agreements with private entities, or consortia thereof, for the building, operation, ownership, or financing of authority transportation facilities, *subject to the approval of the Legislature, for any existing facility* or new transportation facilities within the jurisdiction of the authority which increase transportation capacity. An authority may not sell or lease any transportation facility owned by the authority, without providing the analysis required in s. 334.30(6)(e)2. to the Legislative Budget Commission created pursuant to s. 11.90 for review and approval prior to awarding a contract on a lease of an existing toll facility. An authority is authorized to adopt rules to implement this subsection and shall, by rule, establish an application fee for the submission of unsolicited proposals under this subsection. The fee must be sufficient to pay the costs of evaluating the proposals. An authority may engage private consultants to assist in the evaluation. Before approval, an authority must determine that a proposed project:

1. Is in the public's best interest.
2. Would not require state funds to be used unless the project is on or provides increased mobility on the State Highway System.
3. Would have adequate safeguards to ensure that no additional costs or service disruptions would be realized by the traveling public and residents of the state in the event of default or the cancellation of the agreement by the authority.
4. Would have adequate safeguards in place to ensure that the department, the authority, or the private entity has the opportunity to add capacity to the proposed project and other transportation facilities serving similar origins and destinations.
5. Would be owned by the authority upon completion or termination of the agreement.

And the title is amended as follows:

Delete line 71 and insert: F.S.; providing a definition for "backlog"; amending s. 348.0004, F.S.; authorizing any expressway authority, transportation authority, bridge authority, or toll authority, subject to the approval of the Legislature, for any existing facility, to receive or solicit proposals and enter into agreements with private entities, or consortia thereof, for the building, operation, ownership, or financing of authority transportation facilities; providing

On motion by Senator Baker, **CS for SB 582** as amended was passed, ordered engrossed and certified to the House. The vote on passage was:

Yeas—37

Alexander	Bennett	Dean
Altman	Bullard	Detert
Aronberg	Constantine	Deutch
Baker	Crist	Diaz de la Portilla

Dockery	Justice	Siplin
Fasano	King	Smith
Gaetz	Lawson	Sobel
Garcia	Lynn	Storms
Gardiner	Peaden	Villalobos
Gelber	Pruitt	Wilson
Haridopolos	Rich	Wise
Jones	Richter	
Joyner	Ring	

Nays—1

Oelrich

Vote after roll call:

Nay to Yea—Oelrich

**MOTION**

On motion by Senator Peaden, by two-thirds vote **CS for CS for CS for SB 1986** which passed April 24 was ordered immediately certified to the House.

The Senate resumed consideration of—

**CS for HB 1311**—A bill to be entitled An act relating to corporations; amending s. 607.0501, F.S.; deleting a provision providing that there shall be no charge for telephone requests for certain general corporate information; amending s. 607.1406, F.S.; requiring notice to known claimants of a dissolved corporation; amending s. 607.1620, F.S.; requiring that certain corporations furnish annual financial statements to shareholders within a specified period after the close of a fiscal year; providing an exception; providing a means by which such requirement may be satisfied; amending s. 617.01201, F.S.; requiring a document that is electronically transmitted to be in a format that may be retrieved in typewritten or printed form; requiring that a document be executed by a director of the domestic or foreign corporation; authorizing the delivery of a document by electronic transmission to the extent allowed by the Department of State; amending s. 617.0122, F.S.; requiring the department to collect a fee for filing an agent’s statement of resignation from an inactive corporation; amending s. 617.0124, F.S.; authorizing a domestic or foreign corporation to correct a document filed by the department within 30 days under certain circumstances; amending s. 617.01401, F.S.; defining the terms “department,” “distribution,” “mutual benefit corporation,” “successor entity,” and “voting power”; amending s. 617.0205, F.S.; requiring the incorporators to hold an organizational meeting after incorporation if the initial directors are not named in the articles of incorporation; amending s. 617.0302, F.S.; authorizing a corporation not for profit to make guaranties; amending s. 617.0501, F.S.; deleting a provision providing that there shall be no charge for telephone requests for certain general corporate information; amending s. 617.0503, F.S.; providing that an alien business organization may withdraw its registered agent designation by delivering an application for certificate of withdrawal to the department; amending s. 617.0505, F.S.; prohibiting a corporation not for profit from making distributions to its members; providing an exception; deleting provisions related to the issuance of certificates; amending s. 617.0601, F.S.; correcting a reference to the Solicitation of Contributions Act; providing that certain stock certificates constitute certificates of membership; requiring that a resignation, expulsion, or termination of membership be recorded in the membership book; creating s. 617.0605, F.S.; prohibiting a member of a corporation from transferring a membership under certain circumstances; creating s. 617.0606, F.S.; providing that the resignation of a member does not relieve the member from obligations incurred and commitments made prior to resignation; creating s. 617.0607, F.S.; requiring that a member of a corporation be terminated or suspended pursuant to a procedure that is fair and reasonable; requiring that written notice given and delivered by certified mail or first-class mail; requiring that a proceeding challenging an expulsion, suspension, or termination be commenced within 1 year after the effective date of such expulsion, suspension, or termination; providing that a member who has been expelled or suspended may be liable to the corporation for dues, assessments, or fees; creating s. 617.0608, F.S.; prohibiting a corporation

from purchasing any of its memberships; authorizing a mutual benefit corporation to purchase the membership of a member who resigns or whose membership is terminated; amending s. 617.0701, F.S.; authorizing the holders of at least 5 percent of the voting power of a corporation to call a special meeting of the members under certain circumstances; authorizing a person who signs a demand for a special meeting to call a special meeting of the members under certain circumstances; revising the timeframes relating to written member consent to actions; clarifying the types of corporations that are not subject to certain requirements; amending s. 617.0721, F.S.; authorizing the corporation to reject a proxy action if it has reasonable doubt as the validity of an appointment; providing that members and proxy holders who are not physically present at a meeting may participate by means of remote communication and are deemed to be present at the meeting under certain circumstances; amending s. 617.0725, F.S.; requiring an amendment to the articles of incorporation or the bylaws which adds a greater or lesser quorum or voting requirement to meet certain requirements; creating s. 617.07401, F.S.; prohibiting a person from commencing a proceeding in the right of a domestic or foreign corporation unless the person was a member of the corporation or became a member through transfer by operation of law; requiring that a complaint in a proceeding brought in the right of a domestic or foreign corporation be verified and allege the demand with particularity; authorizing the court to dismiss a derivative proceeding if the court finds that a determination was made in good faith after a reasonable investigation; prohibiting certain proceedings from being discontinued or settled without the approval of the court; authorizing the court to require a plaintiff to pay a defendant’s reasonable expenses upon termination of a proceeding, including attorney’s fees; amending s. 617.0801, F.S.; providing the duties of the board of directors; amending s. 617.0802, F.S.; providing an exception to the required minimum age of a member of the board of directors for certain corporations; amending s. 617.0806, F.S.; providing that directors may be divided into classes; amending s. 617.0808, F.S.; providing that any member of the board of directors may be removed from office with or without cause by a certain vote; providing that a director who is elected by a class, chapter, or other organizational unit may be removed only by members of that class, chapter, or organizational unit; providing that a director elected or appointed by the board may be removed without cause by a vote of two-thirds of the directors then in office; providing that a director of a corporation described in s. 501(c) of the Internal Revenue Code may be removed from office pursuant to procedures provided in the articles of incorporation or the bylaws; amending s. 617.0809, F.S.; providing that a vacancy on the board of directors for a director elected by a class, chapter, unit, or group may be filled only by members of that class, chapter, unit, or group; providing that the term of a director elected or appointed to fill a vacancy expires at the next annual meeting at which directors are elected; amending s. 617.0824, F.S.; prohibiting certain directors from being counted toward a quorum; amending s. 617.0832, F.S.; deleting a provision that authorizes common or interested directors to be counted in determining the presence of a quorum at a meeting that ratifies a contract between a corporation and one of its directors and any other corporation in which one of its directors is financially interested; providing circumstances under which a conflict-of-interest transaction is authorized; amending s. 617.0833, F.S.; providing an exception to the requirement that a loan not be made by a corporation to its directors; amending s. 617.0834, F.S.; providing that an officer or director of a certain nonprofit organization or agricultural or horticultural organization is immune from civil liability; amending s. 617.1007, F.S.; providing that a restatement of the articles of incorporation of a corporation may include one or more amendments; amending s. 617.1101, F.S.; providing requirements for a plan of merger; creating s. 617.1102, F.S.; providing a limitation on the merger of a corporation not for profit; creating s. 617.1301, F.S.; prohibiting a corporation from making distributions to its members under certain circumstances; creating s. 617.1302, F.S.; providing that a mutual benefit corporation may purchase its memberships only under certain circumstances; authorizing a corporation to make distributions upon dissolution; amending s. 617.1405, F.S.; providing that the name of a dissolved corporation may be available for immediate assumption by another corporation if the dissolved corporation provides the department with an affidavit authorizing such use; creating s. 617.1407, F.S.; authorizing a dissolved corporation or successor entity to execute certain procedures to resolve payment of unknown claims against it; providing that certain claims against a dissolved corporation are barred; providing that a claim may be entered against a dissolved corporation under certain circumstances; creating s. 617.1408, F.S.; authorizing a dissolved corporation or successor entity to execute certain procedures to dispose of known claims

against it; requiring that a dissolved corporation deliver written notice of the dissolution to each of its known claimants; providing a procedure under which a dissolved corporation may reject a claim made against it; requiring that a dissolved corporation give notice of the dissolution to persons having known claims that are contingent, conditional, or un-matured; requiring that a dissolved corporation follow certain procedures in offering compensation to a claimant if the claim matures; requiring that a dissolved corporation petition the circuit court to determine the amount and form of security that is sufficient to provide compensation to certain claimants; providing that the giving of notice or making of an offer does not revive a claim that has been barred; providing that directors of a dissolved corporation or governing persons of a successor entity that has complied with certain procedures are not personally liable to the claimants of a dissolved corporation; providing that certain members of a dissolved corporation are not liable for any claim against the corporation; providing a limit on the aggregate liability of any member of a dissolved corporation; repealing s. 617.1421(6), F.S., relating to the assumption and use of the name of a dissolved corporation; amending s. 617.1422, F.S.; deleting certain requirements for an application to reinstate a corporation that has been dissolved; requiring that a corporation submit a reinstatement form prescribed and furnished by the department; providing that the name of a dissolved corporation is not available for assumption or use by another corporation until 1 year after the effective date of dissolution; providing an exception; amending s. 617.1430, F.S.; revising the requirements for members to dissolve a corporation in circuit court; amending s. 617.1503, F.S.; requiring a foreign corporation to deliver a certificate of existence authenticated by the Secretary of State; amending s. 617.1504, F.S.; requiring that a foreign corporation make application to the department to obtain an amended certificate of authority within 90 days after the occurrence of a change; amending s. 617.1506, F.S.; requiring that an alternate corporate name adopted for use in this state be cross-referenced to the real corporate name in the records of the Division of Corporations; requiring that the corporate name of a foreign corporation be distinguishable from the corporate name of a corporation for profit incorporated or authorized to transact business in this state; amending s. 617.1530, F.S.; requiring that the department receive an authenticated certificate from the Secretary of State before commencing a proceeding to revoke the certificate of authority of a foreign corporation; amending s. 617.1601, F.S.; requiring that a corporation keep a copy of its articles of incorporation; revising certain requirements for corporate records; amending s. 617.1604, F.S.; providing an additional exception to a requirement that a corporation pay certain costs and attorney fees after a court-ordered inspection of certain records under certain circumstances; amending s. 617.1602, F.S.; providing that a member of a corporation is entitled to inspect and copy certain records of the corporation at a reasonable location specified by the corporation; requiring that a member give the corporation written notice 10 days before the date on which he or she wishes to inspect and copy records; amending s. 617.1605, F.S.; revising the circumstances under which a corporation is required to furnish a member with its latest annual financial statement; creating s. 617.1703, F.S.; providing for the applicability of certain provisions to corporations regulated under the act; amending s. 617.1803, F.S.; providing for certain changes when a foreign not-for-profit corporation becomes domesticated; amending s. 617.1806, F.S.; revising the provisions for conversion to a corporation not for profit; amending s. 617.1907, F.S.; providing that the repeal or amendment of a statute does not affect certain operations and proceedings; repealing s. 617.2103, F.S., relating to exemptions for certain corporations; providing effective dates.

—which was previously considered this day.

## RECONSIDERATION

On motions by Senator Richter, by two-thirds vote the Senate reconsidered the vote by which **CS for HB 1311** was read the third time and by two-thirds votes read the second time and substituted for **SB 2330**. On motions by Senator Richter, by two-thirds vote the Senate reconsidered the vote by which **CS for HB 1311** was withdrawn from the committees on Commerce; and Judiciary.

The Senate resumed consideration of—

**SB 2330**—A bill to be entitled An act relating to corporations; amending s. 607.0728, F.S.; authorizing certain alternative procedures for the election of members of the board of directors; amending s. 607.0807, F.S.; revising resignation procedures for members of the board

of directors; providing that a resignation may be irrevocable under certain conditions; amending s. 607.0809, F.S.; revising procedures for filling a vacancy on the board of directors; amending s. 607.0501, F.S.; deleting a provision providing that there shall be no charge for telephone requests for certain general corporate information; amending s. 607.1406, F.S.; requiring notice to known claimants of a dissolved corporation; amending s. 607.1620, F.S.; requiring that certain corporations furnish annual financial statements to shareholders within a specified period after the close of a fiscal year; providing an exception; providing a means by which such requirement may be satisfied; amending s. 617.01201, F.S.; requiring a document that is electronically transmitted to be in a format that may be retrieved in typewritten or printed form; requiring that a document be executed by a director of the domestic or foreign corporation; authorizing the delivery of a document by electronic transmission to the extent allowed by the Department of State; amending s. 617.0122, F.S.; requiring the department to collect a fee for filing an agent's statement of resignation from an inactive corporation; amending s. 617.0124, F.S.; authorizing a domestic or foreign corporation to correct a document filed by the department within 30 days under certain circumstances; amending s. 617.01401, F.S.; defining the terms "department," "distribution," "mutual benefit corporation," "successor entity," and "voting power"; amending s. 617.0205, F.S.; requiring the incorporators to hold an organizational meeting after incorporation if the initial directors are not named in the articles of incorporation; amending s. 617.0302, F.S.; authorizing a corporation not for profit to make guaranties; amending s. 617.0501, F.S.; deleting a provision providing that there shall be no charge for telephone requests for certain general corporate information; amending s. 617.0503, F.S.; providing that an alien business organization may withdraw its registered agent designation by delivering an application for certificate of withdrawal to the department; amending s. 617.0505, F.S.; prohibiting a corporation not for profit from making distributions to its members; providing an exception; deleting provisions related to the issuance of certificates; amending s. 617.0601, F.S.; correcting a reference to the Solicitation of Contributions Act; providing that certain stock certificates constitute certificates of membership; requiring that a resignation, expulsion, or termination of membership be recorded in the membership book; creating s. 617.0605, F.S.; prohibiting a member of a corporation from transferring a membership under certain circumstances; creating s. 617.0606, F.S.; providing that the resignation of a member does not relieve the member from obligations incurred and commitments made prior to resignation; creating s. 617.0607, F.S.; requiring that a member of a corporation be terminated or suspended pursuant to a procedure that is fair and reasonable; requiring that written notice given and delivered by certified mail or first-class mail; requiring that a proceeding challenging an expulsion, suspension, or termination be commenced within 1 year after the effective date of such expulsion, suspension, or termination; providing that a member who has been expelled or suspended may be liable to the corporation for dues, assessments, or fees; creating s. 617.0608, F.S.; prohibiting a corporation from purchasing any of its memberships; authorizing a mutual benefit corporation to purchase the membership of a member who resigns or whose membership is terminated; amending s. 617.0701, F.S.; authorizing the holders of at least 5 percent of the voting power of a corporation to call a special meeting of the members under certain circumstances; authorizing a person who signs a demand for a special meeting to call a special meeting of the members under certain circumstances; revising the timeframes relating to written member consent to actions; clarifying the types of corporations that are not subject to certain requirements; amending s. 617.0721, F.S.; authorizing the corporation to reject a proxy action if it has reasonable doubt as the validity of an appointment; providing that members and proxy holders who are not physically present at a meeting may participate by means of remote communication and are deemed to be present at the meeting under certain circumstances; amending s. 617.0725, F.S.; requiring an amendment to the articles of incorporation or the bylaws which adds a greater or lesser quorum or voting requirement to meet certain requirements; creating s. 617.07401, F.S.; prohibiting a person from commencing a proceeding in the right of a domestic or foreign corporation unless the person was a member of the corporation or became a member through transfer by operation of law; requiring that a complaint in a proceeding brought in the right of a domestic or foreign corporation be verified and allege the demand with particularity; authorizing the court to dismiss a derivative proceeding if the court finds that a determination was made in good faith after a reasonable investigation; prohibiting certain proceedings from being discontinued or settled without the approval of the court; authorizing the court to require a plaintiff to pay a defendant's reasonable

expenses upon termination of a proceeding, including attorney's fees; amending s. 617.0801, F.S.; providing the duties of the board of directors; amending s. 617.0802, F.S.; providing an exception to the required minimum age of a member of the board of directors for certain corporations; excluding certain corporations from eligibility for such exception; amending s. 617.0806, F.S.; providing that directors may be divided into classes; amending s. 617.0808, F.S.; providing that any member of the board of directors may be removed from office with or without cause by a certain vote; providing that a director who is elected by a class, chapter, or other organizational unit may be removed only by members of that class, chapter, or organizational unit; providing that a director elected or appointed by the board may be removed without cause by a vote of two-thirds of the directors then in office; providing that a director of a corporation described in s. 501(c) of the Internal Revenue Code may be removed from office pursuant to procedures provided in the articles of incorporation or the bylaws; amending s. 617.0809, F.S.; providing that a vacancy on the board of directors for a director elected by a class, chapter, unit, or group may be filled only by members of that class, chapter, unit, or group; providing that the term of a director elected or appointed to fill a vacancy expires at the next annual meeting at which directors are elected; amending s. 617.0824, F.S.; prohibiting certain directors from being counted toward a quorum; amending s. 617.0832, F.S.; deleting a provision that authorizes common or interested directors to be counted in determining the presence of a quorum at a meeting that ratifies a contract between a corporation and one of its directors and any other corporation in which one of its directors is financially interested; providing circumstances under which a conflict-of-interest transaction is authorized; amending s. 617.0833, F.S.; providing an exception to the requirement that a loan not be made by a corporation to its directors; amending s. 617.0834, F.S.; providing that an officer or director of a certain nonprofit organization or agricultural or horticultural organization is immune from civil liability; amending s. 617.1007, F.S.; providing that a restatement of the articles of incorporation of a corporation may include one or more amendments; amending s. 617.1101, F.S.; providing requirements for a plan of merger; creating s. 617.1102, F.S.; providing a limitation on the merger of a corporation not for profit; creating s. 617.1301, F.S.; prohibiting a corporation from making distributions to its members under certain circumstances; creating s. 617.1302, F.S.; providing that a mutual benefit corporation may purchase its memberships only under certain circumstances; authorizing a corporation to make distributions upon dissolution; amending s. 617.1405, F.S.; providing that the name of a dissolved corporation may be available for immediate assumption by another corporation if the dissolved corporation provides the department with an affidavit authorizing such use; creating s. 617.1407, F.S.; authorizing a dissolved corporation or successor entity to execute certain procedures to resolve payment of unknown claims against it; providing that certain claims against a dissolved corporation are barred; providing that a claim may be entered against a dissolved corporation under certain circumstances; creating s. 617.1408, F.S.; authorizing a dissolved corporation or successor entity to execute certain procedures to dispose of known claims against it; requiring that a dissolved corporation deliver written notice of the dissolution to each of its known claimants; providing a procedure under which a dissolved corporation may reject a claim made against it; requiring that a dissolved corporation give notice of the dissolution to persons having known claims that are contingent, conditional, or un-matured; requiring that a dissolved corporation follow certain procedures in offering compensation to a claimant if the claim matures; requiring that a dissolved corporation petition the circuit court to provide compensation to certain claimants; providing that the giving of notice or making of an offer does not revive a claim that has been barred; providing that directors of a dissolved corporation or governing persons of a successor entity that has complied with certain procedures are not personally liable to the claimants of a dissolved corporation; providing that certain members of a dissolved corporation are not liable for any claim against the corporation; providing a limit on the aggregate liability of any member of a dissolved corporation; repealing s. 617.1421(6), F.S., relating to the assumption and use of the name of a dissolved corporation; amending s. 617.1422, F.S.; deleting certain requirements for an application to reinstate a corporation that has been dissolved; requiring that a corporation submit a reinstatement form prescribed and furnished by the department; providing that the name of a dissolved corporation is not available for assumption or use by another corporation until 1 year after the effective date of dissolution; providing an exception; amending s. 617.1430, F.S.; revising the requirements for members to dissolve a corporation in circuit court; amending s. 617.1503, F.S.; re-

quiring a foreign corporation to deliver a certificate of existence authenticated by the Secretary of State; amending s. 617.1504, F.S.; requiring that a foreign corporation make application to the department to obtain an amended certificate of authority within 90 days after the occurrence of a change; amending s. 617.1506, F.S.; requiring that an alternate corporate name adopted for use in this state be cross-referenced to the real corporate name in the records of the Division of Corporations; requiring that the corporate name of a foreign corporation be distinguishable from the corporate name of a corporation for profit incorporated or authorized to transact business in this state; amending s. 617.1530, F.S.; requiring that the department receive an authenticated certificate from the Secretary of State before commencing a proceeding to revoke the certificate of authority of a foreign corporation; amending s. 617.1601, F.S.; requiring that a corporation keep a copy of its articles of incorporation; amending s. 617.1602, F.S.; providing that a member of a corporation is entitled to inspect and copy certain records of the corporation at a reasonable location specified by the corporation; requiring that a member give the corporation written notice 10 days before the date on which he or she wishes to inspect and copy records; amending s. 617.1605, F.S.; revising the circumstances under which a corporation is required to furnish a member with its latest annual financial statement; creating s. 617.1703, F.S.; providing for the applicability of certain provisions to corporations regulated under the act; amending s. 617.1803, F.S.; providing for certain changes when a foreign not-for-profit corporation becomes domesticated; amending s. 617.1806, F.S.; revising the provisions for conversion to a corporation not for profit; amending s. 617.1907, F.S.; providing that the repeal or amendment of a statute does not affect certain operations and proceedings; repealing s. 617.2103, F.S., relating to exemptions for certain corporations; providing effective dates.

—which was previously considered this day.

On motion by Senator Richter, **SB 2330** as amended April 24 was read the third time by title. On motion by Senator Richter **SB 2330** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise
Dockery	Oelrich	

Nays—None

**CS for CS for SB 2612**—A bill to be entitled An act relating to substance abuse and mental health services; amending s. 212.055, F.S.; conforming a cross-reference; amending s. 394.67, F.S.; redefining the term “residential treatment center for children and adolescents”; amending s. 394.674, F.S.; establishing priority populations of persons who are eligible for services funded by the Department of Children and Family Services; amending s. 394.908, F.S.; conforming terminology to changes made by the act; amending s. 394.9085, F.S.; conforming a cross-reference; amending s. 397.301, F.S.; deleting an obsolete provision; amending s. 397.305, F.S.; revising the legislative intent, purpose, and findings; amending s. 397.311, F.S.; revising definitions; amending s. 397.321, F.S.; revising the duties of the Department of Children and Family Services; deleting a provision that authorizes the department to establish a pilot project to serve certain persons who qualify to receive substance abuse or mental health services in a specified district; amending s. 397.331, F.S.; revising the term “substance abuse programs and services” or “drug control”; amending s. 397.401, F.S.; providing that it is unlawful for an unlicensed agency to act as a substance abuse service provider; amending s. 397.403, F.S.; revising requirements for a

license application; amending s. 397.405, F.S.; providing that physician assistants are exempt from licensing requirements under ch. 397, F.S.; providing that a crisis stabilization unit is exempt from licensure; conforming a cross-reference; authorizing the department to adopt certain rules; providing that ch. 397, F.S., does not limit the practice of a physician assistant or an advanced registered nurse practitioner who provides substance abuse treatment under certain circumstances; amending s. 397.406, F.S.; providing that substance abuse programs operated directly or under contract by the Department of Juvenile Justice are subject to licensure and regulation; amending s. 397.407, F.S.; conforming a cross-reference; revising the licensure process; authorizing the Department of Children and Family Services to issue probationary, regular, and interim licenses; providing requirements for probationary, regular, and interim licenses; repealing s. 397.409, F.S., relating to probationary, regular, and interim licenses; amending s. 397.411, F.S.; requiring the department to notify certain applicable agencies of any licensure inspections of service providers; amending s. 397.415, F.S.; requiring that fines collected as administrative penalties be deposited in the Operations and Maintenance Trust Fund of the department rather than the Substance Abuse Impairment Provider Licensing Trust Fund; revising requirements for suspending or revoking a license; amending s. 397.416, F.S.; conforming a cross-reference; amending s. 397.419, F.S.; renaming quality assurance programs to "quality improvement programs"; conforming provisions to changes made by the act; providing that certain records are not admissible in any civil or administrative action except in disciplinary proceedings by the Department of Health, and not the Department of Business and Professional Regulation; revising minimum guidelines for a service provider's quality improvement program; providing additional requirements for a quality improvement program; deleting a provision that requires a quality assurance program to incorporate a peer review process; amending s. 397.427, F.S.; specifying that medication treatment service providers are providers of medication-assisted treatment services for opiate addiction; conforming provisions to changes made by the act; requiring the department to determine the need for establishing medication-assisted treatment services for other substance-use disorders; requiring service providers that provide medication-assisted treatment for other substance-use disorders to provide counseling services; requiring the department to adopt rules to administer medication-assisted treatment services; authorizing a physician assistant, registered nurse, an advanced registered nurse practitioner, and a licensed practical nurse to deliver medication, other than methadone, for the purpose of medication-assisted treatment for opiate addiction under certain conditions; authorizing a physician assistant to deliver takeout medication for opiate treatment to certain persons; requiring a licensed service provider that provides medication-assisted treatment to adopt written protocols; providing requirements for the protocols; requiring a licensed service provider that provides medication-assisted treatment to maintain and have ready for inspection medical records and protocols; amending s. 397.431, F.S.; conforming provisions to changes made by the act; amending s. 397.451, F.S.; providing that inmate substance abuse programs are exempt from level 2 background screenings; clarifying that certain personnel employed in an inmate substance abuse program are exempt from fingerprinting and background check requirements; amending ss. 397.471, 397.501, 397.581, 397.601, 397.6751, 397.6752, 397.6758, 397.6773, 397.6797, 397.6799, 397.6819, 397.6821, 397.6822, 397.697, 397.6971, 397.6975, 397.6977, 397.702, 397.706, 397.801, 397.821, 397.94, 397.95, 397.97, 397.99, F.S.; conforming provisions to changes made by the act; amending s. 440.102, F.S.; conforming a cross-reference; amending s. 766.101, F.S.; redefining the term "medical review committee" to include a committee to review mental health and substance abuse treatment services provided by the department; repealing s. 394.9081, F.S., relating to target groups for substance abuse and mental health services; providing an effective date.

—was read the third time by title.

#### MOTION

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

Senator Wise moved the following amendment:

**Amendment 1 (325762) (with title amendment)**—Between lines 2317 and 2318 insert:

Section 52. (1) *A workgroup shall be created to review state policy and budgeting issues affecting adults with serious mental illness who also have involvement with the state criminal justice system.*

(2) *The workgroup shall consist of the following members:*

(a) *One member from the Substance Abuse and Mental Health Corporation.*

(b) *One member appointed by Florida Legal Services, Inc.*

(c) *One member appointed by the Florida Psychiatric Society.*

(d) *One member appointed by the Correctional Medical Authority.*

(e) *One member appointed by the Florida Prosecuting Attorneys Association.*

(f) *One member appointed by the Florida Public Defender Association.*

(g) *One member appointed by the Florida Association of Court Clerks.*

(h) *One member appointed by the Florida Assisted Living Affiliation.*

(i) *One member appointed by the Florida Council for Community Mental Health.*

(j) *One member appointed by the Department of Children and Family Services.*

(k) *One member appointed by the Agency for Health Care Administration.*

(l) *One member appointed by the Department of Corrections.*

(m) *One member appointed by the Florida Sheriffs Association.*

(n) *One member appointed by the Florida Police Benevolent Association.*

(o) *One member appointed by the Florida chapter of the National Alliance for the Mentally Ill.*

(p) *One member appointed by the Florida Hospital Association representing private receiving facilities.*

(q) *One member appointed by the Florida Psychological Association.*

(r) *One member appointed by the President of the Senate.*

(s) *One member appointed by the Speaker of the House of Representatives.*

(t) *One member appointed by the Governor.*

(3) *Members of the workgroup shall serve without compensation except that a member may request reimbursement from the member's employing entity for per diem and travel expenses as provided in s. 112.061, Florida Statutes.*

(4) *Each meeting of the workgroup shall be held in Tallahassee. The workgroup shall meet 4 times per year and may use electronic means of communication, which may include, but are not limited to, conference calls, web seminars, and video conferencing.*

(5) *The workgroup shall organize and conduct its meetings in accordance with Robert's Rules of Order.*

(6) *The review conducted by the workgroup under this section must include:*

(a) *The identification of all state funds being expended on the care of adults with mental illnesses who have legal involvement with state and county courts, including funds expended on care in correctional facilities and funds expended on medication, courts, attorneys, state institutions, contracts with private institutions, community-based programs, Medicaid services, state-funded substance abuse services, state-funded mental health services, and managed care plans.*

(b) A detailed examination of community-based service delivery systems, including utilization issues, housing issues, psychiatric emergency crisis response outcomes, effective practices, and programs directed toward individuals who are at risk for court or legal involvement.

(c) A detailed review of data, utilization, and cost analysis for individuals who are involved with the county courts, state courts, state prisons, and state and private institutions, have been charged with misdemeanors or felonies, and have a diagnosis of serious and persistent mental illness.

(d) A detailed review of utilization data and costs for individuals who have traumatic brain injuries, have involvement with state courts, state prisons, county courts, or county jails, and have involvement with state-funded substance abuse and mental health services.

(e) A review of the cost and impact of early discharge from public crisis-stabilization units, community inpatient psychiatric hospitals, and state and private institutions that care for persons with serious and persistent mental illness and inappropriate placement into state prisons and county jails.

(f) A review of the Criminal Punishment Code, including penalties and sentencing guidelines, and other laws pertaining to the forensic mentally ill in order to assess where changes could be made that protect public safety while ensuring that the needs of the mentally ill are met in a cost-effective manner, with a goal to create a plan that will reduce reliance on state prisons and county jails.

(g) The identification of programs, practices, and innovative solutions emerging in the state that would reduce the need for incarceration, improve cost-effectiveness, help reduce the impact on the state budget, and improve public safety.

(h) A process for requesting and reviewing innovative proposals that would help the state optimize the use of state funding through special pilot projects, mental health courts, changes in emergency psychiatric care, new approaches to law enforcement practices and court diversion programs, and the use of modified sentencing or waivers relative to the Criminal Punishment Code.

(i) The development of a proposal for legislative consideration that would establish an innovative Medicaid waiver that would help support stable housing and services for individuals at risk of court-related involvement. For the purposes of this subsection, the term "at risk of court-related involvement" means having been charged with a misdemeanor or felony and diagnosed with a serious and persistent mental illness.

(j) A review of the effect of substance abuse on the system and methods to create integration and the use of Medicaid waivers, such as the Medicaid 1915c Home and Community-Based Waiver, to provide a more integrated approach to treating substance abuse in the community.

(k) The use of involuntary outpatient commitment requirements under the Baker Act and the need for changes to those requirements that would help reduce or mitigate the potential for court involvement in this process. The review shall include the use of the Florida Medication Algorithm Project and its implications for improved outcomes relative to individuals at risk of court-related involvement.

(l) A review of the current status of the use of electronic medical records, the need for broader use of electronic medical records for individuals at risk of court-related involvement, and the fiscal impact in terms of the savings that this type of client information system would have on reducing state expenditures and improving access to care for those considered most at risk. The workgroup may request experts in the field to make presentations and respond to questions. The workgroup shall make recommendations as provided in subsection (7).

(m) A review and comparison of the practices and standards used in correctional facilities to provide mental health care for individuals who are incarcerated in county jails, state prisons, or state or private state mental health forensic institutions.

(n) The consideration of plans and recommendations concerning appropriate methods of diverting mentally ill inmates to less restrictive and less expensive alternatives using conditional release or probation.

(o) A review of probation and parole requirements for recommended modifications in order to assist with improving community placement and community control for persons with serious and persistent mental illness who are eligible for probation. This shall include a review of rules and policies and recommendations.

(p) A review of practices associated with the discharge of individuals with a serious mental illness from correctional facilities and from state-operated and state-funded forensic mental health institutions for compliance with interagency agreements regarding placement in the community, recidivism to a jail or institutional setting, and the use of hospital emergency rooms, involuntary commitment services, and crisis stabilization units.

(7) The workgroup shall make recommendations in its interim and final reports regarding proposed changes to the state penal code, sentencing guidelines, state mental health policy, and related strategies that would improve public safety through better integration of behavioral health care at all levels of the criminal justice system, with a goal of reducing reliance on county jails and state prisons. The workgroup shall submit an interim report with findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 5, 2010, and its final report with recommendations and findings by January 5, 2011.

(8) The workgroup terminates and this section expires July 1, 2011.

And the title is amended as follows:

Delete line 113 and insert: substance abuse and mental health services; providing for the creation of a workgroup to review state policy and budgeting issues affecting adults with serious mental illness who also have involvement with the state criminal justice system; providing for membership, organization, and meetings; specifying that members serve without compensation, but may be reimbursed for expenses; specifying components of the review; providing for interim and final reports; providing for future termination of the workgroup and expiration of the provisions creating it; providing

On motion by Senator Wise, further consideration of **CS for CS for SB 2612** with pending **Amendment 1 (325762)** was deferred.

## SENATOR FASANO PRESIDING

### RECONSIDERATION OF BILL

On motion by Senator Peadar, the Senate reconsidered the vote by which—

**CS for CS for SB 1868**—A bill to be entitled An act relating to the practice of pharmacy; amending ss. 465.003 and 465.019, F.S.; authorizing the use of an institutional formulary system in a Class I institutional pharmacy at which, with certain exceptions, all medicinal drugs are administered from individual prescription containers to the patient and medicinal drugs are not dispensed on the premises; specifying requirements for the policies and procedures of such an institutional formulary system; amending s. 627.4239, F.S.; revising the definition of the term "standard reference compendium" for purposes of regulating the insurance coverage of drugs used in the treatment of cancer; amending s. 456.42, F.S.; revising provisions specifying the information required to be included in written prescriptions for medicinal drugs; creating s. 465.1901, F.S.; providing that provisions of ch. 468, F.S., relating to orthotics and pedorthics do not apply to pharmacists; requiring the Board of Pharmacy to develop rules regarding the practice of orthotics and pedorthics by a pharmacist; repealing s. 468.812(3), F.S., relating to the practice of orthotics and pedorthics; amending s. 893.04, F.S.; authorizing a pharmacist to dispense a controlled substance and require photographic identification without documenting certain information; authorizing a pharmacist to dispense a controlled substance without verification of certain information by the prescriber under certain circumstances; providing an effective date.

—passed as amended April 24th.

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

**Amendment 3 (589528) (with title amendment)**—In title, delete lines 2-10 and insert: An act relating to the practice of pharmacy;

On motion by Senator Peaden, **CS for CS for SB 1868** as amended was passed, ordered engrossed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise
Dockery	Oelrich	

Nays—None

### MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Villalobos, by two-thirds vote the following bills were withdrawn from the Committee on Rules: **HB 393, HB 713, HB 743, HB 773, CS for HB 801, HB 877, HB 967, CS for HB 1059, HB 1063, CS for CS for CS for HB 1147, CS for HB 1235, HB 1371, CS for HB 1431, CS for HB 1433, CS for HB 1435, CS for HB 1541.**

### LOCAL BILL CALENDAR

**HB 393**—A bill to be entitled An act relating to the Viera Stewardship District, Brevard County; amending chapter 2006-360, Laws of Florida; amending the district boundaries; providing for a referendum; providing effective dates.

—was read the second time by title. On motion by Senator Altman, by two-thirds vote **HB 393** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise
Dockery	Oelrich	

Nays—None

**HB 713**—A bill to be entitled An act relating to the Lake Asbury Municipal Service Benefit District, Clay County; amending chapter 86-392, Laws of Florida; increasing the special assessment against lots in the district under certain circumstances; providing an effective date.

—was read the second time by title. On motion by Senator Wise, by two-thirds vote **HB 713** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise
Dockery	Oelrich	

Nays—None

**HB 743**—A bill to be entitled An act relating to the South Indian River Water Control District, Palm Beach County; amending chapter 2001-313, Laws of Florida, as amended; expanding the boundaries of the district; providing an effective date.

—was read the second time by title. On motion by Senator Deutch, by two-thirds vote **HB 743** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise
Dockery	Oelrich	

Nays—None

**HB 773**—A bill to be entitled An act relating to the Plantation Acres Improvement District, Broward County; providing legislative intent; amending chapter 2002-367, Laws of Florida; redesignating the board of supervisors as the board of commissioners; providing an effective date.

—was read the second time by title. On motion by Senator Ring, by two-thirds vote **HB 773** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Diaz de la Portilla	King
Altman	Dockery	Lawson
Aronberg	Fasano	Lynn
Baker	Gaetz	Oelrich
Bennett	Garcia	Peaden
Bullard	Gardiner	Pruitt
Constantine	Gelber	Rich
Crist	Haridopolos	Richter
Dean	Jones	Ring
Detert	Joyner	Siplin
Deutch	Justice	Smith

Sobel	Villalobos	Wise
Storms	Wilson	

Nays—None

**CS for HB 801**—A bill to be entitled An act relating to Broward County; providing for annexation and deannexation of certain described lands within the municipal limits of the Town of Southwest Ranches and the Town of Davie; providing an effective date.

—was read the second time by title. On motion by Senator Ring, by two-thirds vote **CS for HB 801** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise
Dockery	Oelrich	

Nays—None

**HB 877**—A bill to be entitled An act relating to the City of Jacksonville, Duval County; amending chapter 92-341, Laws of Florida, as amended; increasing the permitted rate of investment in fixed real estate assets by the Jacksonville Police and Fire Pension Board of Trustees; providing an effective date.

—was read the second time by title. On motion by Senator Wise, by two-thirds vote **HB 877** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise
Dockery	Oelrich	

Nays—None

**HB 967**—A bill to be entitled An act relating to the Northern Palm Beach County Improvement District, Palm Beach County; amending chapter 2000-467, Laws of Florida, as amended by chapter 2004-467, Laws of Florida; revising district boundaries; providing an effective date.

—was read the second time by title. On motion by Senator Deutch, by two-thirds vote **HB 967** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Altman	Aronberg
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Baker	Garcia	Pruitt
Bennett	Gardiner	Rich
Bullard	Gelber	Richter
Constantine	Haridopolos	Ring
Crist	Jones	Siplin
Dean	Joyner	Smith
Detert	Justice	Sobel
Deutch	King	Storms
Diaz de la Portilla	Lawson	Villalobos
Dockery	Lynn	Wilson
Fasano	Oelrich	Wise
Gaetz	Peaden	

Nays—None

**CS for HB 1059**—A bill to be entitled An act relating to the Central Broward Water Control District, Broward County; amending chapter 98-501, Laws of Florida, as amended; providing for flood protection services; revising the geographical boundaries of the district; revising powers of the district with respect to construction; deleting or updating obsolete language; revising the geographical boundaries of district zones for the election of commissioners; revising residency requirements for commissioner qualification; revising requirements for the filling of vacancies on the board of commissioners; revising provisions relating to filing fees and oath of office; providing the procedure for selection of chair and vice chair in the event of a deadlock; revising quorum requirements; requiring certain commissioners to preside over meetings of the board in the absence of the chair and vice chair; deleting provisions relating to a special warrant for collection of drainage taxes; revising powers of the board in carrying out the state comprehensive water management plan; revising rulemaking authority of the board; revising eminent domain provisions; revising language relating to obstruction of certain district facilities; clarifying language relating to the adoption of certain subdivision regulations; providing severability; providing an effective date.

—was read the second time by title. On motion by Senator Ring, by two-thirds vote **CS for HB 1059** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise
Dockery	Oelrich	

Nays—None

**HB 1063**—A bill to be entitled An act relating to the Lake Worth Drainage District, Palm Beach County; codifying, reenacting, amending, and repealing chapters 98-525, 99-422, and 2003-344, Laws of Florida; providing an effective date.

—was read the second time by title. On motion by Senator Deutch, by two-thirds vote **HB 1063** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Bennett	Dean
Altman	Bullard	Detert
Aronberg	Constantine	Deutch
Baker	Crist	Diaz de la Portilla

Dockery	Justice	Ring
Fasano	King	Siplin
Gaetz	Lawson	Smith
Garcia	Lynn	Sobel
Gardiner	Oelrich	Storms
Gelber	Peaden	Villalobos
Haridopolos	Pruitt	Wilson
Jones	Rich	Wise
Joyner	Richter	

Nays—None

**CS for CS for CS for HB 1147**—A bill to be entitled An act relating to the Spring Hill Fire Rescue and Emergency Medical Services District, Hernando County; creating a special district; providing definitions; providing for creation, status, charter amendments, boundaries, and purposes; providing for a board of commissioners; providing for election and terms of commissioners; providing for employment of district personnel; providing for election of board officers; providing for compensation, oath, and bonds of commissioners; providing for powers, duties, and responsibilities of the board; providing for ad valorem taxes; providing a cap on the rate of taxation; providing for user charges; providing for impact fees; providing for authority to disburse funds; authorizing the board to borrow money; providing for use of district funds; requiring a record of all board meetings; authorizing the board to adopt policies and regulations; providing for the board to make an annual budget; requiring an annual report; authorizing the board to enact fire prevention ordinances; authorizing the district to appoint a fire marshal; authorizing the district to conduct inspections and establish and operate fire, rescue, and emergency medical services; providing for district authority upon annexation of district lands; providing for dissolution; providing immunity from tort liability for officers, agents, and employees; providing for district expansion; providing for construction and effect; providing for an exclusive charter; requiring a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Dockery, by two-thirds vote **CS for CS for CS for HB 1147** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise
Dockery	Oelrich	

Nays—None

**CS for HB 1235**—A bill to be entitled An act relating to the Lakewood Ranch Stewardship District, Manatee and Sarasota Counties; amending chapter 2005-338, Laws of Florida; revising the boundaries of the district; amending district powers to allow the district to provide sustainable or green infrastructure improvements, facilities, and services; requiring a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Bennett, by two-thirds vote **CS for HB 1235** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Aronberg	Bennett
Altman	Baker	Bullard

Constantine	Gelber	Rich
Crist	Haridopolos	Richter
Dean	Jones	Ring
Detert	Joyner	Siplin
Deutch	Justice	Smith
Diaz de la Portilla	King	Sobel
Dockery	Lawson	Storms
Fasano	Lynn	Villalobos
Gaetz	Oelrich	Wilson
Garcia	Peaden	Wise
Gardiner	Pruitt	

Nays—None

**HB 1371**—A bill to be entitled An act relating to Panama City, Bay County; amending chapter 63-1757, Laws of Florida, as amended; deleting provisions relating to specific items the planning board must take into consideration in its plans; removing the requirement that the members of the city commission and the city manager be ex officio members of the planning board; providing an effective date.

—was read the second time by title. On motion by Senator Lawson, by two-thirds vote **HB 1371** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise
Dockery	Oelrich	

Nays—None

**CS for HB 1431**—A bill to be entitled An act relating to the City of Pensacola, Town of Century, and Escambia County; providing definitions; creating the Escambia County Consolidation Study Commission to develop a consolidation plan or unification of services for the City of Pensacola, Town of Century, and Escambia County; providing for the membership of the commission; providing for special advisory committees and membership; providing for meetings; providing for submission of a status report and a proposed consolidation plan; specifying sources of funding; providing for private contributions; providing for clerical, technical, and legal assistance; requiring a referendum for approval of the consolidation plan; providing for dissolution of the commission and reversion of commission property to the county; providing an effective date.

—was read the second time by title. On motion by Senator Peaden, by two-thirds vote **CS for HB 1431** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Detert	Haridopolos
Altman	Deutch	Jones
Aronberg	Diaz de la Portilla	Joyner
Baker	Dockery	Justice
Bennett	Fasano	King
Bullard	Gaetz	Lawson
Constantine	Garcia	Lynn
Crist	Gardiner	Oelrich
Dean	Gelber	Peaden

Pruitt	Siplin	Villalobos
Rich	Smith	Wilson
Richter	Sobel	Wise
Ring	Storms	

Nays—None

Nays—None

**CS for HB 1433**—A bill to be entitled An act relating to the City of Orlando Firefighter Pension Fund, Orange County; amending chapter 23444, Laws of Florida, 1945, as amended; providing a member with 20 years or more of service who is involuntarily determined to be permanently and totally disabled not in the line of duty the right to elect a normal service retirement under certain conditions; providing for a change in the accrual rate for normal retirement benefit; providing for a change of the accrual rate for line of duty death benefits if member has completed more than 23.53 years of service; changing the Back Deferred Retirement Option Program (DROP) from 36 months to 60 months; revising provisions relating to DROP accounts; providing that distributions comply with the Internal Revenue Code; providing for changes necessary to maintain tax qualification; authorizing the legislative body of the City of Orlando to adjust the pension plan to comply with the Internal Revenue Code and to create a SHARE program or plan to provide for certain extra benefits; providing that benefit changes are not retroactive; specifying this act does not provide additional benefits to certain members and beneficiaries; providing effective dates.

—was read the second time by title. On motion by Senator Gardiner, by two-thirds vote **CS for HB 1433** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise
Dockery	Oelrich	

Nays—None

**CS for HB 1435**—A bill to be entitled An act relating to the Lee County Sheriff's Office; revising qualifications for employment; providing an effective date.

—was read the second time by title. On motion by Senator Richter, by two-thirds vote **CS for HB 1435** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise
Dockery	Oelrich	

**CS for HB 1541**—A bill to be entitled An act relating to the Pine Tree Water Control District, Palm Beach County; codifying the district's charter; providing legislative intent; amending, codifying, reenacting, and repealing chapters 80-572, 82-358, and 2005-295, Laws of Florida; providing for the applicability of chapters 298 and 189, Florida Statutes, and other general laws; providing for liberal construction; providing a savings clause in the event any of the act is deemed invalid; providing an effective date.

—was read the second time by title. On motion by Senator Deutch, by two-thirds vote **CS for HB 1541** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise
Dockery	Oelrich	

Nays—None

**SENATOR VILLALOBOS PRESIDING**

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

**BILLS ON THIRD READING**

The Senate resumed consideration of—

**CS for CS for SB 2612**—A bill to be entitled An act relating to substance abuse and mental health services; amending s. 212.055, F.S.; conforming a cross-reference; amending s. 394.67, F.S.; redefining the term "residential treatment center for children and adolescents"; amending s. 394.674, F.S.; establishing priority populations of persons who are eligible for services funded by the Department of Children and Family Services; amending s. 394.908, F.S.; conforming terminology to changes made by the act; amending s. 394.9085, F.S.; conforming a cross-reference; amending s. 397.301, F.S.; deleting an obsolete provision; amending s. 397.305, F.S.; revising the legislative intent, purpose, and findings; amending s. 397.311, F.S.; revising definitions; amending s. 397.321, F.S.; revising the duties of the Department of Children and Family Services; deleting a provision that authorizes the department to establish a pilot project to serve certain persons who qualify to receive substance abuse or mental health services in a specified district; amending s. 397.331, F.S.; revising the term "substance abuse programs and services" or "drug control"; amending s. 397.401, F.S.; providing that it is unlawful for an unlicensed agency to act as a substance abuse service provider; amending s. 397.403, F.S.; revising requirements for a license application; amending s. 397.405, F.S.; providing that physician assistants are exempt from licensing requirements under ch. 397, F.S.; providing that a crisis stabilization unit is exempt from licensure; conforming a cross-reference; authorizing the department to adopt certain rules; providing that ch. 397, F.S., does not limit the practice of a physician assistant or an advanced registered nurse practitioner who provides substance abuse treatment under certain circumstances; amending s. 397.406, F.S.; providing that substance abuse programs operated directly or under contract by the Department of Juvenile Justice are subject to licensure and regulation; amending s. 397.407, F.S.; conforming a cross-reference; revising the licensure process; authorizing the Department of Children and Family Services to issue probationary,

regular, and interim licenses; providing requirements for probationary, regular, and interim licenses; repealing s. 397.409, F.S., relating to probationary, regular, and interim licenses; amending s. 397.411, F.S.; requiring the department to notify certain applicable agencies of any licensure inspections of service providers; amending s. 397.415, F.S.; requiring that fines collected as administrative penalties be deposited in the Operations and Maintenance Trust Fund of the department rather than the Substance Abuse Impairment Provider Licensing Trust Fund; revising requirements for suspending or revoking a license; amending s. 397.416, F.S.; conforming a cross-reference; amending s. 397.419, F.S.; renaming quality assurance programs to "quality improvement programs"; conforming provisions to changes made by the act; providing that certain records are not admissible in any civil or administrative action except in disciplinary proceedings by the Department of Health, and not the Department of Business and Professional Regulation; revising minimum guidelines for a service provider's quality improvement program; providing additional requirements for a quality improvement program; deleting a provision that requires a quality assurance program to incorporate a peer review process; amending s. 397.427, F.S.; specifying that medication treatment service providers are providers of medication-assisted treatment services for opiate addiction; conforming provisions to changes made by the act; requiring the department to determine the need for establishing medication-assisted treatment services for other substance-use disorders; requiring service providers that provide medication-assisted treatment for other substance-use disorders to provide counseling services; requiring the department to adopt rules to administer medication-assisted treatment services; authorizing a physician assistant, registered nurse, an advanced registered nurse practitioner, and a licensed practical nurse to deliver medication, other than methadone, for the purpose of medication-assisted treatment for opiate addiction under certain conditions; authorizing a physician assistant to deliver takeout medication for opiate treatment to certain persons; requiring a licensed service provider that provides medication-assisted treatment to adopt written protocols; providing requirements for the protocols; requiring a licensed service provider that provides medication-assisted treatment to maintain and have ready for inspection medical records and protocols; amending s. 397.431, F.S.; conforming provisions to changes made by the act; amending s. 397.451, F.S.; providing that inmate substance abuse programs are exempt from level 2 background screenings; clarifying that certain personnel employed in an inmate substance abuse program are exempt from fingerprinting and background check requirements; amending ss. 397.471, 397.501, 397.581, 397.601, 397.6751, 397.6752, 397.6758, 397.6773, 397.6797, 397.6799, 397.6819, 397.6821, 397.6822, 397.697, 397.6971, 397.6975, 397.6977, 397.702, 397.706, 397.801, 397.821, 397.94, 397.95, 397.97, 397.99, F.S.; conforming provisions to changes made by the act; amending s. 440.102, F.S.; conforming a cross-reference; amending s. 766.101, F.S.; redefining the term "medical review committee" to include a committee to review mental health and substance abuse treatment services provided by the department; repealing s. 394.9081, F.S., relating to target groups for substance abuse and mental health services; providing an effective date.

—which was previously considered this day. Pending **Amendment 1 (325762)** by Senator Wise was withdrawn.

On motion by Senator Wise, **CS for CS for SB 2612** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	Haridopolos	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

SENATOR GAETZ PRESIDING

### SPECIAL ORDER CALENDAR

On motion by Senator King—

**CS for SB 718**—A bill to be entitled An act relating to discretionary sales surtaxes; amending s. 212.055, F.S.; deleting a limitation upon the imposition of indigent care and trauma center discretionary sales surtaxes by certain counties; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 718** was placed on the calendar of Bills on Third Reading.

### MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Villalobos, by two-thirds vote **CS for SB 910** was withdrawn from the Policy and Steering Committee on Ways and Means.

### SPECIAL ORDER CALENDAR, continued

**CS for CS for SB 728**—A bill to be entitled An act relating to the excise tax on documents; amending s. 201.02, F.S.; imposing the tax on deeds, instruments, and other writings on the consideration for a transfer of real property pursuant to a short sale; providing that the consideration subject to the tax does not include unpaid indebtedness that is forgiven by a mortgagee; defining the term "short sale"; authorizing the Department of Revenue to adopt criteria by rule indicating that a purported short sale is not an arm's length transaction; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 728** to **CS for CS for HB 55**.

Pending further consideration of **CS for CS for SB 728** as amended, on motion by Senator Bennett, by two-thirds vote **CS for CS for HB 55** was withdrawn from the Committees on Judiciary; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

On motion by Senator Bennett—

**CS for CS for HB 55**—A bill to be entitled An act relating to the excise tax on documents; amending s. 201.02, F.S.; imposing the tax on the consideration for short sale transfers of real property; excluding certain unpaid indebtedness from such consideration; defining the term "short sale"; authorizing the Department of Revenue to adopt rules establishing arm's length criteria for short sale purposes; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 728** as amended and read the second time by title.

### MOTION

On motion by Senator Villalobos, the rules were waived and **CS for CS for HB 55** was retained on the Special Order Calendar.

On motion by Senator Baker, by two-thirds vote **CS for CS for HB 179** was withdrawn from the Committees on Community Affairs; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

On motion by Senator Baker—

**CS for CS for HB 179**—A bill to be entitled An act relating to property appraisers; amending s. 193.023, F.S.; revising property ap-

praisers' authority to inspect property for assessment purposes to include use of image technology in lieu of physical inspection; requiring the Department of Revenue to establish minimum standards for use of image technology; providing a criterion; amending s. 196.011, F.S.; revising required time limitations for filing applications for homestead exemptions; revising procedural requirements for property appraiser approval of such exemptions; amending s. 196.015, F.S.; revising factors for consideration by property appraisers in determining permanent residency for homestead exemption purposes; providing an effective date.

—a companion measure, was substituted for **CS for SB 800** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 179** was placed on the calendar of Bills on Third Reading.

On motion by Senator Richter, the Senate resumed consideration of—

**CS for CS for SB 1950**—A bill to be entitled An act relating to property insurance; amending s. 215.555, F.S.; revising the dates of an insurer's contract year for purposes of calculating the insurer's retention; requiring the State Board of Administration to offer an additional amount of reimbursement coverage to certain insurers that purchased coverage during a certain calendar year; requiring an insurer that purchases certain coverage to retain an amount equal to a percentage of the insurer's surplus on a certain date; providing that an insurer's retention will apply along with a mandatory coverage after an optional coverage is exhausted; revising an expiration date on the requirement for the State Board of Administration to offer certain optional coverage to insurers; requiring the State Board of Administration to publish a statement of the estimated claims-paying capacity of the Hurricane Catastrophe Fund; authorizing the State Board of Administration to reimburse insurers based on a formula related to the claims-paying capacity of the Hurricane Catastrophe Fund; requiring the formula to determine an actuarially indicated premium to include specified cash build-up factors; authorizing the State Board of Administration to require insurers to notarize documents submitted to the board; authorizing insurers to purchase temporary increased coverage limit for certain future hurricane seasons; providing that a cash build-up factor does not apply to temporary increased coverage limit premiums; providing dates on which the claims-paying capacity of the fund will increase; deleting authority for the State Board of Administration to increase the claims-paying capacity of the Hurricane Catastrophe Fund; amending s. 215.5586, F.S.; revising legislative intent; revising criteria for hurricane mitigation inspections; revising criteria for eligibility for a mitigation grant; expanding the list of improvements for which grants may be used; correcting a reference to the Florida Division of Emergency Management; deleting provisions relating to no-interest loans; requiring that contracts valued at or greater than a specified amount be subject to review and approval of the Legislative Budget Commission; amending s. 627.062, F.S.; revising the date by which certain filings for a rate increase must be made by a file and use filing; exempting certain rate filings from determination by the Office of Insurance Regulation that the rate in the rate filing is excessive or unfairly discriminatory; amending s. 627.0621, F.S.; deleting a limitation on the application of the attorney-client privilege and work product doctrine in challenges to actions by the Office of Insurance Regulation relating to rate filings; amending s. 627.0629, F.S.; authorizing an insurer to include in its rates the actual cost of certain reinsurance; amending s. 627.351, F.S.; deleting a provision requiring a seller of certain residential property to disclose the structure's windstorm mitigation rating to the prospective purchaser of the property; providing for members of the board of governors of Citizens Property Insurance Corporation to serve staggered terms; requiring Citizen's Property Insurance Corporation to implement rate increases until the implementation of actuarially sound rates; requiring the corporation to transfer a portion of the funds received from the rate increase into the General Revenue Fund; revising the dates after which the State Board of Administration is required to reduce the boundaries of high-risk areas eligible for wind-only coverages under certain circumstances; amending s. 627.3512, F.S.; authorizing insurers to recoup assessments within a certain period; requiring insurers to file a final accounting report with the Office of Insurance Regulation which documents the assessment recouped; requiring the officer of the insurer who signs the report to acknowledge certain statements; prohibiting insurers that do not file the report from including the uncollected assessment amount in any subsequent rate filing; amending s. 627.712, F.S.; revising the properties for which an insurer must make policies available which exclude windstorm

coverage; amending s. 631.57, F.S.; deleting provisions requiring certain insurers to submit certain information; amending s. 631.64, F.S.; authorizing insurers to recoup certain assessments; requiring the recoupment to begin within a certain period; limiting the recoupment factor; authorizing insurers to carry forward certain assessments that have not been recouped; requiring insurers to file a final accounting report with the Office of Insurance Regulation which documents the assessment recouped; requiring the officer of the insurer who signs the report to acknowledge certain statements; providing that all excess recoupment be sent to the Florida Insurance Guaranty Association; requiring that the insurer document the accounting of the over-recoupment in the final accounting report; authorizing the commission to adopt rules; amending s. 631.65, F.S.; providing that an insurance agent is not prohibited from explaining the existence or function of the insurance guaranty association; providing for the appropriation of certain transferred funds to the Insurance Regulatory Trust Fund for purposes of the My Safe Florida Home Program; providing an effective date.

—which was previously considered and amended April 24. Pending **Amendment 5 (850916)** by Senators Richter and Deutch was adopted.

Senators Richter and Deutch offered the following amendments which were moved by Senator Richter and adopted:

**Amendment 6 (875292) (with title amendment)**—Delete lines 1949-1966 and insert:

2. Beginning ~~December 1, 2010~~ ~~February 1, 2010~~, if the report under subparagraph 1. for any year indicates that the 100-year probable maximum loss attributable to wind-only coverages and the quota share program combined does not reflect a reduction of at least 25 percent from the benchmark, the board shall reduce the boundaries of the high-risk area eligible for wind-only coverages under this subsection in a manner calculated to reduce such probable maximum loss to an amount at least 25 percent below the benchmark.

3. Beginning February 1, 2015, if the report under subparagraph 1. for any year indicates that the 100-year probable maximum loss attributable to wind-only coverages and the quota share program combined does not reflect a reduction of at least 50 percent from the benchmark, the boundaries of the high-risk area eligible for wind-only coverages under this subsection shall be reduced by the elimination of any area that is not seaward of a line 1,000 feet inland from the Intracoastal Waterway.

And the title is amended as follows:

Delete line 68 and insert: Revenue Fund; revising the date after which the State

**Amendment 7 (649326) (with title amendment)**—Delete lines 1967-2056.

And the title is amended as follows:

Delete lines 71-80 and insert: coverages under certain circumstances; amending s.

Senators Deutch and Richter offered the following amendment which was moved by Senator Richter and adopted:

**Amendment 8 (389964) (with title amendment)**—Between lines 2056 and 2057 insert:

Section 8. Subsection (2) of section 627.711, Florida Statutes, is amended, and subsection (3) is added to that section, to read:

627.711 Notice of premium discounts for hurricane loss mitigation; uniform mitigation verification inspection form.—

(2) By July 1, 2007, the Financial Services Commission shall develop by rule a uniform mitigation verification inspection form that shall be used by all insurers when submitted by policyholders for the purpose of factoring discounts for wind insurance. In developing the form, the commission shall seek input from insurance, construction, and building code representatives. Further, the commission shall provide guidance as to the length of time the inspection results are valid. An insurer shall accept as valid a uniform mitigation verification form certified by the Department of Financial Services or signed by:

- (a) A hurricane mitigation inspector ~~certified employed by the an approved My Safe Florida Home program wind certification entity;~~
- (b) A building code inspector certified under s. 468.607;
- (c) A general or residential contractor licensed under s. 489.111;
- (d) A professional engineer licensed under s. 471.015 who has passed the appropriate equivalency test of the Building Code Training Program as required by s. 553.841; ~~or~~
- (e) A professional architect licensed under s. 481.213; or

(f) *Any other individual or entity recognized by the insurer as possessing the necessary qualifications to properly complete a uniform mitigation verification form.*

(3) *An individual or entity who knowingly provides or utters a false or fraudulent mitigation verification form with the intent to obtain or receive a discount on an insurance premium to which the individual or entity is not entitled commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.*

And the title is amended as follows:

Delete line 80 and insert: amount in any subsequent rate filing; amending s. 627.711, F.S.; requiring that an insurer accept as valid a uniform mitigation verification form certified by the Department of Financial Services or signed by certain individuals or entities; providing a criminal penalty for knowingly submitting a false or fraudulent mitigation form with the intent to receive an undeserved discount; amending s.

Senators Richter and Deutch offered the following amendment which was moved by Senator Richter and adopted:

**Amendment 9 (348894) (with title amendment)**—Delete lines 2104-2291.

And the title is amended as follows:

Delete lines 83-99 and insert: windstorm coverage; amending s. 631.65, F.S.;

Senator Richter moved the following amendment which was adopted:

**Amendment 10 (610272)**—Delete line 2317 and insert: *for single-family homes insured by the Citizens Property Insurance Corporation on June 1, 2009. The*

## MOTION

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

Senator Richter moved the following amendment which was adopted:

**Amendment 11 (643082)**—Delete line 1012 and insert: or unfairly discriminatory.

Senators Fasano, Crist, Storms, and Lynn offered the following amendment which was moved by Senator Fasano and failed:

**Amendment 12 (417826) (with title amendment)**—Delete lines 110-662 and insert:

Section 1. Paragraph (e) of subsection (2), paragraphs (b), (c), and (d) of subsection (4), and subsection (17) of section 215.555, Florida Statutes, are amended to read:

215.555 Florida Hurricane Catastrophe Fund.—

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

(e) “Retention” means the amount of losses below which an insurer is not entitled to reimbursement from the fund. An insurer’s retention shall be calculated as follows:

1. The board shall calculate and report to each insurer the retention multiples for that year. For the contract year beginning June 1, 2005, the

retention multiple shall be equal to \$4.5 billion divided by the total estimated reimbursement premium for the contract year; for subsequent years, the retention multiple shall be equal to \$4.5 billion, adjusted based upon the reported exposure from the prior contract year to reflect the percentage growth in exposure to the fund for covered policies since 2004, divided by the total estimated reimbursement premium for the contract year. Total reimbursement premium for purposes of the calculation under this subparagraph shall be estimated using the assumption that all insurers have selected the 90-percent coverage level. *In 2010, the contract year begins June 1 and ends December 31, 2010. In 2011 and thereafter, the contract year begins January 1 and ends December 31.*

2. The retention multiple as determined under subparagraph 1. shall be adjusted to reflect the coverage level elected by the insurer. For insurers electing the 90-percent coverage level, the adjusted retention multiple is 100 percent of the amount determined under subparagraph 1. For insurers electing the 75-percent coverage level, the retention multiple is 120 percent of the amount determined under subparagraph 1. For insurers electing the 45-percent coverage level, the adjusted retention multiple is 200 percent of the amount determined under subparagraph 1.

3. An insurer shall determine its provisional retention by multiplying its provisional reimbursement premium by the applicable adjusted retention multiple and shall determine its actual retention by multiplying its actual reimbursement premium by the applicable adjusted retention multiple.

4. For insurers who experience multiple covered events causing loss during the contract year, beginning June 1, 2005, each insurer’s full retention shall be applied to each of the covered events causing the two largest losses for that insurer. For each other covered event resulting in losses, the insurer’s retention shall be reduced to one-third of the full retention. The reimbursement contract shall provide for the reimbursement of losses for each covered event based on the full retention with adjustments made to reflect the reduced retentions *on or after* January 1 of the contract year provided the insurer reports its losses as specified in the reimbursement contract.

## (4) REIMBURSEMENT CONTRACTS.—

(b)1. The contract shall contain a promise by the board to reimburse the insurer for 45 percent, 75 percent, or 90 percent of its losses from each covered event in excess of the insurer’s retention, plus 5 percent of the reimbursed losses to cover loss adjustment expenses.

2. The insurer must elect one of the percentage coverage levels specified in this paragraph and may, upon renewal of a reimbursement contract, elect a lower percentage coverage level if no revenue bonds issued under subsection (6) after a covered event are outstanding, or elect a higher percentage coverage level, regardless of whether or not revenue bonds are outstanding. All members of an insurer group must elect the same percentage coverage level. Any joint underwriting association, risk apportionment plan, or other entity created under s. 627.351 must elect the 90-percent coverage level.

3. The contract shall provide that reimbursement amounts shall not be reduced by reinsurance paid or payable to the insurer from other sources.

4. Notwithstanding any other provision contained in this section, the board shall make available to insurers that purchased coverage provided by this subparagraph in 2008 ~~2007~~, insurers qualifying as limited apportionment companies under s. 627.351(6)(c), and insurers that have been approved to participate in the Insurance Capital Build-Up Incentive Program pursuant to s. 215.5595 a contract or contract addendum that provides an additional amount of reimbursement coverage of up to \$10 million. The premium to be charged for this additional reimbursement coverage shall be 50 percent of the additional reimbursement coverage provided, which shall include one prepaid reinstatement. The minimum retention level that an eligible participating insurer must retain associated with this additional coverage layer is 30 percent of the insurer’s surplus as of *December 31, 2008* ~~December 31, 2007~~. This coverage shall be in addition to all other coverage that may be provided under this section. The coverage provided by the fund under this subparagraph shall be in addition to the claims-paying capacity as defined in subparagraph (c)1., but only with respect to those insurers that select the additional coverage option and meet the requirements of

this subparagraph. The claims-paying capacity with respect to all other participating insurers and limited apportionment companies that do not select the additional coverage option shall be limited to their reimbursement premium's proportionate share of the actual claims-paying capacity otherwise defined in subparagraph (c)1. and as provided for under the terms of the reimbursement contract. *The optional coverage retention as specified shall be accessed before the mandatory coverage under the reimbursement contract, but once the limit of coverage selected under this option is exhausted, the insurer's retention under the mandatory coverage will apply. This coverage will apply and be paid concurrently with mandatory coverage. Coverage provided in the reimbursement contract shall not be affected by the additional premiums paid by participating insurers exercising the additional coverage option allowed in this subparagraph.* This subparagraph expires on *January 1, 2012* ~~May 31, 2009~~.

(c)1. The contract shall also provide that the obligation of the board with respect to all contracts covering a particular contract year shall not exceed the actual claims-paying capacity of the fund up to a limit of \$15 billion for that contract year adjusted based upon the reported exposure from the prior contract year to reflect the percentage growth in exposure to the fund for covered policies since 2003, provided the dollar growth in the limit may not increase in any year by an amount greater than the dollar growth of the balance of the fund as of December 31, less any premiums or interest attributable to optional coverage, as defined by rule which occurred over the prior calendar year.

2. ~~In May before the start of the upcoming contract year and in October of during the contract year, the board shall publish in the Florida Administrative Weekly a statement of the fund's estimated borrowing capacity, the fund's estimated claims-paying capacity, and the projected balance of the fund as of December 31. After the end of each calendar year, the board shall notify insurers of the estimated borrowing capacity, the fund's estimated claims-paying capacity, and the balance of the fund as of December 31 to provide insurers with data necessary to assist them in determining their retention and projected payout from the fund for loss reimbursement purposes. In conjunction with the development of the premium formula, as provided for in subsection (5), the board shall publish factors or multiples that assist insurers in determining their retention and projected payout for the next contract year. For all regulatory and reinsurance purposes, an insurer may calculate its projected payout from the fund as its share of the total fund premium for the current contract year multiplied by the sum of the projected balance of the fund as of December 31 and the estimated borrowing capacity for that contract year as reported under this subparagraph.~~

(d)1. For purposes of determining potential liability and to aid in the sound administration of the fund, the contract shall require each insurer to report such insurer's losses from each covered event on an interim basis, as directed by the board. The contract shall require the insurer to report to the board no later than December 31 of each year, and quarterly thereafter, its reimbursable losses from covered events for the year. The contract shall require the board to determine and pay, as soon as practicable after receiving these reports of reimbursable losses, the initial amount of reimbursement due and adjustments to this amount based on later loss information. The adjustments to reimbursement amounts shall require the board to pay, or the insurer to return, amounts reflecting the most recent calculation of losses.

2. In determining reimbursements pursuant to this subsection, the contract shall provide that the board shall pay to each insurer such insurer's projected payout, which is the amount of reimbursement it is owed, up to an amount equal to the insurer's share of the actual premium paid for that contract year, multiplied by the actual claims-paying capacity available for that contract year.

3. *The board may reimburse insurers for amounts up to the published factors or multiples for determining each participating insurer's retention and projected payout derived as a result of the development of the premium formula in those situations in which the total reimbursement of losses to such insurers would not exceed the estimated claims-paying capacity of the fund. Otherwise, such factors or multiples may be reduced among all insurers to reflect the estimated claims-paying capacity.*

(17) TEMPORARY INCREASE IN COVERAGE LIMIT OPTIONS.—

(a) *Findings and intent.*—

1. The Legislature finds that:

a. Because of temporary disruptions in the market for catastrophic reinsurance, many property insurers were unable to procure sufficient amounts of reinsurance for the 2006 hurricane season or were able to procure such reinsurance only by incurring substantially higher costs than in prior years.

b. The reinsurance market problems were responsible, at least in part, for substantial premium increases to many consumers and increases in the number of policies issued by Citizens Property Insurance Corporation.

c. It is likely that the reinsurance market disruptions will not significantly abate prior to the 2007 hurricane season.

2. It is the intent of the Legislature to create options for insurers to purchase a temporary increased coverage limit above the statutorily determined limit in subparagraph (4)(c)1., applicable for the 2007, 2008, ~~and 2009, 2010, 2011, 2012, and 2013~~ hurricane seasons, to address market disruptions and enable insurers, at their option, to procure additional coverage from the Florida Hurricane Catastrophe Fund.

(b) *Applicability of other provisions of this section.*—All provisions of this section and the rules adopted under this section apply to the coverage created by this subsection unless specifically superseded by provisions in this subsection.

(c) *Optional coverage.*—For the contract year commencing June 1, 2007, and ending May 31, 2008, the contract year commencing June 1, 2008, and ending May 31, 2009, and the contract year commencing June 1, 2009, and ending May 31, 2010, *the contract year commencing June 1, 2010, and ending December 31, 2010, the contract year commencing January 1, 2011, and ending December 31, 2011, the contract year commencing January 1, 2012, and ending December 31, 2012, and the contract year commencing January 1, 2013, and ending December 31, 2013,* the board shall offer, for each of such years, the optional coverage as provided in this subsection.

(d) *Additional definitions.*—As used in this subsection, the term:

1. "FHCF" means Florida Hurricane Catastrophe Fund.

2. "FHCF reimbursement premium" means the premium paid by an insurer for its coverage as a mandatory participant in the FHCF, but does not include additional premiums for optional coverages.

3. "Payout multiple" means the number or multiple created by dividing the statutorily defined claims-paying capacity as determined in subparagraph (4)(c)1. by the aggregate reimbursement premiums paid by all insurers estimated or projected as of calendar year-end.

4. "TICL" means the temporary increase in coverage limit.

5. "TICL options" means the temporary increase in coverage options created under this subsection.

6. "TICL insurer" means an insurer that has opted to obtain coverage under the TICL options addendum in addition to the coverage provided to the insurer under its FHCF reimbursement contract.

7. "TICL reimbursement premium" means the premium charged by the fund for coverage provided under the TICL option.

8. "TICL coverage multiple" means the coverage multiple when multiplied by an insurer's reimbursement premium that defines the temporary increase in coverage limit.

9. "TICL coverage" means the coverage for an insurer's losses above the insurer's statutorily determined claims-paying capacity based on the claims-paying limit in subparagraph (4)(c)1., which an insurer selects as its temporary increase in coverage from the fund under the TICL options selected. A TICL insurer's increased coverage limit options shall be calculated as follows:

a. The board shall calculate and report to each TICL insurer the TICL coverage multiples based on 12 options for increasing the insurer's FHCF coverage limit. Each TICL coverage multiple shall be calculated by dividing \$1 billion, \$2 billion, \$3 billion, \$4 billion, \$5 billion, \$6

billion, \$7 billion, \$8 billion, \$9 billion, \$10 billion, \$11 billion, or \$12 billion by the total estimated aggregate FHCF reimbursement premiums for the 2007-2008 contract year, and the 2008-2009 contract year, ~~and the 2009-2010 contract year.~~

b. For the 2009-2010 contract year, the board shall calculate and report to each TICL insurer the TICL coverage multiples based on 10 options for increasing the insurer's FHCF coverage limit. Each TICL coverage multiple shall be calculated by dividing \$1 billion, \$2 billion, \$3 billion, \$4 billion, \$5 billion, \$6 billion, \$7 billion, \$8 billion, \$9 billion, and \$10 billion by the total estimated aggregate FHCF reimbursement premiums for the 2009-2010 contract year.

c. For the contract year beginning June 1, 2010, and ending December 31, 2010, the board shall calculate and report to each TICL insurer the TICL coverage multiples based on eight options for increasing the insurer's FHCF coverage limit. Each TICL coverage multiple shall be calculated by dividing \$1 billion, \$2 billion, \$3 billion, \$4 billion, \$5 billion, \$6 billion, \$7 billion, and \$8 billion by the total estimated aggregate FHCF reimbursement premiums for the contract year.

d. For the 2011 contract year, the board shall calculate and report to each TICL insurer the TICL coverage multiples based on six options for increasing the insurer's FHCF coverage limit. Each TICL coverage multiple shall be calculated by dividing \$1 billion, \$2 billion, \$3 billion, \$4 billion, \$5 billion, and \$6 billion by the total estimated aggregate FHCF reimbursement premiums for the 2011 contract year.

e. For the 2012 contract year, the board shall calculate and report to each TICL insurer the TICL coverage multiples based on four options for increasing the insurer's FHCF coverage limit. Each TICL coverage multiple shall be calculated by dividing \$1 billion, \$2 billion, \$3 billion, and \$4 billion by the total estimated aggregate FHCF reimbursement premiums for the 2012 contract year.

f. For the 2013 contract year, the board shall calculate and report to each TICL insurer the TICL coverage multiples based on two options for increasing the insurer's FHCF coverage limit. Each TICL coverage multiple shall be calculated by dividing \$1 billion and \$2 billion by the total estimated aggregate FHCF reimbursement premiums for the 2013 contract year.

g. ~~h.~~ The TICL insurer's increased coverage shall be the FHCF reimbursement premium multiplied by the TICL coverage multiple. In order to determine an insurer's total limit of coverage, an insurer shall add its TICL coverage multiple to its payout multiple. The total shall represent a number that, when multiplied by an insurer's FHCF reimbursement premium for a given reimbursement contract year, defines an insurer's total limit of FHCF reimbursement coverage for that reimbursement contract year.

10. "TICL options addendum" means an addendum to the reimbursement contract reflecting the obligations of the fund and insurers selecting an option to increase an insurer's FHCF coverage limit.

(e) *TICL options addendum.*—

1. The TICL options addendum shall provide for reimbursement of TICL insurers for covered events occurring between June 1, 2007, and May 31, 2008, ~~and~~ between June 1, 2008, and May 31, 2009, ~~or~~ between June 1, 2009, and May 31, 2010, ~~between June 1, 2010, and December 31, 2010, between January 1, 2011, and December 31, 2011, between January 1, 2012, and December 31, 2012, or between January 1, 2013, and December 31, 2013,~~ in exchange for the TICL reimbursement premium paid into the fund under paragraph (f). Any insurer writing covered policies has the option of selecting an increased limit of coverage under the TICL options addendum and shall select such coverage at the time that it executes the FHCF reimbursement contract.

2. The TICL addendum shall contain a promise by the board to reimburse the TICL insurer for 45 percent, 75 percent, or 90 percent of its losses from each covered event in excess of the insurer's retention, plus 5 percent of the reimbursed losses to cover loss adjustment expenses. The percentage shall be the same as the coverage level selected by the insurer under paragraph (4)(b).

3. The TICL addendum shall provide that reimbursement amounts shall not be reduced by reinsurance paid or payable to the insurer from other sources.

4. The priorities, schedule, and method of reimbursements under the TICL addendum shall be the same as provided under subsection (4).

(f) *TICL reimbursement premiums.*—Each TICL insurer shall pay to the fund, in the manner and at the time provided in the reimbursement contract for payment of reimbursement premiums, a TICL reimbursement premium determined as specified in subsection (5).

(g) *Effect on claims-paying capacity of the fund.*—For the contract terms commencing June 1, 2007, June 1, 2008, ~~and~~ June 1, 2009, ~~June 1, 2010, January 1, 2011, January 1, 2012, and January 1, 2013,~~ the program created by this subsection shall increase the claims-paying capacity of the fund as provided in subparagraph (4)(c)1. by an amount not to exceed \$12 billion and shall depend on the TICL coverage options selected and the number of insurers that select the TICL optional coverage. The additional capacity shall apply only to the additional coverage provided under the TICL options and shall not otherwise affect any insurer's reimbursement from the fund if the insurer chooses not to select the temporary option to increase its limit of coverage under the FHCF.

~~(h) *Increasing the claims paying capacity of the fund.*—For the contract years commencing June 1, 2007, June 1, 2008, and June 1, 2009, the board may increase the claims paying capacity of the fund as provided in paragraph (g) by an amount not to exceed \$4 billion in four \$1 billion options and shall depend on the TICL coverage options selected and the number of insurers that select the TICL optional coverage. Each insurer's TICL premium shall be calculated based upon the additional limit of increased coverage that the insurer selects. Such limit is determined by multiplying the TICL multiple associated with one of the four options times the insurer's FHCF reimbursement premium. The reimbursement premium associated with the additional coverage provided in this paragraph shall be determined as specified in subsection (f).~~

And the title is amended as follows:

Delete lines 22-24 and insert: Hurricane Catastrophe Fund; authorizing the State

Senators Fasano, Crist, Storms, and Lynn offered the following amendment which was moved by Senator Fasano:

**Amendment 13 (878476) (with title amendment)**—Delete lines 1243-1280 and insert:

(2) WEBSITE FOR PUBLIC ACCESS TO RATE FILING INFORMATION.—

(a) With respect to any residential property rate filing ~~made on or after July 1, 2008,~~ the office shall provide the following information on a publicly accessible Internet website:

1. ~~(a)~~ The overall rate change requested by the insurer.

2. The rate change approved by the office along with all of the actuary's assumptions and recommendations forming the basis of the office's decision.

(b) For any rate filing, whether or not the filing is subject to a public hearing, the office shall provide on its website a means for any policyholder who may be affected by a proposed rate change to send an e-mail regarding the proposed rate change. Such e-mail must be accessible to the actuary assigned to review the rate filing.

~~(b) All assumptions made by the office's actuaries.~~

~~(c) A statement describing any assumptions or methods that deviate from the actuarial standards of practice of the Casualty Actuarial Society or the American Academy of Actuaries, including an explanation of the nature, rationale, and effect of the deviation.~~

~~(d) All recommendations made by any office actuary who reviewed the rate filing.~~

~~(c) Certification by the office's actuary that, based on the actuary's knowledge, his or her recommendations are consistent with accepted actuarial principles.~~

~~(f) The overall rate change approved by the office.~~

~~(3) ATTORNEY CLIENT PRIVILEGE; WORK PRODUCT. It is the intent of the Legislature that the principles of the public records and open meetings laws apply to the assertion of attorney-client privilege and work-product confidentiality by the office in connection with a challenge to its actions on a rate filing. Therefore, in any administrative or judicial proceeding relating to a rate filing, attorney-client privilege and work-product exemptions from disclosure do not apply to communications with office attorneys or records prepared by or at the direction of an office attorney, except when the conditions of paragraphs (a) and (b) have been met:~~

~~(a) The communication or record reflects a mental impression, conclusion, litigation strategy, or legal theory of the attorney or office that was prepared exclusively for civil or criminal litigation or adversarial administrative proceedings.~~

~~(b) The communication occurred or the record was prepared after the initiation of an action in a court of competent jurisdiction, after the issuance of a notice of intent to deny a rate filing, or after the filing of a request for a proceeding under ss. 120.560 and 120.57.~~

Section 5. *Section 627.0612, Florida Statutes, is repealed.*

And the title is amended as follows:

Delete lines 51-54 and insert: requiring that the Office of Insurance Regulation provide certain information regarding any residential property rate filing on a publicly accessible Internet website; requiring that the office provide a means on its website for certain persons to submit e-mail regarding any rate filing; requiring that such e-mail be accessible by the actuary assigned to review the subject rate filing; deleting a limitation on the application of the attorney-client privilege and work product doctrine in challenges to actions by the Office of Insurance Regulation relating to rate filings; repealing s. 627.0612, F.S., relating to administrative proceedings in rating determinations; amending s.

## MOTION

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

Senator Richter moved the following amendment to **Amendment 13** which was adopted:

**Amendment 13A (766210)**—Between lines 12 and 13 insert:

*3. Certification by the office's actuary that, based on the actuary's knowledge, his or her recommendations are consistent with accepted actuarial principles.*

**Amendment 13** as amended was adopted.

Senator Fasano moved the following amendment which failed:

**Amendment 14 (917884) (with title amendment)**—Delete lines 1896-1911 and insert:

4. The rate filings for the corporation which were approved by the office and which took effect January 1, 2007, are rescinded, except for those rates that were lowered. As soon as possible, the corporation shall begin using the lower rates that were in effect on December 31, 2006, and shall provide refunds to policyholders who have paid higher rates as a result of that rate filing. The rates in effect on December 31, 2006, shall remain in effect *until December 31, 2012 for the 2007-2008 calendar years* except for any rate change that results in a lower rate. The next rate change that may increase rates shall take effect pursuant to a new rate filing recommended by the corporation and established by the office, subject to the requirements of this paragraph.

5. Beginning on July 15, 2009, and each year thereafter, the corporation must make a recommended actuarially sound rate filing for each personal and commercial line of business it writes, to be effective no earlier than January 1, 2013 ~~2010~~.

And the title is amended as follows:

Delete line 63 and insert: staggered terms; extending the rate freeze imposed upon Citizens Property Insurance Corporation by a certain number of years; requiring Citizen's Property

Senators Fasano and Crist offered the following amendment which was moved by Senator Fasano and adopted:

**Amendment 15 (888982)**—Delete line 1915 and insert: *increase each year which does not exceed 5 percent for any*

Senator Baker moved the following amendment which was adopted:

**Amendment 16 (451344) (with title amendment)**—Delete lines 1971-2056 and insert:

(1) *The Legislature finds and declares that all assessments paid by an insurer or insurer group as a result of a levy by any residual market entity, including regular assessments levied on insurers by Citizens Property Insurance Corporation and any other assessments levied on insurers by an insurance risk apportionment plan or assigned risk plan under s. 627.311 or s. 627.351 constitute advances of funds from the insurer to the residual market entity, and that the insurer is entitled to fully recoup such advances. An insurer or insurer group may recoup any assessments that have been paid during or after 1995 by the insurer or insurer group to defray deficits of an insurance risk apportionment plan or assigned risk plan under ss. 627.311 and 627.351, net of any earnings returned to the insurer or insurer group by the association or plan for any year after 1993. A limited apportionment company as defined in s. 627.351(6)(c) may recoup any regular assessment that has been levied by, or paid to, Citizens Property Insurance Corporation.*

(2) *The recoupment shall be made by applying a separate recoupment assessment factor on policies of the same line or type as were considered by the residual markets in determining the assessment liability of the insurer or insurer group. An insurer or insurer group shall calculate a separate assessment factor for personal lines and commercial lines. The separate assessment factor shall provide for full recoupment of the assessments over a period of 1 year, unless the insurer or insurer group, at its option, elects to recoup the assessments over a longer period. The assessment factor expires upon collection of the full amount allowed to be recouped. Amounts recouped under this section are not subject to premium taxes, fees, or commissions.*

(3) ~~(2)~~ *The recoupment assessment factor may not be more than 3 percentage points above the ratio of the deficit assessment to the Florida direct written premium for policies for the lines or types of business as to which the assessment was calculated, as written in the year the deficit assessment was paid. If an insurer or insurer group does not fail to collect the full amount of the deficit assessment during one 12-month period, the insurer or insurer group may apply recalculated recoupment factors to policies issued or renewed during one or more succeeding 12-month periods must carry forward the amount of the deficit and adjust the deficit assessment to be recouped in a subsequent year by that amount.*

(4) ~~(3)~~ *The insurer or insurer group shall file with the office a statement for informational purposes only setting forth the amount of the recoupment assessment factor and an explanation of how the factor will be applied, at least 15 days prior to the factor being applied to any policies. The informational statement shall include documentation of the assessment paid by the insurer or insurer group and the arithmetic calculations supporting the recoupment assessment factor. The office shall complete its review within 15 days after receipt of the filing and shall limit its review to verification of the arithmetic calculations. The insurer or insurer group may use the recoupment assessment factor at any time after the expiration of the 15-day period unless the office has notified the insurer or insurer group in writing that the arithmetic calculations are incorrect. The recoupment factor shall apply to all policies described in subsection (3) that are issued or renewed by the insurer or insurer group during a 12-month period. If full recoupment requires the insurer or insurer group to apply a recoupment factor over a subsequent 12-month period, the insurer or insurer group must file a supplemental informational statement pursuant to this subsection.*

(5) *No later than 90 days after the insurer or insurer group has completed the recoupment process, it shall file with the office a final ac-*

counting report documenting the recoupment. The report shall provide the amounts of assessments paid by the insurer or insurer group, the amounts and percentages recouped by year from each affected line of business, and the direct written premium subject to recoupment by year.

(6) ~~(4)~~ The commission may adopt rules to implement this section.

And the title is amended as follows:

Delete lines 72-80 and insert: 627.3512, F.S.; providing legislative findings; providing for the recoupment of residential market assessments paid by insurers or insurer groups; limiting the amount of a recoupment factor; authorizing an insurer to apply recalculated recoupment factors to policies issued or renewed during specified periods under certain circumstances; requiring that insurers or insurer groups file a statement setting forth certain information; providing for the application of recoupment factors to certain policies upon issuance or renewal; requiring that insurers or insurer groups file a supplemental statement under certain circumstances; requiring that such entities file a final accounting report documenting certain information within a specified period after the completion of the recoupment process; requiring that such report provide certain information; amending s.

### 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:

**Amendment 17 (627632) (with title amendment)**—Between lines 966 and 967 insert:

Section 3. Subsection (13) is added to section 626.854, Florida Statutes, to read:

626.854 “Public adjuster” defined; prohibitions.—The Legislature finds that it is necessary for the protection of the public to regulate public insurance adjusters and to prevent the unauthorized practice of law.

(13) A public adjuster, public adjuster apprentice, or any person acting on behalf of a public adjuster or apprentice may not accept referrals of business from any person with whom the public adjuster conducts business if there is any form or manner of agreement to compensate the person, whether directly or indirectly, for referring business to the public adjuster. A public adjuster may not compensate any person, except for another public adjuster, whether directly or indirectly, for the principal purpose of referring business to the public adjuster.

The provisions of subsections (5)-(13) ~~subsections (5)-(12)~~ apply only to residential property insurance policies and condominium association policies as defined in s. 718.111(11).

Section 4. Subsection (7) is added to section 627.7011, Florida Statutes, to read:

627.7011 Homeowners’ policies; offer of replacement cost coverage and law and ordinance coverage.—

(7) This section does not prohibit an insurer from exercising its right to repair damaged property in compliance with its policy and s. 627.702(7).

Section 5. Subsection (1) of section 626.865, Florida Statutes, is amended to read:

626.865 Public adjuster’s qualifications, bond.—

(1) The department shall issue a license to an applicant for a public adjuster’s license upon determining that the applicant has paid the applicable fees specified in s. 624.501 and possesses the following qualifications:

(a) Is a natural person at least 18 years of age.

(b) Is a United States citizen or legal alien who possesses work authorization from the United States Bureau of Citizenship and Immigration Services and a bona fide resident of this state.

(c) Is trustworthy and has such business reputation as would reasonably assure that the applicant will conduct his or her business as insurance adjuster fairly and in good faith and without detriment to the public.

(d) Has had sufficient experience, training, or instruction concerning the adjusting of damages or losses under insurance contracts, other than life and annuity contracts, is sufficiently informed as to the terms and effects of the provisions of those types of insurance contracts, and possesses adequate knowledge of the laws of this state relating to such contracts as to enable and qualify him or her to engage in the business of insurance adjuster fairly and without injury to the public or any member thereof with whom the applicant may have business as a public adjuster.

~~(e) Has passed the required written examination.~~

Section 6. Section 626.8651, Florida Statutes, is amended to read:

626.8651 Public adjuster apprentice license; qualifications.—

(1) The department shall issue a license as a public adjuster apprentice to an applicant who is:

(a) A natural person at least 18 years of age.

(b) A United States citizen or legal alien who possesses work authorization from the United States Bureau of Citizenship and Immigration Services and is a resident of this state.

(c) Trustworthy and has such business reputation as would reasonably ensure that the applicant will conduct business as a public adjuster apprentice fairly and in good faith and without detriment to the public.

(2) All applicable license fees, as prescribed in s. 624.501, must be paid in full before issuance of the license.

(3) An applicant must pass the required written examination before a license may be issued.

(4) An applicant must have received designation as an Accredited Claims Adjuster (ACA) after completion of training that qualifies the applicant to engage in the business of a public adjuster apprentice fairly and without injury to the public. Such training and instruction must address adjusting damages and losses under insurance contracts, the terms and effects of insurance contracts, and knowledge of the laws of this state relating to insurance contracts.

(5) At the time of application for license as a public adjuster apprentice, the applicant shall file with the department a bond executed and issued by a surety insurer authorized to transact such business in this state in the amount of \$50,000, conditioned upon the faithful performance of his or her duties as a public adjuster apprentice under the license for which the applicant has applied, and thereafter maintain the bond unimpaired throughout the existence of the license and for at least 1 year after termination of the license. The bond shall be in favor of the department and shall specifically authorize recovery by the department of the damages sustained in case the licensee commits fraud or unfair practices in connection with his or her business as a public adjuster apprentice. The aggregate liability of the surety for all such damages may not exceed the amount of the bond, and the bond may not be terminated by the issuing insurer unless written notice of at least 30 days is given to the licensee and filed with the department.

(6) ~~(4)~~ A public adjuster apprentice shall complete at a minimum 100 hours of employment per month for 12 months of employment under the supervision of a licensed and appointed all-lines public adjuster in order to qualify for licensure as a public adjuster. The department may adopt rules that establish standards for such employment requirements.

(7) ~~(5)~~ An appointing public adjusting firm may not maintain more than 12 public adjuster apprentices simultaneously. However, a supervising public adjuster may not ~~shall~~ be responsible for more than 3 public adjuster apprentices simultaneously and shall be accountable for the acts of all a public adjuster apprentices ~~apprentice~~ which are related to transacting business as a public adjuster apprentice.

(8) ~~(6)~~ An apprentice license is effective for 18 months unless the license expires due to lack of maintaining an appointment; is surrendered by the licensee; is terminated, suspended, or revoked by the de-

partment; or is canceled by the department upon issuance of a public adjuster license. The department may not issue a public adjuster apprentice license to any individual who has held such a license in this state within 2 years after expiration, surrender, termination, revocation, or cancellation of the license.

(9) (7) After completing the requirements for employment as a public adjuster apprentice, the licensee may file an application for a public adjuster license. The applicant and supervising public adjuster or public adjusting firm must each file a sworn affidavit, on a form prescribed by the department, verifying that the employment of the public adjuster apprentice meets the requirements of this section.

(10) (8) In no event shall a public adjuster apprentice licensed under this section perform any of the functions for which a public adjuster's license is required after expiration of the public adjuster apprentice license without having obtained a public adjuster license.

(11) (9) A public adjuster apprentice has the same authority as the licensed public adjuster or public adjusting firm that employs the apprentice except that an apprentice may not execute contracts for the services of a public adjuster or public adjusting firm and may not solicit contracts for the services except under the direct supervision and guidance of the supervisory public adjuster. An individual may not be, act as, or hold himself or herself out to be a public adjuster apprentice unless the individual is licensed and holds a current appointment by a licensed public all-lines adjuster or a public adjusting firm that employs a licensed all-lines public adjuster.

And the title is amended as follows:

Delete line 44 and insert: the Legislative Budget Commission; amending s. 626.854, F.S.; prohibiting a public adjuster from accepting referrals for compensation from a person with whom the public adjuster conducts business; prohibiting a public adjuster from compensating a person other than a public adjuster for referrals; amending s. 627.7011, F.S.; providing that an insurer may repair damaged property in compliance with its policy; amending s. 626.865, F.S.; deleting a requirement that an applicant for a license as a public adjuster pass a written examination as a prerequisite to licensure; amending s. 626.8651, F.S.; requiring an applicant for a public adjuster apprentice license to pass a written exam and receive an Accredited Claims Adjuster designation and related training before licensure; limiting the number of public adjuster apprentices that may be maintained by a single public adjusting firm or supervised by a public adjuster; amending s.

## MOTION

On motion by Senator Villalobos, the rules were waived and time of recess was extended until 7:00 p.m.

Pursuant to Rule 4.19, **CS for CS for SB 1950** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Gardiner, by two-thirds vote **CS for CS for HB 453** was withdrawn from the Committees on Education Pre-K - 12; Finance and Tax; and Education Pre-K - 12 Appropriations; and the Policy and Steering Committee on Ways and Means.

On motion by Senator Gardiner—

**CS for CS for HB 453**—A bill to be entitled An act relating to tax credits for contributions to nonprofit scholarship-funding organizations; amending s. 220.186, F.S.; providing that the credit authorized under the Florida Tax Credit Scholarship Program does not apply to the credit for the Florida alternative minimum tax; amending s. 220.187, F.S.; defining the term “direct certification list”; expanding the Corporate Income Tax Credit Scholarship Program to include insurance premium tax credits; revising credits for contributions to nonprofit scholarship-funding organizations; providing that a taxpayer eligible to receive a credit against the insurance premium tax is not eligible to receive a credit against the corporate income tax; imposing an additional requirement on the Department of Education; specifying school district tax credit scholarship notification requirements and limitations; conforming cross-references; creating s. 624.51055, F.S.; providing for credits against the insurance premium tax for contributions to certain eligible

nonprofit scholarship-funding organizations; providing application; amending ss. 1002.20, 1002.23, 1002.39, and 1002.421, F.S.; providing conforming revisions; authorizing certain insurers that made past contributions to the Florida Tax Credit Scholarship Program to claim the credits against future corporate income tax liability; requiring the insurer to apply to the Department of Revenue for the tax credits; requiring such insurers to file amended corporate income tax and insurance premium tax returns; providing severability; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1310** and read the second time by title.

Senators Deutch, Wilson, and Rich offered the following amendments which were moved by Senator Deutch and failed:

**Amendment 1 (433976) (with title amendment)**—Delete line 65 and insert: funding organization or to a public school, earmarked to provide special assistance, tutoring, mentoring, and remediation services to eligible students meeting the criteria in subsection (3) until such students achieve grade-level performance at the public school at which they are enrolled. The taxpayer making the contribution may

And the title is amended as follows:

Delete line 8 and insert: certification list”; redefining the term “eligible contribution”; expanding the Corporate Income Tax

**Amendment 2 (759342) (with title amendment)**—Delete lines 230-234 and insert: *Notwithstanding the provisions of s. 213.053, each eligible nonprofit scholarship-funding organization shall make available to the public a list of taxpayers making an eligible contribution to the eligible nonprofit scholarship-funding organization and the amount of each eligible contribution. Any and all information and documentation provided to the Department of Education and the Auditor General relating to the identity of a taxpayer that provides an eligible contribution under this section shall remain confidential at all times in accordance with s. 213.053.*

And the title is amended as follows:

Delete line 14 and insert: against the corporate income tax; requiring that each eligible nonprofit scholarship-funding organization make available to the public a list of taxpayers who make an eligible contribution to the eligible nonprofit scholarship-funding organization and the amount of each eligible contribution; imposing an additional

**Amendment 3 (308022) (with directory and title amendments)**—Between lines 234 and 235 insert:

(7) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM PARTICIPATION.—

(e) The parent shall ensure that the student participating in the scholarship program takes the *assessment as required in this paragraph.*

1. *A student who is participating in the program must take the Florida Comprehensive Assessment Test (FCAT) in reading, writing, science, mathematics, and other content areas, as directed by the Commissioner of Education pursuant to s. 1008.22, if 33 percent or more of the students enrolled in the private school are receiving a scholarship under this section during the school year or the total scholarship funds received by the private school during the school year exceeds \$125,000, whichever is less. The parent is responsible for transporting the student to the assessment site designated by the school district.*

2. *A student who does not take the FCAT as required in subparagraph 1. must take the norm-referenced assessment offered by the private school. The parent may also choose to have the student participate in the statewide assessments pursuant to s. 1008.22. If the parent requests that the student participating in the scholarship program take statewide assessments pursuant to s. 1008.22, the parent is responsible for transporting the student to the assessment site designated by the school district.*

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

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

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

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

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

2. Annually administering or making provision for students participating in the scholarship program to take *the FCAT* or one of the nationally norm-referenced tests identified by the Department of Education. Students *having with* disabilities for whom standardized testing is not appropriate are exempt from this requirement. A participating private school must report a student's scores to the parent and to the independent research organization selected by the Department of Education as described in paragraph (9)(j).

3. Cooperating with the scholarship student whose parent chooses to have the student participate in the statewide assessments pursuant to s. 1008.22.

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

(e) *Receive a school grade pursuant to s. 1008.34 if the school has students who are required to take the FCAT under subparagraph (7)(e)1.*

The inability of a private school to meet the requirements of this subsection shall constitute a basis for the ineligibility of the private school to participate in the scholarship program as determined by the Department of Education.

And the directory clause is amended as follows:

Delete lines 44-45 and insert: subsection (5), paragraphs (b) and (i) of subsection (6), paragraph (e) of subsection (7), subsection (8), and paragraphs (a), (b), (l), and (n) of subsection (9) of section

And the title is amended as follows:

Delete line 14 and insert: against the corporate income tax; revising provisions relating to the parents' and students' responsibilities for participating in the program; requiring that a participating student who is enrolled in a private school take the Florida Comprehensive Assessment Test under certain circumstances; requiring that a student take the norm-referenced assessment offered by the private school if the student does not take the FCAT; requiring that an eligible private school receive a school grade if the school has students who are required to take the FCAT; imposing an additional

**Amendment 4 (136914) (with directory and title amendments)**—Between lines 369 and 370 insert:

(2) A private school participating in a scholarship program must be a Florida private school as defined in s. 1002.01(2), must be registered in accordance with s. 1002.42, and must:

(h) Employ or contract with teachers who hold baccalaureate or higher degrees, have at least 3 years of teaching experience in public or private schools, or have special skills, knowledge, or expertise that qualifies them to provide instruction in subjects taught. *However, a private school participating in the Corporate Income Tax Credit Scholarship Program pursuant to s. 220.187 must employ or contract with a teacher who holds a baccalaureate or higher degree and has 3 years of teaching experience or a teacher who is certified under s. 1012.56.*

And the directory clause is amended as follows:

Delete lines 358-359 and insert:

Section 7. Subsection (1) and paragraph (h) of subsection (2) of section 1002.421, Florida Statutes, are amended to read:

And the title is amended as follows:

Delete line 23 and insert: revisions; requiring that a private school participating in the Corporate Income Tax Credit Scholarship Program employ or contract with teachers having certain credentials; authorizing certain insurers that made past

Pursuant to Rule 4.19, **CS for CS for HB 453** was placed on the calendar of Bills on Third Reading.

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Consideration of **SB 234** was deferred.

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On motion by Senator Dean, by two-thirds vote **CS for CS for CS for HB 29** was withdrawn from the Committees on Criminal Justice; Judiciary; and Criminal and Civil Justice Appropriations.

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

**CS for CS for CS for HB 29**—A bill to be entitled An act relating to the unlawful use of utility services; amending s. 812.14, F.S.; providing criminal penalties for permitting a tenant or occupant to use unlawfully connected utility services; providing that such violation is a first-degree misdemeanor; providing for prima facie evidence of intent to violate such prohibition; providing that theft of utility services for the purpose of manufacturing a controlled substance is a first-degree misdemeanor; providing penalties; providing for prima facie evidence of intent to commit theft of utility services for the purpose of manufacturing a controlled substance; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 236** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for HB 29** was placed on the calendar of Bills on Third Reading.

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On motion by Senator Rich—

**CS for CS for CS for SB 448**—A bill to be entitled An act relating to sexual activities involving animals; creating s. 828.126, F.S.; providing definitions; prohibiting knowing sexual conduct or sexual contact with an animal; prohibiting specified related activities; providing penalties; providing that the act does not apply to certain husbandry, conformation judging, and veterinary practices; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for SB 448** was placed on the calendar of Bills on Third Reading.

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Consideration of **CS for CS for SB 2482** was deferred.

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On motion by Senator Dockery, by two-thirds vote **CS for HB 123** was withdrawn from the Committees on Criminal Justice; Children, Families, and Elder Affairs; and Criminal and Civil Justice Appropriations.

On motion by Senator Dockery—

**CS for HB 123**—A bill to be entitled An act relating to human smuggling; creating s. 787.07, F.S.; providing that a person commits a misdemeanor if he or she transports an individual into this state from another country and knows, or should know, that the individual is illegally entering the United States; providing criminal penalties; providing an effective date.

—a companion measure, was substituted for **CS for SB 502** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 123** was placed on the calendar of Bills on Third Reading.

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On motion by Senator Lynn—

**CS for CS for SB 526**—A bill to be entitled An act relating to court costs; amending s. 938.10, F.S.; expanding the list of provisions of law for which a court is required to impose an additional court cost for certain pleadings or findings relating to offenses against a minor and certain other offenses; increasing the amount of the court cost; providing an effective date.

—was read the second time by title.

#### MOTION

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

Senator Lynn moved the following amendment which was adopted:

**Amendment 1 (118632) (with directory and title amendments)**—Between lines 25 and 26 insert:

(2) Each month the clerk of the court shall transfer \$50 from the proceeds of the court cost, ~~less \$1 from each sum collected which the clerk shall retain as a service charge,~~ to the Department of Revenue for deposit into the Department of Children and Family Services' Grants and Donations Trust Fund for disbursement to the Office of the Statewide Guardian Ad Litem and \$100 to the Department of Revenue for deposit into the Department of Children and Family Services Grants and Donations Trust Fund for disbursement to the Florida Network of Children's Advocacy Centers, Inc., for the purpose of funding children's advocacy centers that are members of the network. *The clerk shall retain \$1 from each sum collected as a service charge.*

And the directory clause is amended as follows:

Delete line 12 and insert:

Section 1. Section 938.10, Florida

And the title is amended as follows:

Delete line 8 and insert: providing for distribution of a portion of the court costs to the Office of the Statewide Guardian Ad Litem and the Florida Network of Children's Advocacy Centers, Inc.; providing an effective date.

Pursuant to Rule 4.19, **CS for CS for SB 526** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

**CS for CS for SB 622**—A bill to be entitled An act relating to community college student fees; amending s. 1009.23, F.S.; authorizing community college boards of trustees to establish a transportation access fee; limiting the amount of the fee; providing a timeframe for a fee increase and implementation of an increase; prohibiting the inclusion of the fee in calculating the amount a student receives under Florida Bright Futures Scholarship Program awards; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 622** to **CS for HB 739**.

Pending further consideration of **CS for CS for SB 622** as amended, on motion by Senator Oelrich, by two-thirds vote **CS for HB 739** was withdrawn from the Committees on Higher Education; and Higher Education Appropriations.

On motion by Senator Oelrich—

**CS for HB 739**—A bill to be entitled An act relating to community college student fees; amending s. 1009.23, F.S.; authorizing community college boards of trustees to establish a transportation access fee; limiting the amount of the fee; providing a timeframe for a fee increase and implementation of an increase; prohibiting the inclusion of the fee in calculating the amount a student receives under Florida Bright Futures Scholarship Program awards; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 622** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 739** was placed on the calendar of Bills on Third Reading.

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Consideration of **SB 2058** was deferred.

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On motion by Senator Rich—

**CS for CS for CS for SB 1128**—A bill to be entitled An act relating to the education for children in shelter care or foster care and exceptional students; amending s. 39.0016, F.S.; defining the term "surrogate parent"; providing legislative intent; providing conditions for the district superintendent or court to appoint a surrogate parent for purposes of educational decisionmaking for a child who has or is suspected of having a disability; amending s. 39.202, F.S.; providing for access to certain records to liaisons between school districts and the Department of Children and Family Services; amending s. 39.402, F.S.; requiring access to a child's medical records and educational records if a child is placed in a shelter; amending s. 39.701, F.S.; requiring the court and citizen review panel in judicial reviews to consider testimony by a surrogate parent for educational decisionmaking; providing for additional deliberations relating to appointment of an educational decisionmaker; requiring certain documentation relating to the educational setting; amending s. 1003.21, F.S.; providing access to free public education for children known to the department; authorizing a temporary exemption relating to school attendance; amending s. 1003.22, F.S.; authorizing a temporary exemption from school-entry health examinations for children known to the department; amending s. 1003.57, F.S.; providing definitions; requiring the Department of Children and Family Services, the Agency for Health Care Administration, and residential facilities licensed by the Agency for Persons with Disabilities to notify certain school districts following the placement of an exceptional student in a private residential care facility; requiring review of the student's individual educational plan; providing for determining responsibility for educational instruction; requiring the school district to report the student for funding purposes; requiring the Department of Education, in consultation with specified agencies, to develop procedures for the placement of students in residential care facilities; requiring the State Board of Education to adopt rules; requiring a cooperative agreement between the Department of Education and agencies, to be executed on or before January 1, 2010; prescribing conditions and requirements for the agreement; providing an effective date.

—was read the second time by title.

#### MOTION

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

Senator Rich moved the following amendment which was adopted:

**Amendment 1 (508980) (with title amendment)**—Delete lines 218-529 and insert:

(b)1. *Each district school superintendent or dependency court must appoint a surrogate parent for a child known to the department who has or is suspected of having a disability, as defined in s. 1003.01(3), when:*

a. *After reasonable efforts, no parent can be located; or*

b. *A court of competent jurisdiction over a child under this chapter has determined that no person has the authority under the Individuals with Disabilities Education Act, including the parent or parents subject to the dependency action, or that no person has the authority, willingness, or ability to serve as the educational decisionmaker for the child without judicial action.*

2. *A surrogate parent appointed by the district school superintendent or the court must be at least 18 years old and have no personal or professional interest that conflicts with the interests of the student to be represented. Neither the district school superintendent nor the court may appoint an employee of the Department of Education, the local school district, a community-based care provider, the Department of Children*

and Family Services, or any other public or private agency involved in the education or care of the child as appointment of those persons is prohibited by federal law. This prohibition includes group home staff and therapeutic foster parents. However, a person who acts in a parental role to a child, such as a foster parent or relative caregiver, is not prohibited from serving as a surrogate parent if he or she is employed by such agency, willing to serve, and knowledgeable about the child and the exceptional student education process. The surrogate parent may be a court-appointed guardian ad litem or a relative or nonrelative adult who is involved in the child's life regardless of whether that person has physical custody of the child. Each person appointed as a surrogate parent must have the knowledge and skills acquired by successfully completing training using materials developed and approved by the Department of Education to ensure adequate representation of the child.

3. If a guardian ad litem has been appointed for a child, the district school superintendent must first consider the child's guardian ad litem when appointing a surrogate parent. The district school superintendent must accept the appointment of the court if he or she has not previously appointed a surrogate parent. Similarly, the court must accept a surrogate parent duly appointed by a district school superintendent.

4. A surrogate parent appointed by the district school superintendent or the court must be accepted by any subsequent school or school district without regard to where the child is receiving residential care so that a single surrogate parent can follow the education of the child during his or her entire time in state custody. Nothing in this paragraph or in rule shall limit or prohibit the continuance of a surrogate parent appointment when the responsibility for the student's educational placement moves among and between public and private agencies.

5. For a child known to the department, the responsibility to appoint a surrogate parent resides with both the district school superintendent and the court with jurisdiction over the child. If the court elects to appoint a surrogate parent, notice shall be provided as soon as practicable to the child's school. At any time the court determines that it is in the best interests of a child to remove a surrogate parent, the court may appoint a new surrogate parent for educational decisionmaking purposes for that child.

6. The surrogate parent shall continue in the appointed role until one of the following occurs:

a. The child is determined to no longer be eligible or in need of special programs, except when termination of special programs is being contested.

b. The child achieves permanency through adoption or legal guardianship and is no longer in the custody of the department.

c. The parent who was previously unknown becomes known, whose whereabouts were unknown is located, or who was unavailable is determined by the court to be available.

d. The appointed surrogate no longer wishes to represent the child or is unable to represent the child.

e. The superintendent of the school district in which the child is attending school, the Department of Education contract designee, or the court that appointed the surrogate determines that the appointed surrogate parent no longer adequately represents the child.

f. The child moves to a geographic location that is not reasonably accessible to the appointed surrogate.

7. The appointment and termination of appointment of a surrogate under this paragraph shall be entered as an order of the court with a copy of the order provided to the child's school as soon as practicable.

8. The person appointed as a surrogate parent under this paragraph must:

a. Be acquainted with the child and become knowledgeable about his or her disability and educational needs.

b. Represent the child in all matters relating to identification, evaluation, and educational placement and the provision of a free and appropriate education to the child.

c. Represent the interests and safeguard the rights of the child in educational decisions that affect the child.

9. The responsibilities of the person appointed as a surrogate parent shall not extend to the care, maintenance, custody, residential placement, or any other area not specifically related to the education of the child, unless the same person is appointed by the court for such other purposes.

10. A person appointed as a surrogate parent shall enjoy all of the procedural safeguards afforded a parent with respect to the identification, evaluation, and educational placement of a student with a disability or a student who is suspected of having a disability.

11. A person appointed as a surrogate parent shall not be held liable for actions taken in good faith on behalf of the student in protecting the special education rights of the child.

(4) ~~(5)~~ TRAINING.—The department shall incorporate an education component into all training programs of the department regarding children known to the department. Such training shall be coordinated with the Department of Education and the local school districts. The department shall offer opportunities for education personnel to participate in such training. Such coordination shall include, but not be limited to, notice of training sessions, opportunities to purchase training materials, proposals to avoid duplication of services by offering joint training, and incorporation of materials available from the Department of Education and local school districts into the department training when appropriate. The department training components shall include:

(a) Training for surrogate parents to include how an ability to learn of a child known to the department is affected by abuse, abandonment, neglect, and removal from the home.

(b) Training for parents in cases in which reunification is the goal, or for preadoptive parents when adoption is the goal, so that such parents learn how to access the services the child known to the department needs and the importance of their involvement in the education of the child known to the department.

(c) Training for caseworkers and foster parents to include information on the right of the child known to the department to an education, the role of an education in the development and adjustment of a child known to the department, the proper ways to access education and related services for the child known to the department, and the importance and strategies for parental involvement in education for the success of the child known to the department.

(d) Training of caseworkers regarding the services and information available through the Department of Education and local school districts, including, but not limited to, the current Sunshine State Standards, the Surrogate Parent Training Manual, and other resources accessible through the Department of Education or local school districts to facilitate educational access for a child known to the department.

Section 2. Paragraph (p) of subsection (2) of section 39.202, Florida Statutes, is amended to read:

39.202 Confidentiality of reports and records in cases of child abuse or neglect.—

(2) Except as provided in subsection (4), access to such records, excluding the name of the reporter which shall be released only as provided in subsection (5), shall be granted only to the following persons, officials, and agencies:

(p) An employee of the local school district who is designated as a liaison between the school district and the department pursuant to an interagency agreement required under s. 39.0016 and the principal of a public school, private school, or charter school where the child is a student. Information contained in the records which the liaison or the principal determines are necessary for a school employee to effectively provide a student with educational services may be released to that employee.

Section 3. Subsection (11) of section 39.402, Florida Statutes, is amended to read:

39.402 Placement in a shelter.—

(11)(a) If a child is placed in a shelter pursuant to a court order following a shelter hearing, the court shall require in the shelter hearing order that the parents of the child, or the guardian of the child's estate, if possessed of assets which under law may be disbursed for the care, support, and maintenance of the child, to pay, to the department or institution having custody of the child, fees as established by the department. When the order affects the guardianship estate, a certified copy of the order shall be delivered to the judge having jurisdiction of the guardianship estate. The shelter order shall also require the parents to provide to the department and any other state agency or party designated by the court, within 28 days after entry of the shelter order, the financial information necessary to accurately calculate child support pursuant to s. 61.30.

(b) *The court shall request that the parents consent to provide access to the child's medical records and provide information to the court, the department or its contract agencies, and any guardian ad litem or attorney for the child. If a parent is unavailable or unable to consent or withholds consent and the court determines access to the records and information is necessary to provide services to the child, the court shall issue an order granting access. The court may also order the parents to* ~~The parent or legal guardian shall~~ provide all known medical information to the department and to any others granted access under this subsection.

(c) *The court shall request that the parents consent to provide access to the child's educational records and provide information to the court, the department or its contract agencies, and any guardian ad litem or attorney for the child. If a parent is unavailable or unable to consent or withholds consent and the court determines access to the records and information is necessary to provide services to the child, the court shall issue an order granting access.*

(d) *The court may appoint a surrogate parent or may refer the child to the district school superintendent for appointment of a surrogate parent if the child has or is suspected of having a disability and the parent is unavailable pursuant to s. 39.0016(3)(b).*

Section 4. Subsection (8) of section 39.701, Florida Statutes, is amended to read:

39.701 Judicial review.—

(8) The court and any citizen review panel shall take into consideration the information contained in the social services study and investigation and all medical, psychological, and educational records that support the terms of the case plan; testimony by the social services agency, the parent, the foster parent or legal custodian, the guardian ad litem or surrogate parent for educational decisionmaking if one has been appointed for the child, and any other person deemed appropriate; and any relevant and material evidence submitted to the court, including written and oral reports to the extent of their probative value. These reports and evidence may be received by the court in its effort to determine the action to be taken with regard to the child and may be relied upon to the extent of their probative value, even though not competent in an adjudicatory hearing. In its deliberations, the court and any citizen review panel shall seek to determine:

(a) If the parent was advised of the right to receive assistance from any person or social service agency in the preparation of the case plan.

(b) If the parent has been advised of the right to have counsel present at the judicial review or citizen review hearings. If not so advised, the court or citizen review panel shall advise the parent of such right.

(c) If a guardian ad litem needs to be appointed for the child in a case in which a guardian ad litem has not previously been appointed or if there is a need to continue a guardian ad litem in a case in which a guardian ad litem has been appointed.

(d) *Who holds the rights to make educational decisions for the child. If appropriate, the court may refer the child to the district school superintendent for appointment of a surrogate parent or may itself appoint a surrogate parent under the Individuals with Disabilities Education Act and s. 39.0016.*

(e) ~~(d)~~ The compliance or lack of compliance of all parties with applicable items of the case plan, including the parents' compliance with child support orders.

(f) ~~(e)~~ The compliance or lack of compliance with a visitation contract between the parent and the social service agency for contact with the child, including the frequency, duration, and results of the parent-child visitation and the reason for any noncompliance.

(g) ~~(f)~~ The compliance or lack of compliance of the parent in meeting specified financial obligations pertaining to the care of the child, including the reason for failure to comply if such is the case.

(h) ~~(g)~~ Whether the child is receiving safe and proper care according to s. 39.6012, including, but not limited to, the appropriateness of the child's current placement, including whether the child is in a setting that is as family-like and as close to the parent's home as possible, consistent with the child's best interests and special needs, and including maintaining stability in the child's educational placement, as documented by assurances from the community-based care provider that:

1. *The placement of the child takes into account the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement.*

2. *The community-based care agency has coordinated with appropriate local educational agencies to ensure that the child remains in the school in which the child is enrolled at the time of placement.*

(i) ~~(h)~~ A projected date likely for the child's return home or other permanent placement.

(j) ~~(i)~~ When appropriate, the basis for the unwillingness or inability of the parent to become a party to a case plan. The court and the citizen review panel shall determine if the efforts of the social service agency to secure party participation in a case plan were sufficient.

(k) ~~(j)~~ For a child who has reached 13 years of age but is not yet 18 years of age, the adequacy of the child's preparation for adulthood and independent living.

(l) ~~(k)~~ If amendments to the case plan are required. Amendments to the case plan must be made under s. 39.6013.

Section 5. Paragraph (f) of subsection (1) and paragraph (g) of subsection (4) of section 1003.21, Florida Statutes, are amended to read:

1003.21 School attendance.—

(1)

(f) Homeless children, as defined in s. 1003.01, *and children who are known to the department, as defined in s. 39.0016*, must have access to a free public education and must be admitted to school in the school district in which they or their families live. School districts shall assist homeless children *and children who are known to the department* to meet the requirements of subsection (4) and s. 1003.22, as well as local requirements for documentation.

(4) Before admitting a child to kindergarten, the principal shall require evidence that the child has attained the age at which he or she should be admitted in accordance with the provisions of subparagraph (1)(a)2. The district school superintendent may require evidence of the age of any child whom he or she believes to be within the limits of compulsory attendance as provided for by law. If the first prescribed evidence is not available, the next evidence obtainable in the order set forth below shall be accepted:

(g) If none of these evidences can be produced, an affidavit of age sworn to by the parent, accompanied by a certificate of age signed by a public health officer or by a public school physician, or, if neither of these is available in the county, by a licensed practicing physician designated by the district school board, which certificate states that the health officer or physician has examined the child and believes that the age as stated in the affidavit is substantially correct. A-homeless child, as defined in s. 1003.01, *and a child who is known to the department, as defined in s. 39.0016*, shall be given temporary exemption from this section for 30 school days.

Section 6. Subsection (1) and paragraph (e) of subsection (5) of section 1003.22, Florida Statutes, are amended to read:

1003.22 School-entry health examinations; immunization against communicable diseases; exemptions; duties of Department of Health.—

(1) Each district school board and the governing authority of each private school shall require that each child who is entitled to admittance to kindergarten, or is entitled to any other initial entrance into a public or private school in this state, present a certification of a school-entry health examination performed within 1 year prior to enrollment in school. Each district school board, and the governing authority of each private school, may establish a policy that permits a student up to 30 school days to present a certification of a school-entry health examination. A homeless child, as defined in s. 1003.01, and a child who is known to the department, as defined in s. 39.0016, shall be given a temporary exemption for 30 school days. Any district school board that establishes such a policy shall include provisions in its local school health services plan to assist students in obtaining the health examinations. However, any child shall be exempt from the requirement of a health examination upon written request of the parent of the child stating objections to the examination on religious grounds.

(5) The provisions of this section shall not apply if:

(e) An authorized school official issues a temporary exemption, for a period not to exceed 30 school days, to permit a student who transfers into a new county to attend class until his or her records can be obtained. A homeless child, as defined in s. 1003.01, and a child who is known to the department, as defined in s. 39.0016, shall be given a temporary exemption for 30 school days. The public school health nurse or authorized private school official is responsible for followup of each such student until proper documentation or immunizations are obtained. An exemption for 30 days may be issued for a student who enters a juvenile justice program to permit the student to attend class until his or her records can be obtained or until the immunizations can be obtained. An authorized juvenile justice official is responsible for followup of each student who enters a juvenile justice program until proper documentation or immunizations are obtained.

Section 7. Subsections (3) and (4) are added to section 1003.57, Florida Statutes, to read:

1003.57 Exceptional students instruction.—

(3)(a) For purposes of this subsection and subsection (4), the term:

1. “Agency” means the Department of Children and Family Services or its contracted lead agency, the Agency for Persons with Disabilities, and the Agency for Health Care Administration.

2. “Exceptional student” means an exceptional student, as defined in s. 1003.01, who has a disability.

3. “Receiving school district” means the district in which a private residential care facility is located.

4. “Placement” means the funding or arrangement of funding by an agency for all or a part of the cost for an exceptional student to reside in a private residential care facility and the placement crosses school district lines.

(b) Within 10 business days after an exceptional student is placed in a private residential care facility by an agency, the agency or private residential care facility licensed by the agency, as appropriate, shall provide written notification of the placement to the school district where the student is currently counted for funding purposes under s. 1011.62 and the receiving school district. The exceptional student shall be enrolled in school and receive a free and appropriate public education, special education, and related services while the notice and procedures regarding payment are pending. This paragraph applies when the placement is for the primary purpose of addressing residential or other noneducational needs and the placement crosses school district lines.

And the title is amended as follows:

Delete lines 6-34 and insert: providing conditions and requirements for district school superintendent or court appointment of a surrogate parent for educational decisionmaking for a child who has or is suspected

of having a disability; providing requirements for educational placement; providing requirements relating to qualifications and responsibilities of surrogate parents; limiting liability; amending s. 39.202, F.S.; providing for access to certain records to liaisons between school districts and the Department of Children and Family Services; amending s. 39.402, F.S.; requiring access to a child’s medical records and educational records if a child is placed in a shelter; authorizing appointment of a surrogate parent; amending s. 39.701, F.S.; requiring the court and citizen review panel in judicial reviews to consider testimony by a surrogate parent for educational decisionmaking; providing for additional deliberations relating to appointment of an educational decisionmaker; requiring certain documentation relating to the educational setting; amending s. 1003.21, F.S.; providing access to free public education for children known to the department; authorizing a temporary exemption relating to school attendance; amending s. 1003.22, F.S.; authorizing a temporary exemption from school-entry health examinations for children known to the department; amending s. 1003.57, F.S.; providing definitions; requiring the Department of Children and Family Services, the Agency for Health Care Administration, and residential facilities licensed by the Agency for Persons with Disabilities to notify certain school districts following the placement of an exceptional student in a private residential care facility; requiring that an exceptional student be enrolled in school;

Pursuant to Rule 4.19, **CS for CS for CS for SB 1128** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Crist, by two-thirds vote **CS for HB 177** was withdrawn from the Committees on Judiciary; and Criminal and Civil Justice Appropriations.

On motion by Senator Crist—

**CS for HB 177**—A bill to be entitled An act relating to firearms transactions; amending s. 790.335, F.S.; clarifying that violations of provisions prohibiting keeping any list, record, or registry of privately owned firearms or any list, record, or registry of the owners of those firearms may be committed by entities as well as individuals; requiring that secondhand dealers and pawnbrokers who electronically submit certain firearm transaction records to law enforcement agencies submit certain specified information in Florida Crime Information Center coding; providing an effective date.

—a companion measure, was substituted for **CS for SB 1340** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 177** was placed on the calendar of Bills on Third Reading.

**CS for SB 1880**—A bill to be entitled An act relating to breast cancer detection and screening; creating s. 381.932, F.S.; providing definitions; establishing a breast cancer early detection and treatment referral program within the Department of Health; providing purposes of the program; requiring the department to provide information regarding breast cancer and referrals for screening and treatment; requiring the State Surgeon General to submit a report to the Legislature; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 1880** to **CS for HB 1269**.

Pending further consideration of **CS for SB 1880** as amended, on motion by Senator Peaden, by two-thirds vote **CS for HB 1269** was withdrawn from the Committees on Health Regulation; and Health and Human Services Appropriations.

On motion by Senator Peaden—

**CS for HB 1269**—A bill to be entitled An act relating to breast cancer detection and screening; creating s. 381.932, F.S.; providing definitions; establishing a breast cancer early detection and treatment referral program within the Department of Health; providing purposes of the program; requiring the department to provide information regarding breast cancer and referrals for screening and treatment; requiring the

State Surgeon General to submit a report to the Legislature; providing an effective date.

—a companion measure, was substituted for **CS for SB 1880** as amended and read the second time by title.

#### MOTION

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

Senator Joyner moved the following amendment which was adopted:

**Amendment 1 (407392) (with title amendment)**—Delete line 70 and insert:

Section 2. Effective January 1, 2010, subsections (1) and (2) and paragraph (a) of subsection (4) of section 627.64171, Florida Statutes, are amended to read:

627.64171 Coverage for length of stay and outpatient postsurgical care.—

(1) Any health insurance policy that is issued, amended, delivered, or renewed in this state which provides coverage for breast cancer treatment may not limit inpatient hospital coverage for *lymph node dissections* or mastectomies to any period that is less than that determined by the treating physician to be medically necessary in accordance with prevailing medical standards and after consultation with the insured patient.

(2) Any health insurance policy that provides coverage for *lymph node dissections* or mastectomies under subsection (1) must also provide coverage for outpatient postsurgical followup care in keeping with prevailing medical standards by a licensed health care professional qualified to provide postsurgical *lymph node dissection* or mastectomy care. The treating physician, after consultation with the insured patient, may choose that the outpatient care be provided at the most medically appropriate setting, which may include the hospital, treating physician's office, outpatient center, or home of the insured patient.

(4)(a) This section does not require an insured patient to have a *lymph node dissection* or ~~the~~ mastectomy in the hospital or stay in the hospital for a fixed period of time following the *lymph node dissection* or mastectomy.

Section 3. Effective January 1, 2010, subsections (1) and (2) and paragraph (a) of subsection (4) of section 627.66121, Florida Statutes, are amended to read:

627.66121 Coverage for length of stay and outpatient postsurgical care.—

(1) Any group, blanket, or franchise accident or health insurance policy that is issued, amended, delivered, or renewed in this state which provides coverage for breast cancer treatment may not limit inpatient hospital coverage for *lymph node dissections* or mastectomies to any period that is less than that determined by the treating physician to be medically necessary in accordance with prevailing medical standards and after consultation with the insured patient.

(2) Any group, blanket, or franchise accident or health insurance policy that provides coverage for *lymph node dissections* or mastectomies under subsection (1) must also provide coverage for outpatient postsurgical followup care in keeping with prevailing medical standards by a licensed health care professional qualified to provide postsurgical *lymph node dissection* or mastectomy care. The treating physician, after consultation with the insured patient, may choose that the outpatient care be provided at the most medically appropriate setting, which may include the hospital, treating physician's office, outpatient center, or home of the insured patient.

(4)(a) This section does not require an insured patient to have a *lymph node dissection* or ~~the~~ mastectomy in the hospital or stay in the hospital for a fixed period of time following the *lymph node dissection* or mastectomy.

Section 4. Effective January 1, 2010, paragraphs (a) and (c) of subsection (31) of section 641.31, Florida Statutes, are amended to read:

641.31 Health maintenance contracts.—

(31)(a) Health maintenance contracts that provide coverage, benefits, or services for breast cancer treatment may not limit inpatient hospital coverage for *lymph node dissections* or mastectomies to any period that is less than that determined by the treating physician under contract with the health maintenance organization to be medically necessary in accordance with prevailing medical standards and after consultation with the covered patient. Such contract must also provide coverage for outpatient postsurgical followup care in keeping with prevailing medical standards by a licensed health care professional under contract with the health maintenance organization qualified to provide postsurgical *lymph node dissection* or mastectomy care. The treating physician under contract with the health maintenance organization, after consultation with the covered patient, may choose that the outpatient care be provided at the most medically appropriate setting, which may include the hospital, treating physician's office, outpatient center, or home of the covered patient.

(c)1. This subsection does not require a covered patient to have a *lymph node dissection* or ~~the~~ mastectomy in the hospital or stay in the hospital for a fixed period of time following the *lymph node dissection* or mastectomy.

2. This subsection does not prevent a contract from imposing deductibles, coinsurance, or other cost sharing in relation to benefits pursuant to this subsection, except that such cost sharing shall not exceed cost sharing with other benefits.

Section 5. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2009.

And the title is amended as follows:

Delete lines 2-10 and insert: An act relating to breast cancer treatment; creating s. 381.932, F.S.; providing definitions; establishing a breast cancer early detection and treatment referral program within the Department of Health; providing purposes of the program; requiring the department to provide information regarding breast cancer and referrals for screening and treatment; requiring the State Surgeon General to submit a report to the Legislature; amending ss. 627.64171, 627.66121, and 641.31, F.S.; including lymph node dissections under provisions prescribing the length of hospital stay relating to a mastectomy and the outpatient postsurgical followup care that specified health insurers and health maintenance organizations must cover; limiting application; providing effective dates.

Pursuant to Rule 4.19, **CS for HB 1269** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Haridopolos, by two-thirds vote **CS for CS for HB 1209** was withdrawn from the Committees on Health Regulation; Higher Education Appropriations; and Health and Human Services Appropriations.

On motion by Senator Haridopolos—

**CS for CS for HB 1209**—A bill to be entitled An act relating to nursing programs; amending s. 464.003, F.S.; revising the definition of the term "approved program" and defining terms for purposes of the Nurse Practice Act; amending s. 464.019, F.S.; revising provisions for the approval of nursing programs by the Board of Nursing; requiring institutions wishing to conduct certain nursing programs to submit a program application and pay a program review fee to the Department of Health; specifying that a program application is deemed approved if the board does not act within specified timeframes; providing application requirements and procedures; providing standards for the approval of nursing programs; specifying that, upon the board's approval of a program application, the program becomes an approved program; providing that programs provisionally approved by the board, and certain programs on probationary status, as of a specified date are approved programs under the act; providing that certain programs on probationary status as of a specified date remain on probationary status; requiring such programs on probationary status to comply within a specified period with a requirement related to program graduate passage rates; requiring the board to terminate programs that do not comply; requiring approved programs to annually submit a report; specifying contents of

annual reports; providing for denial of program applications; providing procedures for processing incomplete program applications; requiring the board to provide a notice of intent to deny a program application that does not document compliance with certain standards; authorizing an administrative hearing for review of a notice of intent to deny an application; requiring the board to publish on its Internet website certain data about nursing programs; requiring that a nursing program be placed on probation under certain circumstances; requiring programs placed on probation to disclose certain information to students and applicants; requiring the board to terminate a nursing program under certain circumstances; requiring a nursing program that closes to notify the board of certain information; specifying that the board, with certain exceptions, does not have rulemaking authority to administer the act; specifying that the board may not impose any condition or requirement on program approval or retention except as expressly provided in the act; requiring the board to repeal certain rules in existence as of a specified date; requiring the Florida Center for Nursing and the Office of Program Policy Analysis and Government Accountability to conduct studies and submit reports to the Governor and Legislature; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2284** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 1209** was placed on the calendar of Bills on Third Reading.

On motion by Senator Storms—

**CS for CS for CS for SB 2404**—A bill to be entitled An act relating to adult protective services; amending s. 415.101, F.S.; revising terminology; amending s. 415.102, F.S.; defining the term “activities of daily living” and revising the term “vulnerable adult”; conforming a cross-reference; amending s. 415.103, F.S.; requiring that the central abuse hotline, which is maintained by the Department of Children and Family Services, immediately transfer reports relating to vulnerable adults to the appropriate county sheriff’s office; amending s. 415.1051, F.S.; authorizing the department to file a petition to determine incapacity; prohibiting the department from acting as guardian or providing legal counsel to the guardian; amending s. 322.142, F.S.; providing a cross-reference to authorize the release of certain records for purposes of protective investigations; amending ss. 943.0585 and 943.059, F.S.; conforming cross-references; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for SB 2404** was placed on the calendar of Bills on Third Reading.

On motion by Senator Detert, by two-thirds vote **HB 7117** was withdrawn from the Committees on Education Pre-K - 12; Governmental Oversight and Accountability; and Education Pre-K - 12 Appropriations.

On motion by Senator Detert—

**HB 7117**—A bill to be entitled An act relating to student records; amending s. 1002.21, F.S.; deleting provisions relating to the rights parents have regarding their children’s postsecondary student records to conform to changes made by the act; amending s. 1002.22, F.S.; deleting certain provisions governing the release of K-12 student records and reports to specified parties; deleting definitions; defining the terms “agency” and “institution”; requiring that the State Board of Education comply with federal law with respect to the release of education records; requiring that the State Board of Education adopt rules; creating s. 1002.225, F.S.; defining the term “education records” for purposes of records of students in public postsecondary educational institutions; requiring that a public postsecondary educational institution comply with federal law; authorizing such institution to charge a fee for furnishing copies of education records; prohibiting an institution from charging a fee that exceeds the actual cost incurred by the institution for producing such copies; prohibiting the institution from including the costs of searching for or retrieving the records in the fee; providing an aggrieved student with the right to bring an action in court; providing for the award of attorney’s fees and court costs; amending ss. 220.187, 1002.39, 1003.451, and 1009.94, F.S.; conforming cross-references; providing an effective date.

—a companion measure, was substituted for **CS for SB 2426** and read the second time by title.

Pursuant to Rule 4.19, **HB 7117** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 2614** was deferred.

**CS for CS for CS for CS for SB 1276**—A bill to be entitled An act relating to care of children; creating the “Zahid Jones, Jr., Give Grandparents and Other Relatives a Voice Act”; amending s. 39.201, F.S.; providing for the Department of Children and Family Services to analyze certain unaccepted reports to the central abuse hotline; amending s. 39.202, F.S.; expanding access to certain confidential reports of child abuse or neglect to include physicians, psychologists, and mental health professionals; amending s. 39.301, F.S.; requiring information to be provided to a reporter; authorizing the submission of a written report; providing conditions for a relative to be a collateral contact in certain child protective investigations; providing for a relative to request notice of proceedings and hearings relating to protective investigations under certain circumstances; specifying content of the request; providing that the failure to provide notice to a relative does not undo any previous action of the court absent a finding that a change is in the child’s best interests; conforming cross-references; amending s. 39.304, F.S.; providing for preservation in department records of certain photographs and X rays and reports on medical examinations and treatments of an abused child; amending s. 39.402, F.S.; requiring notification of certain relatives in an order for placement of a child in shelter care of their right to attend hearings, submit reports to the court, and speak to the court; amending s. 39.502, F.S.; providing for certain relatives to receive notice of dependency hearings under certain circumstances; providing an opportunity for certain relatives to be heard in court; providing an exception; amending s. 39.506, F.S.; providing for certain relatives to receive notice of arraignment hearings under certain circumstances; amending s. 39.5085, F.S.; revising legislative intent with regard to the Relative Caregiver Program; authorizing the department to develop liaison functions for certain relatives; amending s. 39.6011, F.S.; requiring a case plan for a child receiving services from the department to include a protocol for notification of certain relatives of proceedings and hearings; amending s. 39.6013, F.S.; conforming a cross-reference; amending s. 39.701, F.S.; requiring an attorney for the department to provide notice to certain relatives of the child regarding upcoming judicial hearings; conforming cross-references; amending s. 39.823, F.S.; conforming a cross-reference; amending s. 683.10, F.S.; designating the first Sunday after Labor Day as “Grandparents’ and Family Caregivers’ Day”; authorizing the Governor to issue proclamations commemorating the occasion; amending s. 409.147, F.S.; renaming “children’s zones” as “children’s cooperatives”; revising legislative findings and intent; requiring the governing body to establish a children’s cooperative planning team and to develop and adopt a strategic community plan; revising provisions relating to the powers and responsibilities of the cooperative planning team; revising provisions relating to the strategic community plan; revising requirement provisions relating to the children’s cooperative corporation; changing the name of the Magic City Children’s Zone, Inc., to the Miami Children’s Cooperative, Inc.; providing for the corporation to be administratively housed within the Department of Children and Family Services, but not to be subject to control, supervision, or direction by the department; providing for the department to enter into a contract with a not-for-profit corporation to implement the children’s cooperative project; deleting provisions relating to the geographic boundaries and the board of directors; providing for the reappropriation of funds; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for CS for CS for SB 1276** to **HB 381**.

#### SENATOR VILLALOBOS PRESIDING

Pending further consideration of **CS for CS for CS for CS for SB 1276** as amended, on motion by Senator Storms, by two-thirds vote **HB 381** was withdrawn from the Committees on Children, Families, and Elder Affairs; Judiciary; Governmental Oversight and Accountability; and Health and Human Services Appropriations.

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

**HB 381**—A bill to be entitled An act relating to care of children; creating the “Zahid Jones, Jr., Give Grandparents and Other Relatives a Voice Act”; creating s. 39.00145, F.S.; requiring that the case record 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 record; authorizing the court to directly release the child’s records to certain entities; providing that entities that have access to confidential information concerning a child may share it with other entities that provide services benefiting children; providing for exceptions for the sharing of confidential information under certain circumstances; amending s. 39.201, F.S.; providing for the Department of Children and Family Services to analyze certain unaccepted reports to the central abuse hotline; amending s. 39.202, F.S.; expanding the list of persons or entities that have access to child abuse records; revising how long the department must keep such records; requiring the department to provide notice of how the child’s records may be obtained after the child leaves the department’s custody; authorizing the department to adopt rules; amending s. 39.301, F.S.; requiring information to be provided to a reporter; authorizing the submission of a written report; providing conditions for a relative to be a collateral contact in certain child protective investigations; providing for a relative to request notice of proceedings and hearings relating to protective investigations under certain circumstances; specifying content of the request; providing that the failure to provide notice to a relative does not undo any previous action of the court absent a finding that a change is in the child’s best interests; conforming cross-references; amending s. 39.304, F.S.; providing for preservation in department records of certain photographs and X rays and reports on medical examinations and treatments of an abused child; amending s. 39.402, F.S.; requiring notification of certain relatives in an order for placement of a child in shelter care of their right to attend hearings, submit reports to the court, and speak to the court; amending s. 39.502, F.S.; providing for certain relatives to receive notice of dependency hearings under certain circumstances; providing an opportunity for certain relatives to be heard in court; providing an exception; amending s. 39.506, F.S.; providing for certain relatives to receive notice of arraignment hearings under certain circumstances; amending s. 39.5085, F.S.; revising legislative intent with regard to the Relative Caregiver Program; authorizing the department to develop liaison functions for certain relatives; amending s. 39.6011, F.S.; requiring a case plan for a child receiving services from the department to include a protocol for notification of certain relatives of proceedings and hearings; amending s. 39.6013, F.S.; conforming a cross-reference; amending s. 39.701, F.S.; requiring an attorney for the department to provide notice to certain relatives of the child regarding upcoming judicial hearings; conforming cross-references; amending s. 39.823, F.S.; conforming a cross-reference; amending s. 683.10, F.S.; designating the first Sunday after Labor Day as “Grandparents’ and Family Caregivers’ Day”; authorizing the Governor to issue proclamations commemorating the occasion; amending s. 409.147, F.S.; renaming “children’s zones” as “children’s initiatives”; revising legislative findings and intent; requiring the governing body to establish a children’s initiative planning team and to develop and adopt a strategic community plan; revising provisions relating to the powers and responsibilities of the initiative planning team; revising provisions relating to the strategic community plan; revising requirement provisions relating to the children’s initiative corporation; changing the name of the Magic City Children’s Zone, Inc., to the Miami Children’s Initiative, Inc.; providing for the corporation to be administratively housed within the Department of Children and Family Services, but not to be subject to control, supervision, or direction by the department; providing for the department to enter into a contract with a not-for-profit corporation to implement the children’s initiative project; deleting provisions relating to the geographic boundaries and the board of directors; providing for the reappropriation of funds; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for CS for SB 1276** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 381** was placed on the calendar of Bills on Third Reading.

On motion by Senator Gaetz—

**SB 234**—A bill to be entitled An act relating to state university presidents; amending ss. 1001.706 and 1001.74, F.S.; revising powers and duties of the Board of Governors and university boards of trustees relating to personnel; providing that a state university president is not subject to the personnel program established by the Board of Governors; requiring that a board of trustees appoint the university president and administer a personnel program for the president; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 234** was placed on the calendar of Bills on Third Reading.

**CS for CS for SB 2614**—A bill to be entitled An act relating to health care; amending s. 154.503, F.S.; conforming a cross-reference; repealing s. 381.0053, F.S., relating to a comprehensive nutrition program; repealing s. 381.0054, F.S., relating to healthy lifestyles promotion; repealing ss. 381.732, 381.733, and 381.734, F.S., relating to the Healthy Communities, Healthy People Act; amending s. 381.006, F.S.; requiring the Department of Health, when conducting an environmental health program inspection of a certified domestic violence center to limit the inspection of the domestic violence center to the requirements set forth in the department’s rules applicable to community-based residential facilities with five or fewer residents; amending s. 381.0072, F.S.; requiring the Department of Health, when conducting a food service inspection of a certified domestic violence center to limit the inspection of the domestic violence center to the requirements set forth in the department’s rules applicable to community-based residential facilities with five or fewer residents; amending s. 381.0203, F.S.; requiring certain state agencies to purchase drugs through the statewide purchasing contract administered by the Department of Health; providing an exception; requiring the department to establish and maintain certain pharmacy services program; transferring, renumbering, and amending s. 381.84, F.S., relating to the Comprehensive Statewide Tobacco Education and Use Prevention Program; revising definitions; revising program components; requiring program components to include efforts to educate youth and their parents about tobacco use; requiring a youth-directed focus in each program component; requiring the Tobacco Education and Use Prevention Advisory Council to adhere to state ethics laws; providing that meetings of the council are subject to public-records and public-meetings requirements; revising the duties of the council; deleting a provision that prohibits a member of the council from participating in a discussion or decision with respect to a research proposal by a firm, entity, or agency with which the member is associated as a member of the governing body or as an employee or with which the member has entered into a contractual arrangement; revising the submission date of an annual report; deleting an expired provision relating to rulemaking authority of the department; transferring and renumbering s. 381.91, F.S., relating to the Jessie Trice Cancer Prevention Program; transferring, renumbering, and amending s. 381.911, F.S., relating to the Prostate Cancer Awareness Program; revising the criteria for members of the prostate cancer advisory committee; repealing s. 381.912, F.S., relating to the Cervical Cancer Elimination Task Force; transferring and renumbering s. 381.92, F.S., relating to the Florida Cancer Council; transferring and renumbering s. 381.921, F.S., relating to the mission and duties of the Florida Cancer Council; amending s. 381.922, F.S.; conforming cross-references; transferring and renumbering s. 381.93, F.S., relating to a breast and cervical cancer early detection program; transferring and renumbering s. 381.931, F.S., relating to an annual report on Medicaid expenditures; renaming ch. 385, F.S., as the “Healthy and Fit Florida Act”; amending s. 385.101, F.S.; renaming the “Chronic Diseases Act” as the “Healthy and Fit Florida Act”; amending s. 385.102, F.S.; revising legislative intent; creating s. 385.1021, F.S.; providing definitions; creating s. 385.1022, F.S.; requiring the Department of Health to support public health programs to reduce the incidence of mortality and morbidity from chronic diseases; creating s. 385.1023, F.S.; requiring the department to create state-level programs that address the risk factors of certain chronic diseases; providing required activities of the state-level programs; amending s. 385.103, F.S.; providing for community-level programs for the prevention of chronic diseases; revising definitions; requiring the department to develop and implement a community-based chronic disease prevention and health promotion program; providing the purpose of the program; providing requirements for the program; creating s. 385.105, F.S.; requiring the department to develop programs to increase physical fitness, to work

with school districts, to develop partnerships that allow the public to access recreational facilities and public land areas suitable for physical activity, to work with the Executive Office of the Governor and Volunteer Florida, Inc., to promote school initiatives, and to collaborate with the Department of Education in recognizing nationally accepted best practices for improving physical education in schools; requiring the Department of Health to promote healthy lifestyles to reduce obesity; requiring the department to promote optimal nutritional status in all stages of people's lives, personal responsibility to prevent chronic disease or slow its progression, and regular health visits during a person's life span; authorizing state agencies to conduct employee wellness programs; requiring the department to serve as a model to develop and implement employee wellness programs; requiring the department to assist state agencies to develop the employee wellness programs; providing equal access to the programs by agency employees; requiring the department to coordinate efforts with the Department of Management Services and other state agencies; authorizing each state agency to establish an employee wellness work group to design the wellness program; requiring the department to provide requirements for participation fees, collaborations with businesses, and procurement of equipment and incentives; amending s. 385.202, F.S.; requiring facilities, laboratories, and practitioners to report information; authorizing the department to adopt rules regarding reporting requirements for the cancer registry; providing immunity from liability for facilities and practitioners reporting certain information; requiring the department to adopt rules regarding the establishment and operation of a statewide cancer registry program; requiring the department or contractual designee operating the statewide cancer registry program to use or publish material only for the purpose of public health surveillance and advancing medical research or medical education in the interest of reducing morbidity or mortality; authorizing the department to exchange personal data with any agency or contractual designee for the purpose of public health surveillance and medical or scientific research under certain circumstances; clarifying that the department may adopt rules regarding the classifications of facilities related to reports made to the cancer registry; requiring each facility and practitioner that reports cancer cases to the department to make their records available for onsite review; amending s. 385.203, F.S.; increasing the size of the Diabetes Advisory Council to include one representative of the Florida Academy of Family Physicians; amending s. 385.206, F.S.; renaming the "hematology-oncology care center program" as the "Pediatric Hematology-Oncology Center Program"; revising definitions; authorizing the department to designate centers and provide funding to maintain programs for the care of patients with hematologic and oncologic disorders; clarifying provisions related to grant-funding agreements and grant disbursements; revising the department's requirement to evaluate services rendered by the centers; requiring data from the centers and other sources relating to pediatric cancer to be available to the department for program planning and quality assurance initiatives; amending s. 385.207, F.S.; clarifying provisions that require the department to collect information regarding the number of clients served, the outcomes reached, the expense incurred, and fees collected by providers of epilepsy services; deleting the provision that requires the department to limit administrative expenses from the Epilepsy Services Trust Fund to a certain percentage of annual receipts; amending s. 385.210, F.S.; revising legislative findings regarding the economic costs of treating arthritis and its complications; authorizing the State Surgeon General to seek any federal waivers that may be necessary to maximize funds from the Federal Government to implement the Arthritis Prevention and Education Program; creating s. 385.301, F.S.; authorizing the department to adopt rules to administer the act; creating s. 385.401, F.S.; authorizing the department to establish a direct-support organization; providing definitions; providing for a board of directors; providing terms; providing for membership; authorizing the department to allow the direct-support organization to use the department's fixed property and facilities within the state public health system; providing an exception; requiring that the direct-support organization submit certain federal forms to the department; requiring that the direct-support organization provide an annual financial audit; amending s. 409.904, F.S.; conforming a cross-reference; creating the Pharmacy and Therapeutic Advisory Council within the Executive Office of the Governor; providing duties of the council; providing for the appointment and qualification of members; providing for the use of subject-matter experts when necessary; providing requirements for voting and a quorum; providing for quarterly meetings of the council; providing for staffing; providing for reimbursement of per diem and travel expenses for members of the council; amending s. 499.003, F.S.; excluding from the definition of

"wholesale distribution" certain activities of state agencies; providing an effective date.

—was read the second time by title.

#### MOTION

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

Senator Gaetz moved the following amendments which were adopted:

**Amendment 1 (279106) (with title amendment)**—Delete lines 1659-1739.

And the title is amended as follows:

Delete lines 168-179 and insert: administer the act; amending s. 409.904, F.S.; conforming

**Amendment 2 (646960) (with title amendment)**—Delete lines 245-249 and insert: applicable statutes or rules. *An environmental health program inspection of a certified domestic violence center or residential child-caring agency licensed by the Department of Children and Family Services pursuant to chapter 409 shall be limited to the requirements set forth in the department's rules applicable to community-based residential facilities with five or fewer residents.* In addition to any sanctions that the

And the title is amended as follows:

Delete lines 11-13 and insert: of a certified domestic violence center and certain residential child-caring agencies to limit the inspection of the domestic violence center or residential child-caring agency to the requirements set forth in the department's rules

#### MOTION

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

Senator Aronberg moved the following amendment which was adopted:

**Amendment 3 (194686) (with title amendment)**—Between lines 1866 and 1867 insert:

Section 32. Subsections (1) and (3) of section 430.80, Florida Statutes, are amended to read:

430.80 Implementation of a teaching nursing home pilot project.—

(1) As used in this section, the term "teaching nursing home" means a nursing home facility licensed under chapter 400 which contains a minimum of 275 ~~400~~ licensed nursing home beds; has access to a resident senior population of sufficient size to support education, training, and research relating to geriatric care; and has a contractual relationship with a federally funded accredited geriatric research center in this state or operates in its own right a geriatric research center.

(3) To be designated as a teaching nursing home, a nursing home licensee must, at a minimum:

(a) Provide a comprehensive program of integrated senior services that include institutional services and community-based services;

(b) Participate in a nationally recognized accreditation program and hold a valid accreditation, such as the accreditation awarded by the Joint Commission on Accreditation of Healthcare Organizations, or possess a *Gold Seal Award as conferred by the Agency for Health Care Administration on its licensed nursing home*;

(c) Have been in business in this state for a minimum of 10 consecutive years;

(d) Demonstrate an active program in multidisciplinary education and research that relates to gerontology;

(e) Have a formalized contractual relationship with at least one accredited health profession education program located in this state;

~~(f) Have a formalized contractual relationship with an accredited hospital that is designated by law as a teaching hospital; and~~

(f) ~~(e)~~ Have senior staff members who hold formal faculty appointments at universities, which must include at least one accredited health profession education program; and -

(g) ~~(h)~~ Maintain insurance coverage pursuant to s. 400.141(20) or proof of financial responsibility in a minimum amount of \$750,000. Such proof of financial responsibility may include:

1. Maintaining an escrow account consisting of cash or assets eligible for deposit in accordance with s. 625.52; or

2. Obtaining and maintaining pursuant to chapter 675 an unexpired, irrevocable, nontransferable and nonassignable letter of credit issued by any bank or savings association organized and existing under the laws of this state or any bank or savings association organized under the laws of the United States that has its principal place of business in this state or has a branch office which is authorized to receive deposits in this state. The letter of credit shall be used to satisfy the obligation of the facility to the claimant upon presentment of a final judgment indicating liability and awarding damages to be paid by the facility or upon presentment of a settlement agreement signed by all parties to the agreement when such final judgment or settlement is a result of a liability claim against the facility.

And the title is amended as follows:

Delete line 189 and insert: travel expenses for members of the council; amending s. 430.80, F.S.; redefining the term “teaching nursing home” as it relates to the implementation of a teaching nursing home pilot project; revising the requirements to be designated as a teaching nursing home; amending

**MOTION**

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

Senator Lawson moved the following amendment:

**Amendment 4 (402490)**—Delete lines 1804-1837 and insert:

(5) *The council shall include voting and nonvoting members.*

(a) *The voting members shall represent:*

1. *The Agency for Health Care Administration.*
2. *The Agency for Persons with Disabilities.*
3. *The Department of Children and Family Services.*
4. *The Department of Corrections.*
5. *The Department of Elderly Affairs.*
6. *The Department of Health.*
7. *The Department of Juvenile Justice.*
8. *The Bureau of Pharmacy Services within the Agency for Health Care Administration, which shall be represented by the bureau chief.*
9. *The Bureau of Statewide Pharmaceutical Services within the Department of Health, which shall be represented by the bureau chief.*

(b) *The nonvoting members shall be:*

1. *A representative from the Agency for Health Care Administration’s drug contracting program.*
2. *The contracting officer for the Department of Health’s drug procurement program.*

3. *A clinical pharmacy program manager from the Agency for Health Care Administration.*

4. *The chair of the Department of Health’s Pharmacy and Therapeutics Committee.*

5. *The general counsel for the Agency for Health Care Administration or his or her designee.*

6. *The general counsel for a state agency in the executive branch of state government, or his or her designee.*

7. *A representative from the Executive Office of the Governor.*

8. *The statewide pharmacy director of the Department of Corrections’ Office of Health Services.*

9. *Three members appointed by the Speaker of the House of Representatives, one of whom must be an active licensed Florida pharmacist who has been employed as a pharmacist for at least the past 5 years, and one of whom must have experience as a Florida pharmaceutical repackager, licensed by the United States Food and Drug Administration, for at least the past 5 years.*

10. *Three members appointed by the President of the Senate, one of whom must be an active licensed Florida pharmacist who has been employed as a pharmacist for at least the past 5 years, and one of whom must have experience as a Florida pharmaceutical repackager, licensed by the United States Food and Drug Administration, for at least the past 5 years.*

On motion by Senator Gaetz, further consideration of **CS for CS for SB 2614** with pending **Amendment 4 (402490)** by Senator Lawson was deferred.

**MOTION**

On motion by Senator Aronberg, the rules were waived and time of recess was extended until 7:15 p.m.

**RECONSIDERATION OF BILL**

On motion by Senator Peaden, the Senate recalled—

**CS for HB 1269**—A bill to be entitled An act relating to breast cancer detection and screening; creating s. 381.932, F.S.; providing definitions; establishing a breast cancer early detection and treatment referral program within the Department of Health; providing purposes of the program; requiring the department to provide information regarding breast cancer and referrals for screening and treatment; requiring the State Surgeon General to submit a report to the Legislature; providing an effective date.

—as amended for further consideration.

On motion by Senator Peaden, the Senate reconsidered the vote by which **Amendment 1 (407392)** was adopted.

**Amendment 1 (407392)** was withdrawn.

Pursuant to Rule 4.19, **CS for HB 1269** was placed on the calendar of Bills on Third Reading.

**MOTIONS**

On motion by Senator Aronberg, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the next Special Order Calendar.

On motion by Senator Aronberg, the rules were waived and a deadline of one hour after the availability of engrossed bills was set for filing amendments to Bills on Third Reading, except for **CS for CS for SB 1950**, to be considered Tuesday, April 28.

On motion by Senator Aronberg, a deadline of 8:00 a.m. Tuesday,

April 28, was set for filing amendments to **CS for CS for SB 1950** to be considered on Bills on Third Reading that day.

## REPORTS OF COMMITTEES

Pursuant to Rule 4.17(2), the President Pro Tempore, the Minority Leader, and the Chair of the Policy and Steering Committee on Ways and Means submit the following bills to be placed on the Special Order Calendar for Monday, April 27, 2009: CS for SB 718, CS for CS for SB 728, CS for SB 800, CS for CS for SB 1310, SB 234, CS for CS for SB 236, CS for CS for CS for SB 448, CS for SB 502, CS for CS for SB 526, CS for CS for SB 622, CS for CS for CS for SB 1128, CS for SB 1340, CS for SB 1880, CS for CS for SB 2284, CS for CS for CS for SB 2404, CS for SB 2426, CS for CS for SB 2614, CS for CS for CS for CS for SB 1540, CS for CS for SB 2572, CS for CS for CS for SB 478, CS for SB 580, CS for CS for SB 712, CS for CS for SB 752, CS for CS for SB 798, CS for SB 210, CS for CS for SB 682, CS for CS for SB 810, CS for CS for CS for SB 1022, CS for CS for CS for SB 1138, SB 1222, CS for CS for SB 2072, CS for SB 2036, CS for CS for CS for SB 2684.

Respectfully submitted,  
*Mike Fasano*, President Pro Tempore  
*Alfred "Al" Lawson, Jr.*, Minority Leader  
*JD Alexander*, Chair, Policy and Steering  
 Committee on Ways and Means

Pursuant to Rule 4.18 the Chair of the Committee on Rules submits the following bills to be placed on the Local Bill Calendar for Monday, April 27, 2009: HB 393, HB 713, HB 743, HB 773, CS for HB 801, HB 877, HB 967, CS for HB 1059, HB 1063, CS for CS for CS for HB 1147, CS for HB 1235, HB 1371, CS for HB 1431, CS for HB 1433, CS for HB 1435, CS for HB 1541.

Respectfully submitted,  
*J. Alex Villalobos*, Chair

## MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State **SB 318** and **CS for SB 1740** which he approved on April 27, 2009.

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

### FIRST READING

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for HB 57, HB 109, CS for CS for HB 167, CS for CS for HB 375, HB 379, CS for CS for HB 483, HB 509, CS for CS for HB 685, HB 1003, CS for HB 1405, CS for CS for CS for HB 1487, HB 7013, HB 7015, HB 7017, CS for HB 7019, HB 7021, HB 7025, HB 7035, HB 7037, HB 7039, HB 7041, CS for HB 7043; has passed as amended CS for CS for CS for HB 29, CS for HB 61, CS for HB 115, CS for HB 169, CS for CS for HB 271, HB 381, CS for CS for CS for HB 439, CS for CS for HB 479, CS for CS for HB 481, CS for CS for HB 485, CS for HB 597, CS for CS for HB 611, CS for CS for HB 675, HB 707, HB 1021, CS for HB 1065, CS for HB 1311, CS for CS for HB 1423, CS for HB 1471, CS for HB 7027, CS for HB 7053; has passed by the required constitutional three-fifths vote of the membership HJR 81; has passed by the required constitutional two-thirds vote of the members present CS for HB 7051; has passed as amended by the required constitutional two-thirds vote of the members present HB 7093 and requests the concurrence of the Senate.

*Robert L. "Bob" Ward*, Clerk

By Criminal & Civil Justice Policy Council, Public Safety & Domestic Security Policy Committee and Representative(s) Reed, Garcia, Pafford, Planas, Porth, Ray, Renuart, Rogers, Soto, Steinberg, Wood, Zapata—

**CS for CS for HB 57**—A bill to be entitled An act relating to law enforcement explorers; amending s. 784.07, F.S.; defining the term "law enforcement explorer"; providing for reclassification of certain offenses against law enforcement explorers; reenacting s. 921.0022(3)(d), (f), and (g), F.S., relating to the offense severity ranking chart of the Criminal Punishment Code, to incorporate the amendments made to s. 784.07, F.S., in references thereto; providing an effective date.

—was referred to the Committees on Criminal Justice; and Criminal and Civil Justice Appropriations.

By Representative(s) Bembry, Brisé, Homan, Planas, Roberson, Y., Rogers, Soto, Van Zant—

**HB 109**—A bill to be entitled An act relating to clinical, counseling, and psychotherapy services; amending s. 491.0147, F.S.; providing for a waiver of confidentiality and privileged communications when, in the clinical judgment of a person licensed or certified under chapter 491, F.S., there is a clear and immediate probability of certain harm; providing immunity from liability for, and prohibiting causes of action against, such person for disclosure of otherwise confidential communications under such circumstances; providing an effective date.

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

By Finance & Tax Council, Energy & Utilities Policy Committee and Representative(s) Abruzzo, Hukill, Kiar, Schwartz, Scionti, Tobia, Williams, A., Williams, T., Zapata—

**CS for CS for HB 167**—A bill to be entitled An act relating to the energy-efficient appliance rebate program; creating s. 377.807, F.S.; authorizing the Florida Energy and Climate Commission to develop and administer a consumer rebate program for specified energy-efficient appliances; authorizing the commission to adopt rules; authorizing the commission to enter into contracts or memoranda of agreement with other agencies of the state, public-private partnerships, and other arrangements for specified purposes; providing an appropriation; providing requirements for the release of the appropriation; providing an effective date.

—was referred to the Committees on Commerce; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

By Civil Justice & Courts Policy Committee, Insurance, Business & Financial Affairs Policy Committee and Representative(s) Legg—

**HB 375**—A bill to be entitled An act relating to reimbursement of federal excise taxes on motor fuel; creating s. 686.701, F.S.; providing requirements and limitations on reimbursement provisions of certain fuel supply contracts; providing notice requirements; providing for payment security requirements; providing for electronic transfer of funds; specifying application to contracts; providing an effective date.

—was referred to the Committees on Commerce; Judiciary; Finance and Tax; and General Government Appropriations.

By Representative(s) Wood—

**HB 379**—A bill to be entitled An act relating to the Florida Uniform Principal and Income Act; amending s. 738.602, F.S.; providing definitions; providing requirements for the determination of income from certain compensation plans, annuities, and retirement plans or accounts; providing trustee requirements with respect to payment allocations; providing criteria for the payment of certain funds to a spouse; providing applicability; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Judiciary; and the Policy and Steering Committee on Ways and Means.

By General Government Policy Council, Insurance, Business & Financial Affairs Policy Committee and Representative(s) Grady, Abruzzo, Anderson, Aubuchon, Bembry, Bovo, Braynon, Burgin, Carroll, Crisa-

fulli, Domino, Dorworth, Drake, Eisnaugle, Flores, Ford, Fresen, Frishe, Garcia, Gonzalez, Hays, Heller, Holder, Homan, Hooper, Horner, Hudson, Jenne, Kelly, Kiar, Kriseman, Long, Mayfield, McBurney, McKeel, Nehr, O'Toole, Pafford, Patronis, Patterson, Plakon, Planas, Porth, Precourt, Rader, Randolph, Reed, Renuart, Robaina, Roberson, K., Roberson, Y., Rogers, Sands, Schultz, Scionti, Snyder, Steinberg, Taylor, D., Taylor, P., Thompson, N., Tobia, Van Zant, Waldman, Weatherford, Weinstein, Wood, Workman, Zapata—

**CS for CS for HB 483**—A bill to be entitled An act relating to investor protection; amending s. 16.56, F.S.; expanding jurisdiction of the Office of Statewide Prosecution to investigate and prosecute certain additional offenses; amending s. 517.021, F.S.; revising definitions; amending s. 517.072, F.S.; exempting certain transactions in viatical settlement investments from certain registration requirements; specifying application of certain provisions; amending s. 517.12, F.S.; revising requirements for registration of dealers, associated persons, investment advisers, and branch offices; amending s. 517.121, F.S.; authorizing the Office of Financial Regulation to suspend registration for registrant failure to provide certain records; providing for rescinding suspensions; amending ss. 517.1215 and 517.1217, F.S.; changing an agency reference; amending s. 517.141, F.S.; excluding postjudgment interest from payments from the fund; amending s. 517.161, F.S.; expanding the class of persons related to or associated with an applicant or registrant for which certain violations may result in adverse actions taken against registrations; authorizing the office to suspend a registration under certain circumstances; creating s. 517.1611, F.S.; requiring the Financial Services Commission to adopt rules providing certain disciplinary guidelines; specifying criteria for such guidelines; requiring the commission to adopt rules for disqualifying registrants for certain periods of time for certain criminal actions; providing rules criteria; amending s. 517.191, F.S.; authorizing the office to apply to the court for orders directing restitution; authorizing the office to apply to the court to impose civil penalties for certain violations; specifying limitations; requiring deposit of civil penalties into the Anti-Fraud Trust Fund; authorizing the Attorney General to act as an enforcing authority for certain provisions of law; authorizing the Attorney General, with approval of the office, to investigate and enforce certain provisions; authorizing the Attorney General to bring certain actions for injunctive relief; authorizing the Attorney General to recover certain investigation and enforcement costs and attorney fees; providing for deposit of certain recovered moneys into the Legal Affairs Revolving Trust Fund; authorizing the Legal Affairs Revolving Trust Fund to be used for investigation and enforcement purposes; preserving the authority of the office to bring certain administrative actions; prohibiting subjecting persons to a civil penalty and an administrative fine under certain circumstances; specifying time limitations on bringing certain enforcement actions; amending s. 517.221, F.S.; increasing the amount of certain administrative fines; authorizing the office to bar certain persons from submitting applications or notifications for a license or registration under certain circumstances; amending s. 517.275, F.S.; revising criteria for prohibited practices relating to commodities; creating s. 896.108, F.S.; authorizing the Department of Law Enforcement to enter into agreements to pay rewards for information leading to the recovery of certain fines, penalties, or forfeitures; authorizing the executive director of the department to determine the amount of the reward; authorizing the executive director to exceed certain statutory limits of rewards under certain circumstances; providing limitations; providing for deposit of certain funds into certain trust funds; excluding certain persons from eligibility to collect rewards; providing that a payment of an award does not affect the admissibility of testimony in court; amending s. 905.34, F.S.; expanding subject matter jurisdiction of the statewide grand jury to include certain additional offenses; providing an effective date.

—was referred to the Committees on Banking and Insurance; Criminal Justice; Governmental Oversight and Accountability; and Judiciary; and the Policy and Steering Committee on Ways and Means.

By Representative(s) Zapata, Anderson, Bovo, Ford, Horner, Hukill, Jones, Murzin, Roberson, Y., Sachs, Van Zant, Workman—

**HB 509**—A bill to be entitled An act relating to veterans; amending s. 295.16, F.S.; revising an exemption from license or permit fees required for improvements to a dwelling owned by a disabled veteran if the improvements are for the purpose of making the dwelling safe; removing a provision limiting the exemption to veterans confined to wheelchairs; amending s. 320.089, F.S.; deleting the monetary limitation on the

amount of general revenue deposited into the State Homes for Veterans Trust Fund within the Department of Veterans' Affairs; amending s. 1009.27, F.S.; authorizing an eligible student who receives benefits as a veteran who served on active duty in the Armed Forces after September 11, 2001, to defer college tuition and fees under certain circumstances; providing effective dates.

—was referred to the Committees on Military Affairs and Domestic Security; Community Affairs; and Higher Education; and the Policy and Steering Committee on Ways and Means.

By Economic Development & Community Affairs Policy Council, Military & Local Affairs Policy Committee and Representative(s) Proctor, Abruzzo—

**CS for CS for HB 685**—A bill to be entitled An act relating to the Educational Dollars for Duty program; amending s. 250.10, F.S.; revising provisions relating to the duties of the Adjutant General; removing the duties of the Board of Governors of the State University System and the State Board of Education with respect to the Educational Dollars for Duty program; providing for education assistance for members of the Florida National Guard who enroll in an authorized course of study at a specified public or nonpublic institution of higher learning; revising the application requirements for the program to include active drilling members; requiring that a member serve in the guard for the period specified in the member's enlistment or reenlistment contract; providing that a member who has obtained a master's degree is ineligible to participate in the program; revising courses not authorized for the program; providing that college preparatory courses are authorized for the program; deleting provisions relating to the State Tuition Exemption Program; authorizing the Department of Military Affairs to pay tuition and fees for current members; providing that members are eligible to use the program upon enlistment; requiring that the department pay the tuition and fees for a member enrolled in a nonpublic postsecondary institution or a nonpublic vocational-technical program which are equal to the amount required to pay for tuition and fees at a public postsecondary education institution or public vocational-technical program; prohibiting participation by certain members; providing for applicability of a requirement to reimburse the department for tuition charges and student fees under specified circumstances; amending s. 1009.21, F.S.; revising a provision relating to the classification of members of the Florida National Guard as residents for tuition purposes; amending s. 1009.26, F.S.; eliminating a reference to educational fee waivers for certain members of the Florida National Guard; providing an effective date.

—was referred to the Committees on Military Affairs and Domestic Security; Higher Education; and Transportation and Economic Development Appropriations; and the Policy and Steering Committee on Ways and Means.

By Representative(s) Drake, Boyd, Burgin, Van Zant—

**HB 1003**—A bill to be entitled An act relating to sale and delivery of firearms; amending s. 790.065, F.S.; deleting future repeal of provisions governing the sale and delivery of firearms; requiring a review of the provisions relating to the sale and delivery of firearms before the limit on a fee charged by the Department of Law Enforcement for processing a criminal history check on purchasers may be increased; providing an effective date.

—was referred to the Committees on Criminal Justice; Criminal and Civil Justice Appropriations; and Rules.

By Health Care Services Policy Committee and Representative(s) Homan, Taylor, P., Zapata—

**CS for HB 1405**—A bill to be entitled An act relating to the influenza vaccine; amending ss. 402.305, 402.313, and 402.3131, F.S.; requiring child care facilities, family day care homes, and large family child care homes to provide parents with certain information regarding the causes, symptoms, and transmission of the influenza virus; providing an effective date.

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

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By Policy Council, Health & Family Services Policy Council, Health Care Regulation Policy Committee and Representative(s) Rivera—

**CS for CS for CS for HB 1487**—A bill to be entitled An act relating to licensure of home health agencies, home medical equipment providers, and health care clinics; designating Miami-Dade County as a health care fraud area of special concern for certain purposes; creating s. 408.8065, F.S.; providing requirements for licensure of home health agencies, home medical equipment providers, and health care clinics; requiring the posting of a surety bond in a specified minimum amount under certain circumstances; requiring demonstration of financial viability; providing limitations on licensing of home health agencies in certain counties; providing an exception for existing applicants that have applied for accreditation by an organization recognized by the Agency for Health Care Administration; providing penalties; providing an effective date.

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

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By Governmental Affairs Policy Committee and Representative(s) Roberson, K.—

**HB 7013**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding business information provided to a governmental condemning authority; amending s. 73.0155, F.S., which provides an exemption from public records requirements for business information provided by the owner of a business to a governmental condemning authority as part of an offer of business damages in pursuit negotiations in an eminent domain proceeding; reorganizing the exemption; clarifying provisions; removing superfluous provisions; removing the scheduled repeal of the exemption; providing an effective date.

—was referred to the Committees on Community Affairs; Governmental Oversight and Accountability; and Rules.

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By Governmental Affairs Policy Committee and Representative(s) Eisnaugle—

**HB 7015**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding campaign finance reports; amending s. 106.0706, F.S., which provides an exemption from public records requirements for user identifications and passwords held by the Department of State, and information entered in the department's electronic filing system, in connection with electronic filing of campaign finance reports; reorganizing the exemption; clarifying provisions; removing the scheduled repeal of the exemption; providing an effective date.

—was referred to the Committees on Ethics and Elections; Governmental Oversight and Accountability; and Rules.

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By Governmental Affairs Policy Committee and Representative(s) Plakon—

**HB 7017**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding building plans and blueprints; amending s. 119.071, F.S., which provides an exemption from public records requirements for building plans, blueprints, schematic drawings, and diagrams held by an agency which depict the internal layout or structural elements of certain facilities, complexes, and developments; reorganizing the exemption; making editorial changes; repealing s. 2, ch. 2004-9, Laws of Florida, which provides for repeal of the exemption; providing an effective date.

—was referred to the Committees on Military Affairs and Domestic Security; Governmental Oversight and Accountability; and Rules.

By Economic Development & Community Affairs Policy Council, Governmental Affairs Policy Committee and Representative(s) Braynon—

**CS for HB 7019**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding participants in government-sponsored recreation programs; amending s. 119.071, F.S., which provides an exemption from public records requirements for information that would identify or locate a child who participates in a government-sponsored recreation program or a parent or guardian of the child; providing definitions; reorganizing the exemption; making editorial changes; removing superfluous language; repealing s. 2, ch. 2004-32, Laws of Florida, which provides for repeal of the exemption; providing an effective date.

—was referred to the Committees on Community Affairs; Governmental Oversight and Accountability; and Rules.

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By Governmental Affairs Policy Committee and Representative(s) Schenck—

**HB 7021**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding councils on children's services and juvenile welfare boards; amending s. 125.901, F.S., which provides an exemption from public records requirements for personal identifying information of a child, or the parent or guardian of the child, held by a council on children's services, juvenile welfare board, or other similar entity, or held by a service provider or researcher under contract with such entity; making editorial changes; removing the scheduled repeal of the exemption; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Governmental Oversight and Accountability; and Rules.

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By Governmental Affairs Policy Committee and Representative(s) Schenck—

**HB 7025**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding archival materials; renumbering and amending s. 257.35(1)(b), F.S.; transferring provisions which provide a public record exemption for all public records transferred to the custody of the division and any nonpublic manuscript and or other archival material which is placed in the keeping of the division under special terms and conditions; amending s. 257.38, F.S.; defining "nonpublic manuscript or other archival material"; clarifying the public records exemption for nonpublic manuscripts or other archival materials donated to and held by an official archive of a municipality or county contingent upon special terms and conditions that limit the right to inspect or copy such manuscripts or materials; removing the scheduled repeal of the exemption; making editorial changes; amending s. 257.35, F.S.; reorganizing provisions; providing an effective date.

—was referred to the Committees on Governmental Oversight and Accountability; Community Affairs; and Rules.

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By Governmental Affairs Policy Committee and Representative(s) Mayfield—

**HB 7035**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding written valuations of state-owned surplus lands; amending s. 253.034, F.S., which provides an exemption from public records requirements for a written valuation of state-owned lands determined to be surplus and related documents used to form the valuation or which pertain to the valuation; reorganizing the exemption; clarifying provisions; removing the scheduled repeal of the exemption; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; Governmental Oversight and Accountability; and Rules.

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By Governmental Affairs Policy Committee and Representative(s) McBurney, Schultz—

**HB 7037**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding identification and location information of federal attorneys and judges; amending s. 119.071, F.S.; reorganizing provisions to relocate the public record exemption for identification and location information of current or former United States attorneys and assistant United States attorneys and the spouses and children thereof and current or former judges of United States Courts of Appeal, United States district judges, and United States magistrates and the spouses and children thereof; defining “identification and location information”; providing that the exemption is conditioned upon submission by the attorney, judge, or magistrate of a written request for the exemption and a written statement that reasonable efforts have been made to protect the information from disclosure through other means; removing the scheduled repeals of the exemptions; providing an effective date.

—was referred to the Committees on Judiciary; Governmental Oversight and Accountability; and Rules.

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By Governmental Affairs Policy Committee and Representative(s) Stargel—

**HB 7039**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding insurance claim data exchange information; amending s. 409.25661, F.S., which provides an exemption from public records requirements for certain records obtained by the Department of Revenue under an insurance claim data exchange system; saving the exemption from repeal under the Open Government Sunset Review Act; extending the repeal date; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Governmental Oversight and Accountability; and Rules.

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By Governmental Affairs Policy Committee and Representative(s) Eisnaugle—

**HB 7041**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding the Florida Institute for Human and Machine Cognition, Inc.; amending s. 1004.4472, F.S., which provides an exemption from public records requirements for information held by the Florida Institute for Human and Machine Cognition, Inc., or its subsidiary and an exemption from public meeting requirements for portions of meetings of the corporation or a subsidiary at which confidential and exempt information is presented or discussed; providing definitions; reorganizing and conforming provisions; removing superfluous language; removing the scheduled repeal of the exemption; providing an effective date.

—was referred to the Committees on Higher Education; Governmental Oversight and Accountability; and Rules.

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By Economic Development & Community Affairs Policy Council, Governmental Affairs Policy Committee and Representative(s) Schenck—

**CS for HB 7043**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding Scripps Florida Funding Corporation; amending s. 288.955, F.S.; clarifying the definition of “grantee”; amending s. 288.9551, F.S.; narrowing the public records exemption for specified information held by the Scripps Florida Funding Corporation and the public meetings exemption for portions of meetings of the board of directors of the corporation at which confidential and exempt information is discussed; removing the Office of Tourism, Trade, and Economic Development from the public records and public meetings exemptions; reorganizing and conforming provisions; making editorial changes; removing superfluous language; providing a penalty; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing an effective date.

—was referred to the Committees on Commerce; Governmental Oversight and Accountability; and Rules.

By Criminal & Civil Justice Policy Council, Energy & Utilities Policy Committee, Public Safety & Domestic Security Policy Committee and Representative(s) Grimsley, Drake, Flores, Horner, Hudson, Murzin, Tobia, Wood, Zapata—

**CS for CS for CS for HB 29**—A bill to be entitled An act relating to the unlawful use of utility services; amending s. 812.14, F.S.; providing criminal penalties for permitting a tenant or occupant to use unlawfully connected utility services; providing that such violation is a first-degree misdemeanor; providing for prima facie evidence of intent to violate such prohibition; providing that theft of utility services for the purpose of manufacturing a controlled substance is a first-degree misdemeanor; providing penalties; providing for prima facie evidence of intent to commit theft of utility services for the purpose of manufacturing a controlled substance; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Criminal and Civil Justice Appropriations.

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By Economic Development Policy Committee and Representative(s) Precourt, Carroll—

**CS for HB 61**—A bill to be entitled An act relating to temporary accommodations; amending ss. 125.0104, 125.0108, 212.03, and 212.0305, F.S.; revising application of provisions imposing certain taxes upon consideration paid for occupancy of certain timeshare resort products; providing application and construction; amending s. 624.605, F.S.; expanding the list of entities authorized to offer debt cancellation products for purposes of the definition of the term “casualty insurance” to include sellers of timeshare interests; amending s. 721.05, F.S.; revising a definition; amending s. 721.07, F.S.; specifying additional information required in certain public offering statements for timeshare plans; amending s. 721.20, F.S.; requiring resale service providers to provide certain fee or cost and listings information to timeshare interest owners; specifying that failure to disclose constitutes an unfair and deceptive trade practice; providing that certain contracts are void and purchasers are entitled to refunds of certain moneys; providing severability; providing an effective date.

—was referred to the Committees on Regulated Industries; Commerce; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

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By Public Safety & Domestic Security Policy Committee and Representative(s) Kiar, Burgin, Drake, Eisnaugle, Gibbons, Jenne, Nehr, Pafford, Roberson, Y., Scionti—

**CS for HB 115**—A bill to be entitled An act relating to sexual offenders and predators; amending s. 257.12, F.S.; encouraging all public libraries to implement an Internet safety education program for children and adults; providing minimum requirements for the program; requiring libraries to annually report to the Division of Library and Information Services of the Department of State the number of participants who complete the program; requiring that the division adopt rules to award additional points to grant applicants implementing such a program; amending ss. 775.21, 943.0435, 944.606, 944.607, and 985.481, F.S.; requiring sexual offenders and predators to provide home telephone numbers and any cellular telephone numbers as part of the registration process; correcting cross-references to apply exclusions from designation as a sexual offender or predator to owners or operators of computer services rather than to persons traveling to meet a minor; amending ss. 847.0135 and 847.0138, F.S.; removing residency requirements in statutes relating to computer pornography involving minor children and the transmission of material harmful to a minor by electronic device or equipment, respectively; providing an effective date.

—was referred to the Committees on Criminal Justice; and Judiciary; and the Policy and Steering Committee on Ways and Means.

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By Policy Council and Representative(s) Abruzzo, Culp, Homan, Pafford, Porth, Taylor, P.—

**CS for HB 169**—A bill to be entitled An act relating to equine activities; providing a short title; providing legislative intent; creating s. 773.06, F.S.; defining the term “equine”; requiring a child younger than a

specified age to wear a helmet when riding an equine in certain locations; providing requirements for helmets; requiring a person renting or leasing an equine for riding by a child younger than a specified age to provide a helmet if the child does not have a helmet; prohibiting a parent or guardian of a child younger than a specified age from authorizing or permitting the child to engage in certain conduct; providing a penalty; providing exceptions; providing an effective date.

—was referred to the Committees on Agriculture; Transportation; Judiciary; and General Government Appropriations.

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By Criminal & Civil Justice Policy Council, Public Safety & Domestic Security Policy Committee and Representative(s) Nehr, Hooper—

**CS for CS for HB 271**—A bill to be entitled An act relating to confidential informants; creating “Rachel’s Law”; defining terms; requiring a law enforcement agency that uses confidential informants to disclose certain information to persons who are requested to serve as confidential informants; providing that a law enforcement agency must provide an opportunity to consult with legal counsel to a person who is requested to serve as a confidential informant; requiring training for persons involved with the recruitment and use of confidential informants; requiring a law enforcement agency to adopt policies and procedures to preserve the safety of confidential informants, law enforcement personnel, target offenders, and the public; requiring a law enforcement agency that uses confidential informants to address the recruitment, control, and use of confidential informants in policies and procedures of the agency; requiring a law enforcement agency to establish policies and procedures to assess the suitability of using a person as a confidential informant; requiring a law enforcement agency to establish procedures to maintain the security of records relating to confidential informants; requiring a law enforcement agency to periodically review confidential informant practices; providing that the act does not grant any right or entitlement to a confidential informant or a person who is requested to be a confidential informant; providing that any failure to abide by the act does not create any additional right enforceable by a defendant in a criminal proceeding; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Criminal and Civil Justice Appropriations.

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By Representative(s) Thompson, N., Holder, Sachs, Schwartz—

**HB 381**—A bill to be entitled An act relating to care of children; creating the “Zahid Jones, Jr., Give Grandparents and Other Relatives a Voice Act”; creating s. 39.00145, F.S.; requiring that the case record 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 record; authorizing the court to directly release the child’s records to certain entities; providing that entities that have access to confidential information concerning a child may share it with other entities that provide services benefiting children; providing for exceptions for the sharing of confidential information under certain circumstances; amending s. 39.201, F.S.; providing for the Department of Children and Family Services to analyze certain unaccepted reports to the central abuse hotline; amending s. 39.202, F.S.; expanding the list of persons or entities that have access to child abuse records; revising how long the department must keep such records; requiring the department to provide notice of how the child’s records may be obtained after the child leaves the department’s custody; authorizing the department to adopt rules; amending s. 39.301, F.S.; requiring information to be provided to a reporter; authorizing the submission of a written report; providing conditions for a relative to be a collateral contact in certain child protective investigations; providing for a relative to request notice of proceedings and hearings relating to protective investigations under certain circumstances; specifying content of the request; providing that the failure to provide notice to a relative does not undo any previous action of the court absent a finding that a change is in the child’s best interests; conforming cross-references; amending s. 39.304, F.S.; providing for preservation in department records of certain photographs and X rays and reports on medical examinations and treatments of an abused child; amending s. 39.402, F.S.; requiring notification of certain relatives in an order for placement of a child in shelter care of their right to attend hearings, submit reports to the court, and speak to the court; amending s. 39.502, F.S.; providing for certain relatives to receive notice of dependency hearings under certain

circumstances; providing an opportunity for certain relatives to be heard in court; providing an exception; amending s. 39.506, F.S.; providing for certain relatives to receive notice of arraignment hearings under certain circumstances; amending s. 39.5085, F.S.; revising legislative intent with regard to the Relative Caregiver Program; authorizing the department to develop liaison functions for certain relatives; amending s. 39.6011, F.S.; requiring a case plan for a child receiving services from the department to include a protocol for notification of certain relatives of proceedings and hearings; amending s. 39.6013, F.S.; conforming a cross-reference; amending s. 39.701, F.S.; requiring an attorney for the department to provide notice to certain relatives of the child regarding upcoming judicial hearings; conforming cross-references; amending s. 39.823, F.S.; conforming a cross-reference; amending s. 683.10, F.S.; designating the first Sunday after Labor Day as “Grandparents’ and Family Caregivers’ Day”; authorizing the Governor to issue proclamations commemorating the occasion; amending s. 409.147, F.S.; renaming “children’s zones” as “children’s initiatives”; revising legislative findings and intent; requiring the governing body to establish a children’s initiative planning team and to develop and adopt a strategic community plan; revising provisions relating to the powers and responsibilities of the initiative planning team; revising provisions relating to the strategic community plan; revising requirement provisions relating to the children’s initiative corporation; changing the name of the Magic City Children’s Zone, Inc., to the Miami Children’s Initiative, Inc.; providing for the corporation to be administratively housed within the Department of Children and Family Services, but not to be subject to control, supervision, or direction by the department; providing for the department to enter into a contract with a not-for-profit corporation to implement the children’s initiative project; deleting provisions relating to the geographic boundaries and the board of directors; providing for the reappropriation of funds; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Judiciary; Governmental Oversight and Accountability; and Health and Human Services Appropriations.

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By Finance & Tax Council, Military & Local Affairs Policy Committee, Roads, Bridges & Ports Policy Committee and Representative(s) Reagan, Bovo, Fitzgerald, Ford, Heller, Holder, Hooper, Kriseman, Nelson, Porth, Precourt, Randolph, Roberson, K., Sachs, Steinberg, Tobia, Van Zant, Wood—

**CS for CS for CS for HB 439**—A bill to be entitled An act relating to uniform traffic control; creating the “Mark Wandall Traffic Safety Act”; amending s. 316.003, F.S.; defining the term “traffic infraction detector”; creating s. 316.0083, F.S.; creating the Mark Wandall Traffic Safety Program to be administered by the Department of Transportation; requiring a county or municipality to enact an ordinance in order to use a traffic infraction detector to identify a motor vehicle that fails to stop at a traffic control signal steady red light; requiring such detectors to meet department contract specifications; requiring authorization of a traffic infraction enforcement officer or a code enforcement officer to issue and enforce a ticket for such violation; requiring signage; requiring certain public awareness procedures; requiring the ordinance to establish a fine of a certain amount; requiring the ordinance to provide for installing, maintaining, and operating such detectors on rights-of-way owned or maintained by the Department of Transportation, county, or municipality; prohibiting additional charges; exempting emergency vehicles; providing that the registered owner of the motor vehicle involved in the violation is responsible and liable for payment of the fine assessed; providing exceptions; providing procedures for disposition and enforcement of tickets; providing for a person to contest such ticket; providing for disposition of revenue collected; providing complaint procedures; providing for the Legislature to exclude a county or municipality from the program; requiring reports from participating municipalities and counties to the department; requiring the department to make reports to the Governor and the Legislature; amending s. 316.0745, F.S.; providing that traffic infraction detectors must meet certain specifications; creating s. 316.07456, F.S.; providing for preexisting equipment; requiring counties and municipalities that enacted an ordinance to enforce red light violations or entered into a contract to purchase or lease equipment to enforce red light violations prior to the effective date of this act to charge a certain penalty amount; requiring counties or municipalities that have acquired such equipment pursuant to an agreement entered into prior to the effective date of this act to make certain payments to the state; creating s. 316.0776, F.S.; providing for placement and installation

of detectors on the State Highway System, county roads, and city streets; amending s. 316.1967, F.S.; providing for inclusion of persons with outstanding violations in a list sent to the department for enforcement purposes; amending s. 395.4036, F.S.; providing for distribution of funds to trauma centers, certain hospitals, certain nursing homes, and certain health units and programs; ratifying prior enforcement actions; providing for severability; providing an effective date.

—was referred to the Committees on Transportation; and Criminal Justice; and the Policy and Steering Committee on Ways and Means.

By Economic Development & Community Affairs Policy Council, Governmental Affairs Policy Committee and Representative(s) Schenck, Hooper, Horner, Hukill, Legg, Mayfield, McBurney, Murzin, Precourt—

**CS for CS for HB 479**—A bill to be entitled An act relating to retirement; amending s. 121.021, F.S.; redefining the terms “employer,” “officer or employee,” “past service,” “normal retirement date,” “termination,” “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 or the State Board of Administration; amending s. 121.051, F.S.; conforming a cross-reference; clarifying when a State Community College System Optional Retirement Program participant is considered a retiree; revising provisions relating to participation in the Florida Retirement System by certain employers; excluding the participation of certain entities under a lease agreement; amending s. 121.052, F.S.; revising membership criteria for members of the Elected Officers’ Class; revising 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. 121.053, F.S.; revising provisions relating to participation in the Elected Officers’ Class for retired members; amending s. 121.055, F.S.; revising provisions relating to participation in the Senior Management Service Class; revising benefit payment procedures for the Senior Management Service Optional Annuity Program; clarifying when a participant is considered retired; amending s. 121.071, F.S.; providing an additional mechanism for the payment of employee contributions to the system; amending s. 121.081, F.S.; providing for receipt of credit for past or prior service by charter school and charter technical career center employees; 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 and clarifying provisions relating to retirement benefits; deleting a restriction on the reemployment of certain personnel by the Florida School for the Deaf and the Blind; authorizing developmental research schools and charter schools to reemploy certain retired members under specified conditions; revising limitations on the payment of retirement benefits for certain retired persons who are reemployed by an employer participating in a state-administered retirement program; prohibiting certain persons holding public office from enrolling in the Florida Retirement System; deleting a provision authorizing an employing agency to reemploy a retired member as a firefighter or paramedic after a specified period; providing applicability; revising provisions relating to reemployment of retirees of the Public Employee Optional Retirement Program; providing that certain members who delay DROP participation lose a month of DROP participation for each month delayed; clarifying that DROP participation cannot be canceled; clarifying maximum DROP participation; providing for the suspension of DROP benefits to a participant who is reemployed; deleting obsolete provisions; revising employer contribution requirements; 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 such service; amending s. 121.1122, F.S.; revising provisions relating to receiving retirement credit for in-state service; providing that certain members may not be eligible to purchase service credit; amending s. 121.122, F.S.; providing that certain retirees initially reemployed on or after a specified date are ineligible for renewed membership in the system; revising conditions under which a retiree is entitled to certain additional retirement benefits; amending s. 121.136, F.S.; revising provisions relating to the annual statement of benefits provided to certain active members of the system; amending s. 121.1905, F.S.; deleting a provision describing the mission of the Division of Retirement; amending s. 121.23, F.S.; requiring the

State Retirement Commission to use certain 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 commission; amending s. 121.35, F.S.; revising a compulsory membership exception for certain members failing to elect membership in the optional retirement program; providing a cross-reference; defining the term “retiree” for purposes of the State University System Optional Retirement Program; amending s. 121.4501, F.S.; revising the definition of “eligible employee” for purposes of the Public Employee Optional Retirement Program; amending s. 121.591, F.S.; providing a cross-reference; amending s. 1012.33, F.S.; deleting a provision preventing persons who have retired from the public school system from renewing membership in the Florida Retirement System or Teachers’ Retirement System upon reemployment by the school system; repealing s. 121.093, F.S., relating to instructional personnel reemployment after retirement from a 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 referred to the Committees on Community Affairs; Ethics and Elections; and Governmental Oversight and Accountability.

By Full Appropriations Council on General Government & Health Care, Public Safety & Domestic Security Policy Committee and Representative(s) Kreegel, Williams, T.—

**CS for CS for HB 481**—A bill to be entitled An act relating to highway safety; amending s. 318.18, F.S.; providing an additional penalty for violations of provisions that require traffic to stop for a school bus, prohibit racing on highways, and prohibit reckless driving; providing for distribution of moneys collected; amending s. 318.21, F.S.; providing for distribution of specified civil penalties; amending s. 322.0261, F.S.; requiring the Department of Highway Safety and Motor Vehicles to identify a person who has committed a violation of specified provisions and require such person to complete a driver improvement course; providing for cancellation of license for failure to complete such course within a specified time period; amending s. 395.4036, F.S.; providing for distribution of funds to trauma centers; providing an effective date.

—was referred to the Committees on Transportation; and Criminal Justice; and the Policy and Steering Committee on Ways and Means.

By Finance & Tax Council, Economic Development Policy Committee and Representative(s) Weatherford, Bembry, Bovo, Burgin, Carroll, Horner, Hudson, Murzin, Precourt, Schenck—

**CS for CS for HB 485**—A bill to be entitled An act relating to fast track economic stimulus for small businesses; amending s. 213.053, F.S.; authorizing the Department of Revenue to share certain confidential taxpayer information with the Office of Tourism, Trade, and Economic Development; preserving certain confidentiality of such information; amending s. 220.02, F.S.; revising legislative intent with respect to the order of tax credits to include the New Markets Development Program tax credit; amending s. 220.13, F.S.; revising a definition; creating ss. 288.991-288.9922, F.S.; providing a short title; establishing the New Markets Development Program; providing a purpose; providing definitions; providing for a tax credit for making certain qualified equity investments; specifying a credit amount; providing for uses of the credit; prohibiting sale or transfer of such credits; authorizing allocation of the credit; specifying limitations on such credits; specifying application and certification requirements and procedures for the Office of Tourism, Trade, and Economic Development to qualify certain equity investments as eligible for tax credits; providing for application fees; providing duties and responsibilities of the Department of Revenue; limiting the amount of investments the office may certify; providing requirements and limitations on issuance of certified equity investments; providing for calculation of tax credits; limiting the amount of the tax credit that may be redeemed in a fiscal year; providing for carryover of unredeemed tax credits under certain circumstances; providing for redemption of tax credits; specifying how tax credits may be claimed by insurance companies; requiring the calculations to be certified and accompanied by audited financial statements and notarized affidavits; providing requirements for recapture of tax credits under certain circumstances;

requiring notice of proposed recapture; providing requirements for compliance and audits of qualified equity investments; providing annual reporting requirements for certain community development entities; providing annual reporting requirements for the office; authorizing the office to conduct certain examinations; authorizing the office to revoke or modify tax credit authorizations under certain circumstances; providing for taxpayer liability for reimbursement of fraudulently claimed tax credits; providing penalties; authorizing the office and the department to adopt rules; providing for future repeal of the tax credit program; providing an effective date.

—was referred to the Committees on Commerce; Community Affairs; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

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By Health & Family Services Policy Council and Representative(s) Reed, Brisé, Bullard, Sachs, Zapata—

**CS for HB 597**—A bill to be entitled An act relating to homelessness; creating s. 414.161, F.S.; establishing a homelessness prevention grant program; requiring grant applicants to be ranked competitively; providing preference for certain grant applicants; providing eligibility requirements; providing grant limitations and restrictions; requiring lead agencies for local homeless assistance continuum of care to track, monitor, and report on assisted families for a specified period of time; amending s. 420.507, F.S.; conforming a cross-reference; amending s. 420.621, F.S.; conforming a cross-reference; revising, providing, and deleting definitions; amending s. 420.622, F.S.; increasing and revising membership on the Council on Homelessness; removing a member from an obsolete organization; correcting the name of a member organization on the council; revising the date of an annual report; amending s. 420.625, F.S.; deleting a cross-reference to conform; creating s. 420.6275, F.S.; creating the Housing First program; providing legislative findings and intent; requiring the State Office on Homelessness to create specified procedures; providing methodology; providing components of the program; creating s. 420.628, F.S.; providing legislative findings and intent with respect to children and young adults leaving the child welfare system; amending s. 1003.01, F.S.; revising a definition; amending s. 1003.21, F.S.; conforming terminology; providing a school attendance exemption for certain children in foster care; amending s. 1003.22, F.S.; conforming terminology; providing a school certification of a school-entry health examination exemption for certain children in foster care; repealing s. 414.16, F.S., relating to the emergency assistance program for families with children that have lost shelter or face loss of shelter due to an emergency; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; and Community Affairs; and the Policy and Steering Committee on Ways and Means.

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By Economic Development & Community Affairs Policy Council, Roads, Bridges & Ports Policy Committee and Representative(s) Hukill, Flores, Kreegel, Murzin, Nehr, Ray, Tobia, Weatherford

**CS for CS for HB 611**—A bill to be entitled An act relating to public construction projects; amending s. 255.20, F.S.; increasing the threshold amount for which certain public projects must be competitively awarded; revising exceptions to the requirement that certain public projects be competitively awarded; defining the terms “repair” and “maintenance”; requiring local governments to provide notice for certain public projects; providing notice requirements; extending the notice period for specified public meetings; requiring a local government to support a decision to perform a project with its own employees and to make a factual finding that the project cost will be the same or less than the lowest bid; providing additional exceptions for projects related to public-use airports, certain ports, and certain public transit or transportation systems; authorizing governmental entities to consider certain contractors ineligible to bid; revising the index and year on which the required adjustment of the threshold amounts is based; revising provisions for certain contractors and vendors to challenge a local government’s actions; providing an effective date.

—was referred to the Committees on Community Affairs; Governmental Oversight and Accountability; and General Government Appropriations.

By General Government Policy Council, Health & Family Services Policy Council and Representative(s) Workman, Brandenburg, Clarke-Reed, Flores, Fresen, Garcia, Homan, Kriseman, Nehr, Porth, Rader, Rogers, Zapata—

**CS for CS for HB 675**—A bill to be entitled An act relating to Medicare supplement policies; amending s. 627.671, F.S.; revising a short title; amending s. 627.6741, F.S.; requiring that insurers issuing Medicare supplement policies in this state offer the opportunity to enroll in a Medicare supplement policy to certain individuals having a disability or end-stage renal disease; permitting insurers offering Medicare supplement policies to effect a one-time rate schedule change; authorizing insurers to propose a rate adjustment that considers the experience of policies or certificates for persons younger than 65 years of age; establishing credibility criteria for the rate adjustment; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Health Regulation; and the Policy and Steering Committee on Ways and Means.

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By Representative(s) Aubuchon, Zapata—

**HB 707**—A bill to be entitled An act relating to the management of wastewater; amending s. 514.023, F.S.; requiring the Department of Health to notify local governments and local offices of the Department of Environmental Protection when certain health advisories are issued; requiring local offices of the Department of Environmental Protection to conduct investigations of certain wastewater treatment facilities and provide the results of such investigations to local governments; amending s. 514.025, F.S.; authorizing the department to assign certain responsibilities and functions relating to public swimming pools and bathing places to multicounty independent special districts under specified conditions; providing an effective date.

—was referred to the Committees on Health Regulation; Environmental Preservation and Conservation; and General Government Appropriations.

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By Representative(s) Aubuchon—

**HB 1021**—A bill to be entitled An act relating to the Department of Transportation; requiring the department to conduct a study of transportation alternatives for the Interstate 95 corridor; requiring a report to the Governor, Legislature, and affected metropolitan planning organizations by a certain date; amending s. 125.42, F.S.; providing for counties to incur certain costs related to relocation or removal of certain utility facilities under specified circumstances; amending s. 163.3177, F.S.; revising requirements for comprehensive plans; providing a time-frame for submission of certain information to the state land planning agency; providing for airports, land adjacent to airports, and certain interlocal agreements relating thereto in certain elements of the plan; amending s. 163.3178, F.S.; providing that certain port-related facilities are not developments of regional impact under certain circumstances; amending s. 163.3180, F.S.; defining the term “backlog”; amending s. 163.3182, F.S., relating to transportation concurrency backlog authorities; providing legislative findings and declarations; expanding the power of authorities to borrow money to include issuing certain debt obligations; providing a maximum maturity date for certain debt incurred to finance or refinance certain transportation concurrency backlog projects; authorizing authorities to continue operations and administer certain trust funds for the period of the remaining outstanding debt; requiring local transportation concurrency backlog trust funds to continue to be funded for certain purposes; providing for increased ad valorem tax increment funding for such trust funds under certain circumstances; revising provisions for dissolution of an authority; amending s. 287.055, F.S.; conforming a cross-reference; amending s. 334.044, F.S.; clarifying the department’s authority to establish and collect variable rate tolls; amending s. 337.11, F.S.; providing for the department to pay a portion of certain proposal development costs; providing that the department shall retain the right to use ideas from unsuccessful firms that accept the stipend; establishing a goal for the department to procure certain contracts as design-build contracts; authorizing the department to adopt rules; amending ss. 337.14 and 337.16, F.S.; conforming cross-references; amending s. 337.18, F.S.; requiring the contractor to maintain a copy of the required payment and performance bond at certain

locations and provide a copy upon request; providing that a copy may be obtained directly from the department; removing a provision requiring a copy to be recorded in the public records of the county; amending s. 337.185, F.S.; providing for the State Arbitration Board to arbitrate certain claims relating to maintenance contracts; providing for a member of the board to be elected by maintenance companies or construction companies; amending s. 337.403, F.S.; providing for the department or local governmental entity to pay certain costs of removal or relocation of a utility facility that is found to be interfering with the use, maintenance, improvement, extension, or expansion of a public road or publicly owned rail corridor under described circumstances; amending s. 337.408, F.S.; providing for public pay telephones and advertising thereon to be installed within the right-of-way limits of any municipal, county, or state road; providing exceptions; amending s. 338.01, F.S.; requiring new and replacement electronic toll collection systems to be interoperable with the department's system; amending s. 338.165, F.S.; authorizing the department to use excess toll revenues for public transit; exempting toll rates on high-occupancy toll lanes or express lanes from consumer price indexing provisions; removing specific identification of certain state-owned toll facilities in the department's authority to request issuance of bonds to fund transportation projects located within the county or counties in which the project is located; amending s. 338.2216, F.S.; directing the Florida Turnpike Enterprise to implement new technologies and processes in its operations and collection of tolls and other amounts; amending s. 338.223, F.S.; conforming a cross-reference; amending s. 338.231, F.S.; revising provisions for establishing and collecting tolls; authorizing collection of amounts to cover costs of toll collection and payment methods; requiring public notice and hearing; amending s. 339.12, F.S.; revising requirements for aid and contributions by governmental entities for transportation projects; revising limits under which the department may enter into an agreement with a county for a project or project phase not in the adopted work program; authorizing the department to enter into certain long-term repayment agreements; amending s. 339.135, F.S.; revising certain notice provisions that require the department to notify local governments regarding amendments to an adopted 5-year work program; amending s. 339.155, F.S.; revising provisions for development of the Florida Transportation Plan; removing provisions for a short-range component and an annual performance report; amending s. 339.2816, F.S., relating to the Small County Road Assistance Program; providing for resumption of certain funding for the program; revising the criteria for counties eligible to participate in the program; amending ss. 339.2819 and 339.285, F.S.; conforming cross-references; repealing part III of ch. 343 F.S.; abolishing the Tampa Bay Commuter Transit Authority; amending s. 348.0003, F.S.; providing for financial disclosure for expressway, transportation, bridge, and toll authorities; amending s. 348.0004, F.S.; providing for certain expressway authorities to index toll rate increases; amending s. 479.01, F.S.; revising provisions for outdoor advertising; revising the definition of the term "automatic changeable facing"; amending s. 479.07, F.S.; revising a prohibition against signs on the State Highway System; revising requirements for display of the sign permit tag; directing the department to establish by rule a fee for furnishing a replacement permit tag; revising the pilot project for permitted signs to include Hillsborough County and areas within the boundaries of the City of Miami; amending s. 479.08, F.S.; revising provisions for denial or revocation of a sign permit; amending s. 479.156, F.S.; modifying provisions for local government control of the regulation of wall murals adjacent to certain federal highways; providing for notification to the Federal Highway Administration; amending s. 479.261, F.S.; revising requirements for the logo sign program of the interstate highway system; deleting provisions for permits to be awarded to the highest bidders; authorizing the department to implement a rotation-based logo program; requiring the department to adopt rules that set reasonable rates based on certain factors for annual permit fees; requiring that such fees not exceed a certain amount for sign locations inside and outside an urban area; creating a business partnership pilot program; authorizing the Palm Beach County School District to display names of business partners on district property in unincorporated areas; exempting the program from specified provisions; authorizing the expenditure of public funds for certain alterations of Old Cutler Road in the Village of Palmetto Bay; requiring the official approval of the Department of State before any alterations may begin; amending s. 120.52, F.S.; revising the definition of the term "agency"; providing effective dates.

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

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By Roads, Bridges & Ports Policy Committee and Representative(s) Plakon, Hooper, Zapata—

**CS for HB 1065**—A bill to be entitled An act relating to aircraft safety; providing a short title; creating s. 379.2293, F.S.; providing legislative findings and intent; exempting airport authorities and other entities from penalties, restrictions, or sanctions with respect to authorized actions taken to protect human life or aircraft from wildlife hazards; defining the term "authorized action taken for the purpose of protecting human life or aircraft safety from wildlife hazards"; providing that federal or state authorizations for such actions prevail over certain other regulations, permits, comprehensive plans, and laws; providing immunity from penalties with respect to authorized action for certain individuals; providing exceptions; providing an effective date.

—was referred to the Committees on Transportation; Community Affairs; Judiciary; and General Government Appropriations.

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By Economic Development Policy Committee and Representative(s) McBurney, Holder, Schultz—

**CS for HB 1311**—A bill to be entitled An act relating to corporations; amending s. 607.0501, F.S.; deleting a provision providing that there shall be no charge for telephone requests for certain general corporate information; amending s. 607.1406, F.S.; requiring notice to known claimants of a dissolved corporation; amending s. 607.1620, F.S.; requiring that certain corporations furnish annual financial statements to shareholders within a specified period after the close of a fiscal year; providing an exception; providing a means by which such requirement may be satisfied; amending s. 617.01201, F.S.; requiring a document that is electronically transmitted to be in a format that may be retrieved in typewritten or printed form; requiring that a document be executed by a director of the domestic or foreign corporation; authorizing the delivery of a document by electronic transmission to the extent allowed by the Department of State; amending s. 617.0122, F.S.; requiring the department to collect a fee for filing an agent's statement of resignation from an inactive corporation; amending s. 617.0124, F.S.; authorizing a domestic or foreign corporation to correct a document filed by the department within 30 days under certain circumstances; amending s. 617.01401, F.S.; defining the terms "department," "distribution," "mutual benefit corporation," "successor entity," and "voting power"; amending s. 617.0205, F.S.; requiring the incorporators to hold an organizational meeting after incorporation if the initial directors are not named in the articles of incorporation; amending s. 617.0302, F.S.; authorizing a corporation not for profit to make guaranties; amending s. 617.0501, F.S.; deleting a provision providing that there shall be no charge for telephone requests for certain general corporate information; amending s. 617.0503, F.S.; providing that an alien business organization may withdraw its registered agent designation by delivering an application for certificate of withdrawal to the department; amending s. 617.0505, F.S.; prohibiting a corporation not for profit from making distributions to its members; providing an exception; deleting provisions related to the issuance of certificates; amending s. 617.0601, F.S.; correcting a reference to the Solicitation of Contributions Act; providing that certain stock certificates constitute certificates of membership; requiring that a resignation, expulsion, or termination of membership be recorded in the membership book; creating s. 617.0605, F.S.; prohibiting a member of a corporation from transferring a membership under certain circumstances; creating s. 617.0606, F.S.; providing that the resignation of a member does not relieve the member from obligations incurred and commitments made prior to resignation; creating s. 617.0607, F.S.; requiring that a member of a corporation be terminated or suspended pursuant to a procedure that is fair and reasonable; requiring that written notice given and delivered by certified mail or first-class mail; requiring that a proceeding challenging an expulsion, suspension, or termination be commenced within 1 year after the effective date of such expulsion, suspension, or termination; providing that a member who has been expelled or suspended may be liable to the corporation for dues, assessments, or fees; creating s. 617.0608, F.S.; prohibiting a corporation from purchasing any of its memberships; authorizing a mutual benefit corporation to purchase the membership of a member who resigns or whose membership is terminated; amending s. 617.0701, F.S.; author-

izing the holders of at least 5 percent of the voting power of a corporation to call a special meeting of the members under certain circumstances; authorizing a person who signs a demand for a special meeting to call a special meeting of the members under certain circumstances; revising the timeframes relating to written member consent to actions; clarifying the types of corporations that are not subject to certain requirements; amending s. 617.0721, F.S.; authorizing the corporation to reject a proxy action if it has reasonable doubt as the validity of an appointment; providing that members and proxy holders who are not physically present at a meeting may participate by means of remote communication and are deemed to be present at the meeting under certain circumstances; amending s. 617.0725, F.S.; requiring an amendment to the articles of incorporation or the bylaws which adds a greater or lesser quorum or voting requirement to meet certain requirements; creating s. 617.07401, F.S.; prohibiting a person from commencing a proceeding in the right of a domestic or foreign corporation unless the person was a member of the corporation or became a member through transfer by operation of law; requiring that a complaint in a proceeding brought in the right of a domestic or foreign corporation be verified and allege the demand with particularity; authorizing the court to dismiss a derivative proceeding if the court finds that a determination was made in good faith after a reasonable investigation; prohibiting certain proceedings from being discontinued or settled without the approval of the court; authorizing the court to require a plaintiff to pay a defendant's reasonable expenses upon termination of a proceeding, including attorney's fees; amending s. 617.0801, F.S.; providing the duties of the board of directors; amending s. 617.0802, F.S.; providing an exception to the required minimum age of a member of the board of directors for certain corporations; amending s. 617.0806, F.S.; providing that directors may be divided into classes; amending s. 617.0808, F.S.; providing that any member of the board of directors may be removed from office with or without cause by a certain vote; providing that a director who is elected by a class, chapter, or other organizational unit may be removed only by members of that class, chapter, or organizational unit; providing that a director elected or appointed by the board may be removed without cause by a vote of two-thirds of the directors then in office; providing that a director of a corporation described in s. 501(c) of the Internal Revenue Code may be removed from office pursuant to procedures provided in the articles of incorporation or the bylaws; amending s. 617.0809, F.S.; providing that a vacancy on the board of directors for a director elected by a class, chapter, unit, or group may be filled only by members of that class, chapter, unit, or group; providing that the term of a director elected or appointed to fill a vacancy expires at the next annual meeting at which directors are elected; amending s. 617.0824, F.S.; prohibiting certain directors from being counted toward a quorum; amending s. 617.0832, F.S.; deleting a provision that authorizes common or interested directors to be counted in determining the presence of a quorum at a meeting that ratifies a contract between a corporation and one of its directors and any other corporation in which one of its directors is financially interested; providing circumstances under which a conflict-of-interest transaction is authorized; amending s. 617.0833, F.S.; providing an exception to the requirement that a loan not be made by a corporation to its directors; amending s. 617.0834, F.S.; providing that an officer or director of a certain nonprofit organization or agricultural or horticultural organization is immune from civil liability; amending s. 617.1007, F.S.; providing that a restatement of the articles of incorporation of a corporation may include one or more amendments; amending s. 617.1101, F.S.; providing requirements for a plan of merger; creating s. 617.1102, F.S.; providing a limitation on the merger of a corporation not for profit; creating s. 617.1301, F.S.; prohibiting a corporation from making distributions to its members under certain circumstances; creating s. 617.1302, F.S.; providing that a mutual benefit corporation may purchase its memberships only under certain circumstances; authorizing a corporation to make distributions upon dissolution; amending s. 617.1405, F.S.; providing that the name of a dissolved corporation may be available for immediate assumption by another corporation if the dissolved corporation provides the department with an affidavit authorizing such use; creating s. 617.1407, F.S.; authorizing a dissolved corporation or successor entity to execute certain procedures to resolve payment of unknown claims against it; providing that certain claims against a dissolved corporation are barred; providing that a claim may be entered against a dissolved corporation under certain circumstances; creating s. 617.1408, F.S.; authorizing a dissolved corporation or successor entity to execute certain procedures to dispose of known claims against it; requiring that a dissolved corporation deliver written notice of the dissolution to each of its known claimants; providing a procedure under which a dissolved corporation may reject a claim made against it;

requiring that a dissolved corporation give notice of the dissolution to persons having known claims that are contingent, conditional, or unmaturing; requiring that a dissolved corporation follow certain procedures in offering compensation to a claimant if the claim matures; requiring that a dissolved corporation petition the circuit court to determine the amount and form of security that is sufficient to provide compensation to certain claimants; providing that the giving of notice or making of an offer does not revive a claim that has been barred; providing that directors of a dissolved corporation or governing persons of a successor entity that has complied with certain procedures are not personally liable to the claimants of a dissolved corporation; providing that certain members of a dissolved corporation are not liable for any claim against the corporation; providing a limit on the aggregate liability of any member of a dissolved corporation; repealing s. 617.1421(6), F.S., relating to the assumption and use of the name of a dissolved corporation; amending s. 617.1422, F.S.; deleting certain requirements for an application to reinstate a corporation that has been dissolved; requiring that a corporation submit a reinstatement form prescribed and furnished by the department; providing that the name of a dissolved corporation is not available for assumption or use by another corporation until 1 year after the effective date of dissolution; providing an exception; amending s. 617.1430, F.S.; revising the requirements for members to dissolve a corporation in circuit court; amending s. 617.1503, F.S.; requiring a foreign corporation to deliver a certificate of existence authenticated by the Secretary of State; amending s. 617.1504, F.S.; requiring that a foreign corporation make application to the department to obtain an amended certificate of authority within 90 days after the occurrence of a change; amending s. 617.1506, F.S.; requiring that an alternate corporate name adopted for use in this state be cross-referenced to the real corporate name in the records of the Division of Corporations; requiring that the corporate name of a foreign corporation be distinguishable from the corporate name of a corporation for profit incorporated or authorized to transact business in this state; amending s. 617.1530, F.S.; requiring that the department receive an authenticated certificate from the Secretary of State before commencing a proceeding to revoke the certificate of authority of a foreign corporation; amending s. 617.1601, F.S.; requiring that a corporation keep a copy of its articles of incorporation; revising certain requirements for corporate records; amending s. 617.1604, F.S.; providing an additional exception to a requirement that a corporation pay certain costs and attorney fees after a court-ordered inspection of certain records under certain circumstances; amending s. 617.1602, F.S.; providing that a member of a corporation is entitled to inspect and copy certain records of the corporation at a reasonable location specified by the corporation; requiring that a member give the corporation written notice 10 days before the date on which he or she wishes to inspect and copy records; amending s. 617.1605, F.S.; revising the circumstances under which a corporation is required to furnish a member with its latest annual financial statement; creating s. 617.1703, F.S.; providing for the applicability of certain provisions to corporations regulated under the act; amending s. 617.1803, F.S.; providing for certain changes when a foreign not-for-profit corporation becomes domesticated; amending s. 617.1806, F.S.; revising the provisions for conversion to a corporation not for profit; amending s. 617.1907, F.S.; providing that the repeal or amendment of a statute does not affect certain operations and proceedings; repealing s. 617.2103, F.S., relating to exemptions for certain corporations; providing effective dates.

—was referred to the Committees on Commerce; and Judiciary.

By Finance & Tax Council, General Government Policy Council and Representative(s) Troutman, Kreegel—

**CS for CS for HB 1423**—A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; amending s. 206.606, F.S.; transferring authority from the Department of Revenue to the Fish and Wildlife Conservation Commission to allocate funds from the Invasive Plant Control Trust Fund for specified purposes; amending s. 253.002, F.S.; authorizing the Board of Trustees of the Internal Improvement Trust Fund to delegate certain authority relating to aquatic and non-invasive plants to the Department of Agriculture and Consumer Services and the Fish and Wildlife Conservation Commission; amending s. 253.04, F.S.; providing for the preservation and regeneration of seagrasses; providing definitions; providing penalties; amending s. 319.32, F.S.; increasing the certificate of title fee for certain vehicles; amending s. 320.08056, F.S.; increasing the annual use fee for certain specialty license plates; amending s. 327.02, F.S.; revising the definition of the

term "live-aboard vessel"; amending s. 327.35, F.S.; revising penalties for boating under the influence of alcohol; revising the blood-alcohol level or breath-alcohol level at which certain penalties apply; amending s. 327.36, F.S.; revising a prohibition against accepting a plea to a lesser included offense from a person who is charged with certain offenses involving the operation of a vessel; revising the blood-alcohol level or breath-alcohol level at which the prohibition applies; amending s. 327.395, F.S.; revising the age limitation for the operation of specified vessels; revising provisions relating to boating safety identification cards; providing exemptions and penalties; providing a short title; amending s. 327.40, F.S.; revising provisions for placement of navigation, safety, and informational markers of waterways; providing for uniform waterway markers; amending s. 327.41, F.S., relating to placement of markers by a county, municipality, or other governmental entity; revising terminology; providing for a county, municipality, or other governmental entity that has been granted or has adopted or established a boating-restricted area to apply for permission to place regulatory markers; amending s. 327.42, F.S.; revising provisions prohibiting mooring to or damaging markers or buoys; amending s. 327.46, F.S.; revising provisions for establishment by the Fish and Wildlife Conservation Commission of boating-restricted areas; providing for counties and municipalities to establish boating-restricted areas with approval of the commission; directing the commission to adopt rules; revising a prohibition against operating a vessel in a prohibited manner in a boating-restricted area; amending s. 327.60, F.S.; revising provisions limiting local regulations relating to vessels operated upon the waters of this state; prohibiting specified county or municipality ordinances or regulations; amending s. 327.65, F.S.; conforming a cross-reference; creating s. 327.66, F.S.; prohibiting possessing or operating a vessel equipped with certain fuel containers or related equipment; prohibiting transporting fuel in a vessel except in compliance with certain federal regulations; providing penalties; declaring fuel transported in violation of such prohibitions to be a public nuisance and directing the enforcing agency to abate the nuisance; providing for disposal of the containers and fuel; declaring conveyances, vessels, vehicles, and equipment used in such violation to be contraband; providing for seizure of the contraband; defining the term "conviction" for specified purposes; providing for the costs to remove fuel, containers, vessels, and equipment to be paid by the owner; providing that a person who fails to pay such cost shall not be issued a certificate of registration for a vessel or motor vehicle; providing an exemption; amending s. 327.70, F.S.; authorizing municipal police officers and specified law enforcement officers to enforce the provisions of chs. 327 and 328; providing for enforcement of noncriminal violations by citation mailed to the owner of a vessel; specifying responsibility for citations issued to livery vessels; amending s. 327.73, F.S.; revising provisions for citation of a noncriminal infraction to provide for violations relating to boating-restricted areas and speed limits; revising provisions relating to establishment of such limits by counties and municipalities; providing civil penalties for seagrass scarring; amending s. 327.731, F.S.; conforming a cross-reference; amending s. 328.03, F.S.; requiring vessels used or stored on the waters of this state to be titled by this state pursuant to specified provisions; providing exceptions; amending s. 328.07, F.S.; requiring certain vessels used or stored on the waters of this state to have affixed a hull identification number; amending ss. 328.46, 328.48, and 328.56, F.S.; requiring vessels operated, used, or stored on the waters of this state to be registered and display the registration number; providing exceptions; amending s. 328.58, F.S., relating to reciprocity of nonresident or alien vessels; requiring the owner of a vessel with a valid registration from another state, a vessel with a valid registration from the United States Coast Guard in another state, or a federally documented vessel from another state to record the registration number with the Department of Highway Safety and Motor Vehicles when using or storing the vessel on the waters of this state in excess of the 90-day reciprocity period; amending s. 328.60, F.S.; providing an exception to registration requirements for military personnel using or storing on the waters of this state a vessel with a valid registration from another state, a vessel with a valid registration from the United States Coast Guard in another state, or a federally documented vessel from another state; amending s. 328.65, F.S.; revising legislative intent with respect to registration and numbering of vessels; amending s. 328.66, F.S.; authorizing a county to impose an annual registration fee on vessels used on the waters of this state within its jurisdiction; amending s. 328.72, F.S.; providing noncriminal penalties for use or storage of a previously registered vessel after the expiration of the registration period; amending ss. 369.20, 369.22, and 369.25, F.S.; authorizing the commission to enforce specified provisions relating to aquatic weeds and plants; granting certain activ-

ities a mixing zone for turbidity; amending s. 379.304, F.S.; revising cross-references for permitting and violation provisions relating to the exhibition or sale of wildlife; amending s. 379.338, F.S.; providing for confiscation and disposition of illegally taken wildlife, freshwater fish, or saltwater fish; providing for disposition of the proceeds from sales; providing for an agency that assists in the enforcement action to receive a portion or all of any forfeited property; creating s. 379.3381, F.S.; providing for photographs of wildlife, freshwater fish, and saltwater fish to be used as evidence in a prosecution in lieu of the wildlife, freshwater fish, or saltwater fish; amending s. 379.353, F.S.; revising eligibility criteria for exemption from certain recreational license and permit requirements; amending s. 379.354, F.S.; providing for an annual resident shoreline fishing license and fee; authorizing the commission to use proceeds of specified hunting, fishing, and recreational licenses for certain purposes; increasing the fee amounts for waterfowl, wild turkey, snook, spiny lobster, management area, special use, and recreational user permits; providing for a management area permit and fee for outdoor recreational activities other than hunting and fishing; providing for a deer permit and fee; requiring the commission to prepare an annual report and submit the report to the Governor and the Legislature; providing report requirements; amending s. 379.3671, F.S.; revising provisions for abandonment and reversion of lobster trap certificates under specified conditions; amending s. 379.3751, F.S.; specifying activities relating to the taking and possession of alligators that require a license and payment of the applicable fee; deleting provisions relating to the issuance, form, and content of such licenses; amending s. 379.3761, F.S.; providing penalties for violations relating to the exhibition or sale of wildlife; amending s. 379.3762, F.S.; revising a cross-reference with respect to the penalties imposed for violations relating to the personal possession of wildlife; amending s. 379.401, F.S.; revising applicability of violation provisions relating to alligators and crocodiles; conforming references to wildlife; amending s. 379.4015, F.S.; specifying applicability of captive wildlife penalty provisions relating to the exhibition or sale of wildlife; creating s. 379.501, F.S.; providing penalties for violations relating to aquatic weeds and plants; providing legislative intent for civil penalties and criminal fines imposed by a court; creating s. 379.502, F.S.; providing judicial and administrative procedures and remedies to enforce penalty provisions for violations relating to aquatic weeds and plants; providing for mediation; providing for recovery of costs and attorney's fees; requiring proceeds from related penalties to be credited to the Invasive Plant Control Trust Fund; creating s. 379.503, F.S.; authorizing the commission to seek injunctive relief; providing that judicial and administrative remedies are alternative and mutually exclusive; creating s. 379.504, F.S.; providing civil penalties for violations relating to aquatic weeds and plants; authorizing a court to impose a civil penalty for each offense not to exceed a specified amount; providing for joint and several liability; providing for a methodology for assessing certain damages; amending s. 403.088, F.S.; requiring the commission to approve an aquatic weeds and algae control program; directing the commission, in consultation with the Department of Environmental Protection, to establish a pilot program to explore options for regulating the anchoring or mooring of non-live-aboard vessels outside the marked boundaries of public mooring fields; providing geographic locations for the pilot program; providing goals and procedures; providing duties of the commission; requiring a report to the Governor and the Legislature; providing for expiration of the pilot program and any ordinance enacted thereunder; providing for construction; providing for a type two transfer of the Bureau of Invasive Plant Management within the Department of Environmental Protection to the Fish and Wildlife Conservation Commission; ratifying actions taken pursuant to ch. 2008-150, Laws of Florida, and an interagency agreement executed pursuant thereto; transferring the Invasive Plant Control Trust Fund within the Department of Environmental Protection to the Fish and Wildlife Conservation Commission; providing a continuing appropriation to the commission for the costs associated with the shoreline fishing license exemption; reenacting s. 379.209(2)(a), F.S., relating to funds credited to the Nongame Wildlife Trust Fund, to incorporate an amendment made to s. 319.32, F.S., in a reference thereto; reenacting s. 379.3581(7), F.S., relating to hunting safety, to incorporate the amendment made to s. 379.353, F.S., in a reference thereto; reenacting ss. 379.2213, 379.3501, and 379.3712, F.S., relating to management area permit revenues, expiration of licenses and permits, and commercial hunting preserve licenses, respectively, to incorporate the amendment made to s. 379.354, F.S., in references thereto; repealing s. 327.22, F.S., relating to regulation of vessels by municipalities or counties; repealing ss. 379.2211 and 379.2212, F.S., relating to Florida waterfowl permit revenues and Florida wild turkey permit revenues, respectively; repealing s. 379.366(7), F.S., to abrogate the ex-

piration of provisions imposing blue crab effort management program fees and penalties; providing effective dates.

—was referred to the Committees on Environmental Preservation and Conservation; Criminal Justice; Judiciary; and General Government Appropriations.

By Full Appropriations Council on General Government & Health Care and Representative(s) Adams, Anderson, Frishe, Grimsley, Holder, Zapata—

**CS for HB 1471**—A bill to be entitled An act relating to health care; amending s. 154.503, F.S.; conforming a cross-reference; repealing s. 381.0053, F.S., relating to a comprehensive nutrition program; repealing s. 381.0054, F.S., relating to healthy lifestyles promotion; repealing ss. 381.732, 381.733, and 381.734, F.S., relating to the Healthy Communities, Healthy People Act; amending s. 381.006, F.S.; requiring the Department of Health, when conducting an environmental health program inspection of a certified domestic violence center and certain residential child-caring agencies to limit the inspection of the domestic violence center or residential child-caring agency to the requirements set forth in the department's rules applicable to community-based residential facilities with five or fewer residents; requiring a report to the Governor and Legislature prior to proceeding with nitrogen reduction activities; ; amending s. 381.0072, F.S.; requiring the Department of Health, when conducting a food service inspection of a certified domestic violence center to limit the inspection of the domestic violence center to the requirements set forth in the department's rules applicable to community-based residential facilities with five or fewer residents; amending s. 381.0203, F.S.; requiring certain state agencies to purchase drugs through the statewide purchasing contract administered by the Department of Health; providing an exception; requiring the department to establish and maintain certain pharmacy services program; transferring, renumbering, and amending s. 381.84, F.S., relating to the Comprehensive Statewide Tobacco Education and Use Prevention Program; revising definitions; revising program components; requiring program components to include efforts to educate youth and their parents about tobacco use; requiring a youth- directed focus in each program component; deleting an obsolete provision relating to the AHEC smoking-cessation initiative; requiring the Tobacco Education and Use Prevention Advisory Council to adhere to state ethics laws; providing that meetings of the council are subject to public-records and public-meetings requirements; revising the duties of the council; deleting a provision that prohibits a member of the council from participating in a discussion or decision with respect to a research proposal by a firm, entity, or agency with which the member is associated as a member of the governing body or as an employee or with which the member has entered into a contractual arrangement; revising the submission date of an annual report; deleting an expired provision relating to rulemaking authority of the department; transferring and renumbering s. 381.91, F.S., relating to the Jessie Trice Cancer Prevention Program; transferring, renumbering, and amending s. 381.911, F.S., relating to the Prostate Cancer Awareness Program; revising the criteria for members of the prostate cancer advisory committee; repealing s. 381.912, F.S., relating to the Cervical Cancer Elimination Task Force; transferring and renumbering s. 381.92, F.S., relating to the Florida Cancer Council; transferring and renumbering s. 381.921, F.S., relating to the mission and duties of the Florida Cancer Council; amending s. 381.922, F.S.; conforming cross-references; transferring and renumbering s. 381.93, F.S., relating to a breast and cervical cancer early detection program; transferring and renumbering s. 381.931, F.S., relating to an annual report on Medicaid expenditures; renaming ch. 385, F.S., as the "Healthy and Fit Florida Act"; amending s. 385.101, F.S.; renaming the "Chronic Diseases Act" as the "Healthy and Fit Florida Act"; amending s. 385.102, F.S.; revising legislative intent; creating s. 385.1021, F.S.; providing definitions; creating s. 385.1022, F.S.; requiring the Department of Health to support public health programs to reduce the incidence of mortality and morbidity from chronic diseases; creating s. 385.1023, F.S.; requiring the department to create state-level programs that address the risk factors of certain chronic diseases; providing required activities of the state-level programs; amending s. 385.103, F.S.; providing for community-level programs for the prevention of chronic diseases; revising definitions; requiring the department to develop and implement a community-based chronic disease prevention and health promotion program; providing the purpose of the program; providing requirements for the program; creating s. 385.105, F.S.; requiring the department to develop programs

to increase physical fitness, to work with school districts, to develop partnerships that allow the public to access recreational facilities and public land areas suitable for physical activity, to work with the Executive Office of the Governor and Volunteer Florida, Inc., to promote school initiatives, and to collaborate with the Department of Education in recognizing nationally accepted best practices for improving physical education in schools; requiring the Department of Health to promote healthy lifestyles to reduce obesity; requiring the department to promote optimal nutritional status in all stages of people's lives, personal responsibility to prevent chronic disease or slow its progression, and regular health visits during a person's life span; authorizing state agencies to conduct employee wellness programs; requiring the department to serve as a model to develop and implement employee wellness programs; requiring the department to assist state agencies to develop the employee wellness programs; providing equal access to the programs by agency employees; requiring the department to coordinate efforts with the Department of Management Services and other state agencies; authorizing each state agency to establish an employee wellness work group to design the wellness program; requiring the department to provide requirements for participation fees, collaborations with businesses, and procurement of equipment and incentives; amending s. 385.202, F.S.; requiring facilities, laboratories, and practitioners to report information; authorizing the department to adopt rules regarding reporting requirements for the cancer registry; providing immunity from liability for facilities and practitioners reporting certain information; requiring the department to adopt rules regarding the establishment and operation of a statewide cancer registry program; requiring the department or contractual designee operating the statewide cancer registry program to use or publish material only for the purpose of public health surveillance and advancing medical research or medical education in the interest of reducing morbidity or mortality; authorizing the department to exchange personal data with any agency or contractual designee for the purpose of public health surveillance and medical or scientific research under certain circumstances; clarifying that the department may adopt rules regarding the classifications of facilities related to reports made to the cancer registry; requiring each facility and practitioner that reports cancer cases to the department to make their records available for onsite review; amending s. 385.203, F.S.; increasing the size of the Diabetes Advisory Council to include one representative of the Florida Academy of Family Physicians; amending s. 385.206, F.S.; renaming the "hematology-oncology care center program" as the "Pediatric Hematology-Oncology Center Program"; revising definitions; authorizing the department to designate centers and provide funding to maintain programs for the care of patients with hematologic and oncologic disorders; clarifying provisions related to grant-funding agreements and grant disbursements; revising the department's requirement to evaluate services rendered by the centers; requiring data from the centers and other sources relating to pediatric cancer to be available to the department for program planning and quality assurance initiatives; amending s. 385.207, F.S.; clarifying provisions that require the department to collect information regarding the number of clients served, the outcomes reached, the expense incurred, and fees collected by providers of epilepsy services; deleting the provision that requires the department to limit administrative expenses from the Epilepsy Services Trust Fund to a certain percentage of annual receipts; amending s. 385.210, F.S.; revising legislative findings regarding the economic costs of treating arthritis and its complications; authorizing the State Surgeon General to seek any federal waivers that may be necessary to maximize funds from the Federal Government to implement the Arthritis Prevention and Education Program; creating s. 385.301, F.S.; authorizing the department to adopt rules to administer the act; amending s. 409.904, F.S.; conforming a cross-reference; creating the Pharmacy and Therapeutic Advisory Council within the Executive Office of the Governor; providing duties of the council; providing for the appointment and qualification of members; providing for the use of subject-matter experts when necessary; providing requirements for voting and a quorum; providing for quarterly meetings of the council; providing for staffing; providing for reimbursement of per diem and travel expenses for members of the council; amending s. 499.003, F.S.; excluding from the definition of "wholesale distribution" certain activities of state agencies; providing an effective date.

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

By Economic Development & Community Affairs Policy Council, Governmental Affairs Policy Committee and Representative(s) Schenck—

**CS for HB 7027**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding personal information contained in motor vehicle records; amending s. 119.0712, F.S.; removing provisions which are duplicative of the federal prohibition on release and use of personal information contained in state motor vehicle records under the federal Driver's Privacy Protection Act of 1994; referencing federal law as controlling with respect to the confidentiality and release of such records; providing that such information received pursuant to federal law may not be used for mass commercial solicitation of clients for litigation against motor vehicle dealers; reorganizing provisions; making editorial and conforming changes; repealing s. 2, ch. 2004-62, Laws of Florida, which provides for repeal of the exemption; providing an effective date.

—was referred to the Committees on Transportation; Governmental Oversight and Accountability; and Rules.

By Policy Council, Agriculture & Natural Resources Policy Committee and Representative(s) Williams, T.—

**CS for HB 7053**—A bill to be entitled An act relating to rural agricultural industrial centers; amending s. 163.3177, F.S.; providing legislative recognition and findings; providing a definition; authorizing landowners within a rural agricultural industrial center to apply for an amendment to the local government comprehensive plan for certain purposes; providing amendment requirements; requiring a local government to transmit the application to the state land planning agency for review within a specified period after receiving such application; providing that such amendments are presumed consistent with the Florida Administrative Code; providing for rebuttal of the presumption; specifying nonapplication to optional sector plans, rural land stewardship areas, and comprehensive plan amendments that include an inland port terminal or affiliated port development; providing construction; providing an effective date.

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

By Representative(s) Hays, Domino, McKeel—

**HJR 81**—House Joint Resolution A joint resolution proposing the repeal of Section 7 of Article VI of the State Constitution, relating to public financing of campaigns of candidates for elective statewide office who agree to campaign spending limits.

—was referred to the Committees on Judiciary; and Rules.

By Economic Development & Community Affairs Policy Council, Governmental Affairs Policy Committee and Representative(s) Ford—

**CS for HB 7051**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act for social security numbers; amending s. 119.071, F.S.; providing that social security numbers of current and former agency employees held by the employing agency are confidential and exempt from public records requirements; providing for future review and repeal of the exemption; requiring that an agency identify in writing the specific federal or state laws governing the collection, use, and release of social security numbers and ensure compliance therewith; requiring notice as to whether collection of a social security number is authorized or mandatory under federal or state law; clarifying that the public records exemption for social security numbers held by an agency does not supersede any federal law prohibiting the release of social security numbers or any other applicable public records exemptions for social security numbers; delineating conditions under which social security numbers held by an agency may be disclosed; redefining the term "commercial activity" for purposes of provisions authorizing the disclosure of a social security number under

limited circumstances; eliminating agency reports of requests for social security numbers by commercial entities; reenacting ss. 119.0714(1)(i), (2)(e), and (3)(b) and 1007.35(8)(b), F.S., relating to social security numbers contained in records that are made part of a court file, a future requirement of court clerks to keep social security numbers confidential and exempt without a request for redaction and specified nonapplicability to court clerks with respect to court records, the availability of social security numbers as part of official records, a future requirement of county recorders to keep social security numbers confidential and exempt without a request for redaction and specified nonapplicability to county recorders with respect to official records, and access to specified information under the Florida Partnership for Minority and Underrepresented Student Achievement, respectively, for the purpose of incorporating the amendment to s. 119.071, F.S., in references thereto; providing a statement of public necessity; providing an effective date.

—was referred to the Committees on Governmental Oversight and Accountability; and Rules.

By Economic Development & Community Affairs Policy Council and Representative(s) Murzin, Brisé—

**HB 7093**—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for specified proprietary business information obtained from a telecommunications company or broadband company by the Department of Management Services; providing for future review and repeal; providing a statement of public necessity; providing a contingent effective date.

—was referred to the Committees on Communications, Energy, and Public Utilities; Governmental Oversight and Accountability; and Rules.

## CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 24 was corrected and approved.

## CO-INTRODUCERS

Senators Aronberg—CS for SB 502; Baker—CS for SB 1278; Bullard—CS for CS for CS for SB 1128, CS for SB 1430; Crist—CS for SB 388, CS for CS for CS for SB 1004, CS for CS for SB 1062, CS for CS for CS for SB 1154, CS for CS for SB 1502; Gaetz—SB 1848; Gelber—CS for SB 2546; Joyner—SB 500; Lynn—CS for SB 1126, CS for CS for SB 1468, CS for CS for SB 1502, CS for CS for CS for SB 1986, CS for CS for SB 2226, CS for CS for CS for SB 2244; Oelrich—SB 1370; Richter—CS for CS for SB 2226

Senator Baker was recorded as introducer of CS for CS for SB 942.

## RECESS

On motion by Senator Aronberg, the Senate recessed at 7:02 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Tuesday, April 28 or upon call of the President.

## SENATE PAGES

April 27-May 1, 2009

Kelechi Anyanwu, Orlando; Lucy Beall, Apopka; Demi T. Busatta, Cape Coral; Crystal Chadwell, Panacea; Hannah Ciupalo, Tallahassee; Curtis "Tyree" Clark, Tallahassee; Courtney Dean, North Miami; Joey Doyle, Miami; Rebekah Giordano, New Port Richey; Artaveya Ingram, Tallahassee; JhaRonte James, Tallahassee; Rosemarthe Jean-Joseph, Miami; Rose Laure Jean-Joseph, Miami; Rose Jean-Mary, Miami; Mary A. Jones, Windermere; Morgan Miller, Summerfield; Nick Powell, Miami; Michael A. Robinson II, Tallahassee; Kelsey Ryan, Celebration; Herman Sanchez, Miami; Lindsey Sanders, Tallahassee; Darren M. Thedieck, Tallahassee; Victoria S. Webster, Orlando; Kyla Rae Wilkins, DeFuniak Springs