



Journal of the Senate

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CALL TO ORDER

The Senate was called to order by President Atwater at 1:49 p.m. A quorum present—37:

Mr. President	Gaetz	Peadar
Alexander	Garcia	Richter
Altman	Gardiner	Ring
Aronberg	Gelber	Siplin
Baker	Haridopolos	Smith
Bennett	Hill	Sobel
Bullard	Jones	Storms
Constantine	Joyner	Thrasher
Crist	Justice	Villalobos
Dean	Lawson	Wilson
Detert	Lynn	Wise
Dockery	Negron	
Fasano	Oelrich	

Excused: Senator Rich

PRAYER

The following prayer was offered by Rabbi Schneur Oirechman, Director of Chabad Lubavitch of the Panhandle, Tallahassee:

Our God and God of our fathers, Great, Mighty and Revered God, we beseech you in your abundant mercy. Bestow your favor upon the members of this honorable body as they gather here to carry out just laws, with firm knowledge that you are the ultimate ruler of all.

On the Jewish calendar, we are now marking the counting of the Omer, a count that connects the pilgrim festivals of Passover and Shavuot. Historically, this period of time marked the heightened anticipation of the Jews as they anxiously awaited the Giving of the Torah and its Commandments at Sinai.

The Kabbalah teaches us an interesting message about this time. The Kabbalah is known for its deep and esoteric wisdom, yet it has surprisingly simple and relevant messages that can enhance our daily lives and inspire us.

The commandment to count the Omer is one of the more curious prescriptions of the Torah. We are told to count the 49 days between Passover and Shavuot, even though, of course, the number of days never changes. This is because our counting effort is one that is valuable in and of itself. The counting of each day teaches us that while we strive to attain life's goals, we must not forget that each day is not merely a means to an end, but that each day is a goal of its own. Therefore, we must make every day and every moment count.

We beseech you, O Merciful and Gracious God, guide and empower the honorable Senators as they tirelessly serve the citizens of our beloved sunshine state. Bestow your bountiful blessings upon them, and grant them the ability to "count each day" and to make each day count. Help them attain the courage and wisdom to overcome the great challenges they face. Permit them to meet the people's needs.

Almighty God, grant us the ability to actualize your daily blessings. May our work on behalf of this state and nation advance the causes of compassion and freedom, and may our work succeed in making this world a better place. We include a prayer for the safety and welfare of Israel, whose independence was proclaimed 62 years ago this week on the Jewish calendar—and for all nations who represent democracy, freedom and peace.

May the toil of our leaders ease the way to better times when the State of Florida will continue to flourish and prosper. And may their efforts usher in a new era of peace and justice with its blessings for all mankind, and let us say, Amen.

PLEDGE

Senate Pages Devan Albritton of Lehigh Acres; Jared C. Davis of Tallahassee; William "Will" Moose of Miami; and Caitlyn Anna Coates of Tallahassee, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Jack Jawitz of Bradenton, sponsored by Senator Bennett, as doctor of the day. Dr. Jawitz specializes in Dermatology.

ADOPTION OF RESOLUTIONS

On motion by Senator Aronberg—

By Senator Aronberg—

SR 2328—A resolution recognizing 2011 as the "Centennial Year of U.S. Naval Aviation."

WHEREAS, on January 26, 1911, Glenn H. Curtiss conducted the first successful demonstration of a sea plane in San Diego Harbor, thus affirming the application of airplanes for naval purposes, and

WHEREAS, on May 8, 1911, Capt. Washington Irving Chambers prepared a requisition for the purchase of the U.S. Navy's first aircraft, and this date would later be designated as the birthday of U.S. Naval aviation, and

WHEREAS, during the first century of naval aviation, numerous milestones have been observed, including the birth of Marine Corps aviation on May 22, 1912; the commission of the U.S. Navy's first aircraft carrier, the USS Langley, in 1922; the first takeoff from, and landing on, a U.S. Navy aircraft carrier, also in 1922; and, in 1942, the first naval engagement in which ships of the opposing forces were not in sight of each other, and

WHEREAS, on February 20, 1962, Lt. Col. John H. Glenn, Jr., USMC, became the first American to orbit the earth, and

WHEREAS, on July 20, 1969, former naval aviator Neil Armstrong became the first American to set foot on the surface of the moon, and

WHEREAS, on February 22, 1974, Lt. j.g. Barbara Ann Allen (Rainey) became the first female naval aviator in our nation's history, and

WHEREAS, among the many milestones that have marked the first century of U.S. Naval aviation, a number of significant achievements within the State of Florida have had considerable impact, both nationwide as well as statewide, and

WHEREAS, Florida is home to four Naval air stations, NAS Pensacola, NAS Whiting Field in Milton, NAS Key West, and NAS Jacksonville, with Jacksonville also being the home to Naval Station Mayport, which supports air operations, and

WHEREAS, on April 23, 1940, Naval Air Station (NAS) Jacksonville became the only military installation in the United States that was given as a gift from the people to the United States government, and

WHEREAS, the gift of NAS Jacksonville was followed by the official commissioning of the naval air station on October 15, 1940, and

WHEREAS, NAS Jacksonville was the original home of the Navy's Blue Angels flight demonstration team, who performed their first show at Craig Field in Jacksonville on June 15, 1946, and

WHEREAS, NAS Jacksonville also became the home of the Naval Air Advanced Training Command, and

WHEREAS, in 1914, the Pensacola Navy yard was officially changed from a naval yard to a naval air station, thus becoming the first naval air station in the U.S. Navy and the primary training facility for all naval aviators and enlisted aircrew personnel, and

WHEREAS, in 1954, NAS Pensacola became the new home of the Navy's Blue Angels, and

WHEREAS, in July 1943, NAS Whiting Field opened as a training facility to fulfill the need for pilot training commands in World War II, and

WHEREAS, today NAS Whiting Field is responsible for an estimated 46 percent of the Chief of Naval Air Command's total flight time and over 10 percent of the Navy's and the Marine Corps' total flight time, and

WHEREAS, every year an estimated 1,200 personnel complete their essential flight training at NAS Whiting Field on their way to becoming naval pilots, and

WHEREAS, on October 21, 1948, Jesse Brown became the U.S. Navy's first African-American pilot when he was awarded his wings at NAS Jacksonville, and

WHEREAS, it is with great pride and sense of accomplishment that the citizens of the State of Florida join with all citizens of the United States in recognizing 2011 as the "Centennial Year of U.S. Naval Aviation," NOW, THEREFORE,

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

That the Senate recognizes 2011 as the "Centennial Year of U.S. Naval Aviation."

—was introduced out of order and read by title. On motion by Senator Aronberg, **SR 2328** was read the second time by title and adopted.

On motion by Senator Ring—

By Senator Ring—

SR 2858—A resolution recognizing April 19, 2010, as "Florida Wing, Civil Air Patrol Day" in the State of Florida.

WHEREAS, the Civil Air Patrol was established on December 1, 1941, one week before the Japanese attack on Pearl Harbor, by citizens who were concerned about the defense of America's coastline, and

WHEREAS, under the jurisdiction of the United States Army Air Forces, Civil Air Patrol pilots flew more than 500,000 hours and were credited with sinking two enemy submarines and rescuing hundreds of crash survivors during World War II, and

WHEREAS, President Harry Truman established the Civil Air Patrol as a federally chartered benevolent civilian corporation on July 1, 1946, and on May 26, 1948, the United States Congress passed Public Law 557, which permanently established the Civil Air Patrol as the auxiliary of the United States Air Force and charged the patrol with three primary missions: cadet programs, emergency services, and aerospace education, and

WHEREAS, in October 2000, Congress passed Public Law 106-398, which designated the Civil Air Patrol as a volunteer civilian auxiliary of the United States Air Force when its services are provided to any department or agency of the Federal Government, and

WHEREAS, the Civil Air Patrol's cadet program offers children and young adults from ages 12 to 21 training in the areas of leadership, ethics, decisionmaking, and physical fitness and endurance, as well as the opportunity to fly in military aircraft and compete for scholarships toward earning pilot's licenses, and

WHEREAS, the goal of the Civil Air Patrol's aerospace education program is to foster and cultivate student interest in aerospace through the promotion of aviation, technology, engineering, and aerospace studies in the classroom, and

WHEREAS, the Civil Air Patrol's emergency services program provides crucial services for United States citizens, such as inland search and rescue operations, reconnaissance for homeland security, and disaster relief and support to local, state, and national organizations, and

WHEREAS, the Civil Air Patrol is composed entirely of volunteer members from all walks of life, including medical and business professionals, law enforcement officers, clergy members, educators, and others, whose sole purpose is to serve the citizens of the United States and the State of Florida, and

WHEREAS, one of the largest and most active Wings in the Civil Air Patrol is the Florida Wing, with over 3,800 members, and

WHEREAS, Florida Wing, Civil Air Patrol has flown over 7,145 hours over the past year in support of its task to serve the citizens of the State of Florida and has executed over 385 missions in the state, including United States Air Force training missions, NOW, THEREFORE,

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

That April 19, 2010, is recognized as "Florida Wing, Civil Air Patrol Day" in the State of Florida.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to the Florida Wing, Civil Air Patrol as a tangible token of the sentiments expressed herein.

—was introduced out of order and read by title. On motion by Senator Ring, **SR 2858** was read the second time by title and adopted.

On motion by Senator Garcia—

By Senator Diaz de la Portilla—

SR 2834—A resolution recognizing April 21 and 22, 2010, as "Miami-Dade County Days" in Florida.

WHEREAS, Miami-Dade County is home to thousands of businesses, from corporate giants to family owned “moms and pops,” and is the site of foreign consulates, international trade offices, and multinational chambers of commerce, and

WHEREAS, Miami-Dade County is a center of world finance, with hundreds of financial institutions and foreign agencies located within its boundaries, and

WHEREAS, the music and film industries have made Miami-Dade County one of the largest audio and video production centers in the nation, and

WHEREAS, the vast and soaring skyline and burgeoning population belies a thriving agricultural industry that continues to provide hundreds of millions of dollars of economic activity annually, with Miami-Dade County one of the largest producers in the nation of tropical fruits, ornamental plants, and fish, and

WHEREAS, manufacturing remains a vital segment of the Miami-Dade County economy, and

WHEREAS, Miami-Dade County is experiencing a cultural boom, hosting world-class entertainment, cultural activities, festivals, and special events, and supporting a host of nonprofit, cultural organizations that offer dance, theatre, music, and visual arts, and

WHEREAS, Miami-Dade County is a multicultural microcosm of the world where many languages are spoken and where the population is representative of hundreds of countries around the globe, and

WHEREAS, the celebration of Miami-Dade County Days in Tallahassee was the brainchild of the late Representative John Cosgrove, who, as chair of the Dade County Legislative Delegation, worked with the private sector to create what has become a highly anticipated annual event, NOW, THEREFORE,

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

That April 21 and 22, 2010, are recognized as “Miami-Dade County Days” in Florida.

—was introduced out of order and read by title. On motion by Senator Garcia, **SR 2834** was read the second time by title and adopted.

At the request of Senator Bullard—

By Senator Bullard—

SR 1946—A resolution recognizing Phillis Oeters for her leadership and service to the community in Miami-Dade County.

WHEREAS, Phillis Oeters came to Florida for the first time intending to sail and scuba dive before returning to her native Virginia, and

WHEREAS, upon her return to Virginia, Phillis Oeters discovered that she had “sand in her shoes,” and ultimately, in 1981, made Miami-Dade County her home, and

WHEREAS, Phillis Oeters has continued to live out her commitment to community service, which began when she served as a “Big Sister” in college, volunteering with numerous service organizations and working as a social worker, and

WHEREAS, Phillis Oeters was recruited by Baptist Healthcare to help build its community relations department, and

WHEREAS, with the dynamic leadership of Phillis Oeters and her tireless advocacy for making quality, affordable health care available to all Floridians, Baptist Healthcare has grown to one of the area’s largest employers, with more than 13,000 employees, and

WHEREAS, Phillis Oeters serves on numerous boards, including the Greater Miami Chamber of Commerce, the Beacon Council, the American Red Cross, United Way, and the Nat Moore Foundation, and

WHEREAS, in 2009, Phillis Oeters became only the second woman in the 76-year history of the Orange Bowl to serve as chair of the Orange

Bowl Committee and, in that capacity, led a \$100 million economic development initiative, and

WHEREAS, Phillis Oeters is equally committed to her role as mother to her daughter, Raquel, NOW, THEREFORE,

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

That Phillis Oeters is recognized for her outstanding commitment to community service and economic development in Miami-Dade County and for her service as chair of the 2009 Orange Bowl Committee.

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

—**SR 1946** was introduced, read and adopted by publication.

At the request of Senator Wilson—

By Senator Wilson—

SR 2842—A resolution recognizing April 19, 2010, as “STOP Day” in the State of Florida.

WHEREAS, violence in America’s schools threatens the core of the educational process and deprives students and teachers of opportunities to learn and teach without the fear of harm, and

WHEREAS, “STOP Day” is intended to raise awareness of the growing epidemic of violence in America’s schools and motivate those who incite violence to opt for peaceful resolution of their grievances and a path of self-improvement and healing, and

WHEREAS, students are urged to recite the “Stop Day” pledge, which states: “I pledge to be nonviolent and to respect my fellow classmates. I will report crime or acts of violence to appropriate officials or call Crime Stoppers to report incidents anonymously. I will not let the actions of a few make my school dangerous or unsafe. I want a safe learning environment and will work with my fellow students to make it so,” and

WHEREAS, “STOP Day” participants are urged to show their support by developing anti-violence community service projects, inviting legal professionals to speak to student groups, conducting open-ended skits that allow student observers to predict outcomes of conflict based upon real-life choices, developing a process that encourages the reporting of school crime or violence, and conducting mock trials, and

WHEREAS, “STOP Day” will give every student in Florida an opportunity to evaluate this critical issue and assess his or her role in preventing crime or violence in our schools, NOW, THEREFORE,

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

That the Florida Senate is aware of the importance of stopping violence in schools and recognizes April 19, 2010, as “STOP Day” in the State of Florida.

—**SR 2842** was introduced, read and adopted by publication.

MOMENT OF SILENCE

The President recognized Senator Joyner who asked the Senate to observe a moment of silence for Dr. Dorothy Irene Height who passed away on April 20.

BILLS ON THIRD READING

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

SENATOR CONSTANTINE PRESIDING

CS for CS for SB 366—A bill to be entitled An act relating to retail sales of smoking pipes and smoking devices; creating s. 569.0073, F.S.; prohibiting retail sales of certain smoking pipes and smoking devices

under certain circumstances; specifying criteria for the lawful sales of such items; providing a criminal penalty for unlawful sales of such items; providing an effective date.

—as amended April 15 was read the third time by title.

On motion by Senator Wise, **CS for CS for SB 366** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

Alexander	Gaetz	Oelrich
Altman	Garcia	Peaden
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Thrasher
Detert	Lawson	Villalobos
Dockery	Lynn	Wilson
Fasano	Negron	Wise

Nays—None

Vote after roll call:

Yea—Diaz de la Portilla

On motion by Senator Aronberg, by two-thirds vote **HB 7093** was withdrawn from the Committees on Military Affairs and Domestic Security; and Governmental Oversight and Accountability.

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

HB 7093—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 943.0314, F.S., which provides exemptions from public records and public meetings requirements for the Domestic Security Oversight Council, by repealing subsection (3) to remove the scheduled repeal of the exemptions; providing an effective date.

—a companion measure, was substituted for **SB 618** and read the second time by title.

On motion by Senator Aronberg, by two-thirds vote **HB 7093** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gaetz	Peaden
Alexander	Garcia	Richter
Altman	Gardiner	Ring
Aronberg	Gelber	Siplin
Baker	Haridopolos	Smith
Bennett	Hill	Sobel
Bullard	Jones	Storms
Constantine	Joyner	Thrasher
Crist	Justice	Villalobos
Dean	Lawson	Wilson
Detert	Lynn	Wise
Dockery	Negron	
Fasano	Oelrich	

Nays—None

Vote after roll call:

Yea—Diaz de la Portilla

SB 1424—A bill to be entitled An act relating to epidemiological monitoring systems; amending s. 395.3025, F.S.; authorizing the De-

partment of Health to collaborate with and disclose certain information to the United States Centers for Disease Control and Prevention for specified purposes; providing an effective date.

—was read the third time by title.

On motion by Senator Garcia, **SB 1424** was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gaetz	Peaden
Alexander	Garcia	Richter
Altman	Gardiner	Ring
Aronberg	Gelber	Siplin
Baker	Haridopolos	Smith
Bennett	Hill	Sobel
Bullard	Jones	Storms
Constantine	Joyner	Thrasher
Crist	Justice	Villalobos
Dean	Lawson	Wilson
Detert	Lynn	Wise
Dockery	Negron	
Fasano	Oelrich	

Nays—None

Vote after roll call:

Yea—Diaz de la Portilla

On motion by Senator Storms, by two-thirds vote **HB 7123** was withdrawn from the Committees on Children, Families, and Elder Affairs; and Governmental Oversight and Accountability.

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

HB 7123—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; repealing s. 3, ch. 2005-279, Laws of Florida; saving from scheduled repeal under the Open Government Sunset Review Act exemptions from public records requirements for identifying information of participants in the Address Confidentiality Program for Victims of Domestic Violence under s. 741.465, F.S., held by the Office of the Attorney General and contained in voter registration and voting records held by the supervisor of elections and the Department of State; providing an effective date.

—a companion measure, was substituted for **SB 882** and read the second time by title.

On motion by Senator Storms, by two-thirds vote **HB 7123** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gaetz	Peaden
Alexander	Garcia	Richter
Altman	Gardiner	Ring
Aronberg	Gelber	Siplin
Baker	Haridopolos	Smith
Bennett	Hill	Sobel
Bullard	Jones	Storms
Constantine	Joyner	Thrasher
Crist	Justice	Villalobos
Dean	Lawson	Wilson
Detert	Lynn	Wise
Dockery	Negron	
Fasano	Oelrich	

Nays—None

CS for CS for SB 316—A bill to be entitled An act relating to child-restraint requirements; amending s. 316.613, F.S.; providing child-restraint requirements for certain children ages 4 through 7; providing certain exceptions; redefining the term “motor vehicle” to exclude certain vehicles from such requirements; providing a grace period; providing effective dates.

—was read the third time by title.

On motion by Senator Altman, CS for CS for SB 316 was passed and certified to the House. The vote on passage was:

Yeas—33

Table with 3 columns: Name, Fasano, Lynn. Rows include Mr. President, Altman, Aronberg, Baker, Bennett, Bullard, Constantine, Crist, Dean, Detert, Dockery.

Nays—2

Table with 2 columns: Name, Oelrich. Row: Negron.

Vote after roll call:

Yea—Alexander, Diaz de la Portilla, Siplin

Yea to Nay—Storms

CS for SB 704—A bill to be entitled An act relating to capital felonies; amending s. 921.141, F.S.; providing that it is an aggravating circumstance for the purpose of determining sentence if a capital felony was committed by a person subject to an injunction or protection order against the petitioner who obtained that injunction or order or any of certain related persons; providing an effective date.

—was read the third time by title.

On motion by Senator Thrasher, CS for SB 704 was passed and certified to the House. The vote on passage was:

Yeas—36

Table with 3 columns: Name, Fasano, Oelrich. Rows include Mr. President, Alexander, Altman, Aronberg, Baker, Bennett, Bullard, Constantine, Crist, Dean, Detert, Dockery.

Nays—None

Vote after roll call:

Yea—Diaz de la Portilla

SB 1006—A bill to be entitled An act relating to reports and functions of the Department of Juvenile Justice; amending s. 985.47, F.S.; deleting a provision that requires the Department of Juvenile Justice to develop an annual report on the performance of assessment and treatment services for serious or habitual juvenile offenders for delivery to the Gov-

ernor and other designated persons by a specified date; amending s. 985.483, F.S.; deleting a provision that requires the department to develop an annual report on the performance of assessment and treatment services of the intensive residential treatment program for offenders less than 13 years of age for delivery to the Governor and other designated persons by a specified date; repealing s. 985.625(5), F.S., relating to the requirement that the department and the Department of Education develop and implement an evaluation of the literacy programs for juvenile offenders and prepare an annual report on the progress of the literacy programs; repealing s. 985.636, F.S., relating to the authority of the Secretary of Juvenile Justice to designate certain persons within the Office of Inspector General to enforce any criminal law and conduct any criminal investigation that relates to state-operated programs or state-operated facilities over which the department has jurisdiction; providing an effective date.

—was read the third time by title.

On motion by Senator Jones, SB 1006 was passed and certified to the House. The vote on passage was:

Yeas—37

Table with 3 columns: Name, Gaetz, Peadar. Rows include Mr. President, Alexander, Altman, Aronberg, Baker, Bennett, Bullard, Constantine, Crist, Dean, Detert, Dockery, Fasano.

Nays—None

Vote after roll call:

Yea—Diaz de la Portilla

CS for CS for SB 1058—A bill to be entitled An act relating to the cooperation between schools and juvenile authorities; amending s. 985.04, F.S.; requiring that specified school personnel be notified when a child of any age is formally charged by a state attorney with a felony or a delinquent act that would be a felony if committed by an adult and the disposition of the charges; amending s. 1002.221, F.S.; authorizing certain entities to release a student’s education records without consent of the student or parent to parties to an interagency agreement for specified purposes; providing that without consent such information is inadmissible in a court proceeding before a dispositional hearing; providing an effective date.

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

MOTION

On motion by Senator Aronberg, by the required two-thirds vote, consideration of the following amendment was allowed:

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

Amendment 1 (615014) (with directory amendment)—Delete lines 37-40 and insert: actions under s. 1006.09(1)-(4).

(c) The superintendent must notify the other school personnel whose duties include direct supervision of the child of the disposition of the charges against the child.

And the directory clause is amended as follows:

Delete lines 19 and 20 and insert:

Section 1. Paragraph (b) of subsection (4) of section 985.04, Florida Statutes, is amended, and paragraph (c) is added to that section, to read:

On motion by Senator Aronberg, **CS for CS for SB 1058** as amended was passed, ordered engrossed and certified to the House. The vote on passage was:

Yeas—36

Alexander	Gaetz	Oelrich
Altman	Garcia	Peaden
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Thrasher
Detert	Lawson	Villalobos
Dockery	Lynn	Wilson
Fasano	Negron	Wise

Nays—None

Vote after roll call:

Yea—Mr. President, Diaz de la Portilla

CS for HB 105—A bill to be entitled An act relating to civics education; providing a short title; amending s. 1003.41, F.S., relating to the Next Generation Sunshine State Standards; providing a requirement that the reading portion of the language arts curriculum include civics education content for all grade levels; amending s. 1003.4156, F.S.; providing requirements for a civics education course that a student must successfully complete for middle grades promotion beginning with students entering grade 6 in the 2012-2013 school year; amending s. 1008.22, F.S.; requiring the administration of an end-of-course assessment in civics education as a field test at the middle school level during the 2012-2013 school year; providing requirements for course grade and course credit for subsequent school years; amending s. 1008.34, F.S.; requiring the inclusion of civics education end-of-course assessment data in determining school grades beginning with the 2013-2014 school year; providing an effective date.

—was read the third time by title.

On motion by Senator Detert, **CS for HB 105** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

On motion by Senator Storms, by two-thirds vote **HB 7091** was withdrawn from the Committees on Children, Families, and Elder Affairs; Finance and Tax; and Governmental Oversight and Accountability.

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

HB 7091—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; 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.

—a companion measure, was substituted for **CS for SB 886** and read the second time by title.

On motion by Senator Storms, by two-thirds vote **HB 7091** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

CS for HB 1291—A bill to be entitled An act relating to domestic violence fatality review teams; amending s. 741.316, F.S.; deleting a requirement that the Governor's Task Force on Domestic Violence provide information and technical assistance to local domestic violence fatality review teams; providing that information and records acquired by a domestic violence fatality review team are not subject to discovery or introduction into evidence in criminal or administrative proceedings in certain circumstances; providing that a person who has attended a meeting of a domestic violence fatality review team may not testify in criminal or administrative proceedings as to certain records or information produced or presented to the team; providing an effective date.

—was read the third time by title.

On motion by Senator Detert, **CS for HB 1291** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

SB 1816—A bill to be entitled An act relating to assisted living facilities; amending s. 429.07, F.S.; deleting the requirement for an assisted living facility to obtain an additional license in order to provide limited nursing services; deleting the requirement for the Agency for Health Care Administration to conduct quarterly monitoring visits of

facilities that hold a license to provide extended congregate care services; deleting the requirement for the Department of Elderly Affairs to report annually on the status of and recommendations related to extended congregate care; deleting the requirement for the Agency for Health Care Administration to conduct monitoring visits at least twice a year to facilities providing limited nursing services; increasing the licensure fees and the maximum fee required for the standard license; increasing the licensure fees for the extended congregate care license; eliminating the license fee for the limited nursing services license; transferring from another provision of law the requirement that a biennial survey of an assisted living facility include specific actions to determine whether the facility is adequately protecting residents' rights; providing that an assisted living facility that has a class I violation or a class II violation is subject to monitoring visits; requiring a registered nurse to participate in certain monitoring visits; amending s. 429.17, F.S.; deleting provisions related to the limited nursing services license; amending s. 429.19, F.S.; clarifying that a monitoring fee may be assessed in addition to an administrative fine; amending s. 429.255, F.S.; eliminating provisions authorizing the use of volunteers to provide certain health-care-related services in assisted living facilities; authorizing assisted living facilities to provide limited nursing services; requiring an assisted living facility to be responsible for certain recordkeeping and staff to be trained to monitor residents receiving certain health-care-related services; repealing s. 429.28(3), F.S., relating to a requirement for a biennial survey of an assisted living facility, to conform to changes made by the act; amending s. 429.41, F.S., relating to rulemaking; conforming provisions to changes made by the act; amending s. 429.54, F.S.; requiring licensed assisted living facilities to electronically report certain data semi-annually to the Agency for Health Care Administration in accordance with rules adopted by the Department of Elderly Affairs; providing an effective date.

—was read the third time by title.

On motion by Senator Gaetz, **SB 1816** was passed and certified to the House. The vote on passage was:

Yeas—38

Table with 3 columns: Name, Yeas, Nays. Lists names of senators and their respective counts for yeas and nays.

Nays—None

On motion by Senator Storms, by two-thirds vote **HB 7111** was withdrawn from the Committees on Children, Families, and Elder Affairs; Judiciary; and Governmental Oversight and Accountability.

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

HB 7111—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 39.0132, F.S., which provides an exemption from public records requirements for certain information regarding a child held by a guardian ad litem; clarifying and reorganizing the exemption; removing the scheduled repeal of the exemption; providing an effective date.

—a companion measure, was substituted for **CS for SB 888** and read the second time by title.

On motion by Senator Storms, by two-thirds vote **HB 7111** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Table with 3 columns: Name, Yeas, Nays. Lists names of senators and their respective counts for yeas and nays.

Nays—None

CS for CS for CS for SB 742—A bill to be entitled An act relating to public safety telecommunicators; amending s. 365.172, F.S.; including dispatching as a function of E911 service; including fees for certification and recertification collected by the Department of Health in authorized expenditures for E911 services; amending s. 401.411, F.S.; revising applicability of certain disciplinary actions and penalties; amending s. 401.465, F.S.; redefining the term “emergency dispatcher” as “public safety telecommunicator”; defining the term “public safety telecommunication training program”; providing requirements for training and certification of a public safety telecommunicator, including fees; requiring certain 911 public safety telecommunicators to pass an examination administered by the department; requiring the department to establish a procedure for the approval of public safety telecommunication training programs; providing for temporary waiver of certification requirements in an area of the state for which the Governor has declared a state of emergency; providing a declaration of important state interest; providing an effective date.

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

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

Amendment 1 (198676) (with title amendment)—Delete line 203 and insert: section who have documentation of at least 3 5 years of supervised

Delete line 208 and insert: *telecommunicator, a sworn state-certified law enforcement officer, or a state-certified firefighter before April 1, 2012, he or she must pass the*

And the title is amended as follows:

Delete line 15 and insert: requiring certain 911 public safety telecommunicators, sworn state-certified law enforcement officers, or state-certified firefighters

On motion by Senator Detert, **CS for CS for CS for SB 742** as amended was passed, ordered engrossed and certified to the House. The vote on passage was:

Yeas—36

Table with 3 columns: Name, Yeas, Nays. Lists names of senators and their respective counts for yeas and nays.

Nays—2

Oelrich Thrasher

CS for SB 1706—A bill to be entitled An act relating to state financial matters; amending s. 216.011, F.S.; defining the term “lease or lease-purchase of equipment”; amending s. 216.023, F.S.; requiring that specified information relating to certain contracts be included in an agency’s legislative budget request; amending s. 216.311, F.S.; defining the terms “contract” and “agreement”; prohibiting an agency or branch of state government, without legislative authority, from contracting to pay liquidated damages or early termination fees resulting from the breach or early termination of a contract or agreement, from paying interest because of insufficient budget authority to pay an obligation in the current year, from obligating the state to make future payments to cover unpaid payments, or from granting a party the right to collect fees or other revenues from nonparties; providing certain exemptions; prohibiting an agency from entering into certain leases without authorization by the Legislature or the Legislative Budget Commission; creating s. 216.312, F.S.; requiring the executive and judicial branch to notify the Governor and Legislature before entering into contracts containing certain provisions relating to expenditures; transferring, renumbering, and amending s. 287.0582, F.S.; requiring a state contract to identify the appropriation that funds a contract; expanding the statement that must be included in state contracts to include grounds for terminating the contract based on budget deficits; requiring the judicial branch to include the statement in its contracts; requiring the agency head, executive director, or chief judge, as appropriate, or a designated senior management employee, to sign contracts that exceed a specified amount; requiring the agency head, executive director, or chief judge to review certain contracts and certify compliance with ch. 216, F.S.; requiring contracts exceeding a specified amount to require written acceptance or rejection of contract deliverables; providing that contracts in violation of these provisions are null and void; providing penalties; amending s. 287.063, F.S.; prohibiting certain lease or deferred-payment purchases by state agencies unless expressly authorized by the Legislature in the General Appropriations Act or by the Legislative Budget Commission; amending s. 287.064, F.S.; prohibiting certain master equipment financing agreements unless expressly authorized by the Legislature in the General Appropriations Act or by the Legislative Budget Commission; amending ss. 376.3075 and 403.1837, F.S.; conforming cross-references; providing for application; providing an effective date.

—was read the third time by title.

On motion by Senator Alexander, **CS for SB 1706** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

CS for CS for CS for SB 218—A bill to be entitled An act relating to medical expenses of inmates paid by a county or municipality; amending s. 901.35, F.S.; requiring that payments made by a county or municipality to a provider for certain services for an arrested person be made at a certain percentage of the Medicare allowable rate; providing that this maximum allowable cap does not apply to physician payments for emergency services provided within a hospital emergency department; providing an effective date.

—was read the third time by title.

On motion by Senator Jones, **CS for CS for CS for SB 218** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—1

Negron

CS for SB 602—A bill to be entitled An act relating to contamination notification; amending s. 376.30702, F.S.; revising contamination notification provisions; requiring individuals responsible for site rehabilitation to provide notice of site rehabilitation to specified entities; revising provisions relating to the content of such notice; requiring the Department of Environmental Protection to provide notice of site rehabilitation to specified entities and certain property owners; providing an exemption; requiring the department to verify compliance with notice requirements; authorizing the department to pursue enforcement measures for noncompliance with notice requirements; revising the department’s contamination notification requirements for certain public schools; requiring the department to provide specified notice to private K-12 schools and child care facilities; requiring the department to provide specified notice to public schools within a specified area; providing notice requirements, including directives to extend such notice to certain other persons; requiring local governments to provide specified notice of site rehabilitation; authorizing the local government and the department to recover notification costs from responsible parties; providing a statement of important state interest; providing an effective date.

—was read the third time by title.

On motion by Senator Justice, **CS for SB 602** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

CS for CS for SB 1004—A bill to be entitled An act relating to local government; amending s. 125.35, F.S.; authorizing a board of county commissioners to negotiate the lease of certain real property for a limited period; amending s. 337.29, F.S.; authorizing transfers of right-of-way between local governments by deed; providing an effective date.

—was read the third time by title.

On motion by Senator Gelber, **CS for CS for SB 1004** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

SB 1136—A bill to be entitled An act relating to firesafety inspections; amending s. 633.081, F.S.; providing exceptions to certain local government firesafety inspection requirements; amending s. 633.082, F.S.; specifying inspection requirements for fire hydrants owned by governmental entities; authorizing local government utilities to comply using designated employees; specifying responsibility for ensuring the qualification of designated employees to make inspections; providing an effective date.

—was read the third time by title.

On motion by Senator Crist, **SB 1136** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

CS for HB 143—A bill to be entitled An act relating to an exemption for aircraft assembly and manufacturing hangars from comprehensive plan transportation concurrency requirements; amending s. 163.3180, F.S.; exempting hangars used to assemble or manufacture aircraft from certain transportation concurrency requirements; providing an effective date.

—was read the third time by title.

On motion by Senator Altman, **CS for HB 143** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Baker	Crist
Alexander	Bennett	Dean
Altman	Bullard	Detert
Aronberg	Constantine	Diaz de la Portilla

Dockery	Joyner	Siplin
Fasano	Justice	Smith
Gaetz	Lawson	Sobel
Garcia	Lynn	Storms
Gardiner	Negron	Thrasher
Gelber	Oelrich	Villalobos
Haridopolos	Peaden	Wilson
Hill	Richter	Wise
Jones	Ring	

Nays—None

CS for HB 7099—A bill to be entitled An act relating to legislative reauthorizations; reauthorizing certain exemptions, 2-year extensions, and local comprehensive plan amendments granted, authorized, or adopted under general law and in effect as of a certain date; providing construction; providing for retroactive application; providing an effective date.

—was read the third time by title.

Senator Bennett moved the following amendment:

Amendment 1 (246466) (with title amendment)—Between lines 34 and 35 insert:

Section 3. (1) *Except as provided in subsection (4), a development order issued by a local government, building permit, permit issued by the Department of Environmental Protection, or permit issued by a water management district pursuant to part IV of chapter 373, Florida Statutes, which has an expiration date from September 1, 2008, through January 1, 2012, is extended and renewed for a period of 2 years following its previously scheduled date of expiration. This 2-year extension also applies to build-out dates including any extension of build-out date that was granted previously under s. 380.06(19)(c), Florida Statutes. This section does not prohibit conversion from the construction phase to the operation phase upon completion of construction. This extension is in addition to a 2-year permit extension under s. 14 of chapter 2009-96, Laws of Florida.*

(2) *The commencement and completion dates for any required mitigation associated with a phased construction project are extended such that mitigation takes place in the same timeframe relative to the phase as originally permitted.*

(3) *The holder of a valid permit or other authorization that is eligible for the 2-year extension must notify the authorizing agency in writing by December 31, 2010, identifying the specific authorization for which the holder intends to use the extension and the anticipated timeframe for acting on the authorization.*

(4) *The extension provided for in subsection (1) does not apply to:*

(a) *A permit or other authorization under any programmatic or regional general permit issued by the Army Corps of Engineers.*

(b) *A permit or other authorization held by an owner or operator determined to be in significant noncompliance with the conditions of the permit or authorization as established through the issuance of a warning letter or notice of violation, the initiation of formal enforcement, or other equivalent action by the authorizing agency.*

(c) *A permit or other authorization, if granted an extension that would delay or prevent compliance with a court order.*

(5) *Permits extended under this section shall continue to be governed by rules in effect at the time the permit was issued, except if it can be demonstrated that the rules in effect at the time the permit was issued would create an immediate threat to public safety or health. This provision applies to any modification of the plans, terms, and conditions of the permit which lessens the environmental impact, except that any such modification does not extend the time limit beyond 2 additional years.*

(6) *This section does not impair the authority of a county or municipality to require the owner of a property that has notified the county or municipality of the owner's intention to receive the extension of time granted by this section to maintain and secure the property in a safe and sanitary condition in compliance with applicable laws and ordinances.*

Section 4. *Section 20.18, Florida Statutes, is reenacted.*

Section 5. *Section 420.504, Florida Statutes, is reenacted.*

And the title is amended as follows:

Delete lines 2-7 and insert: An act relating to growth management; reauthorizing certain exemptions, 2-year extensions, and local comprehensive plan amendments granted, authorized, or adopted under general law and in effect as of a certain date; providing construction; providing for retroactive application; extending the expiration dates of certain permits issued by the Department of Environmental Protection, a water management district, or a local government; extending certain previously granted build-out dates; reenacting s. 20.18, F.S., relating to the establishment of the Department of Community Affairs; reenacting s. 420.504, F.S., relating to the establishment of the Florida Housing Finance Corporation; providing an effective date.

MOTION

On motion by Senator Bennett, by the required two-thirds vote, consideration of the following amendment was allowed:

Senator Bennett moved the following amendment to **Amendment 1** which was adopted by two-thirds vote:

Amendment 1A (712410) (with title amendment)—Between lines 59 and 60 insert:

Section 6. Subsection (29) of section 163.3164, Florida Statutes, is amended to read:

163.3164 Local Government Comprehensive Planning and Land Development Regulation Act; definitions.—As used in this act:

(29) “Urban service area” means built-up areas where public facilities and services, including, but not limited to, central water and sewer capacity and roads, are already in place or are committed in the first 3 years of the capital improvement schedule. In addition, for counties that qualify as dense urban land areas under subsection (34), the nonrural area of a county which has adopted into the county charter a rural area designation or *any* areas identified in the comprehensive plan as urban service areas, *regardless of any local government limitation*, or urban growth boundaries on or before July 1, 2009, are also urban service areas under this definition.

And the title is amended as follows:

Delete line 78 and insert: Finance Corporation; providing that certain urban service areas are defined as urban service areas despite any local government limitation; providing an effective date.

Amendment 1 as amended was adopted by two-thirds vote.

On motion by Senator Bennett, **CS for HB 7099** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Dockery	Negron
Alexander	Fasano	Oelrich
Altman	Gaetz	Peadar
Aronberg	Garcia	Richter
Baker	Gardiner	Ring
Bennett	Gelber	Siplin
Bullard	Haridopolos	Smith
Constantine	Hill	Sobel
Crist	Jones	Thrasher
Dean	Justice	Villalobos
Detert	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—2

Joyner	Storms
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SB 126—A bill to be entitled An act relating to community re-development; amending s. 163.340, F.S.; expanding the definition of the term “blighted area” to include land previously used as a military facility; providing an effective date.

—was read the third time by title.

On motion by Senator Bullard, **SB 126** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

THE PRESIDENT PRESIDING

SPECIAL ORDER CALENDAR

Consideration of **CS for CS for SB 2044** was deferred.

On motion by Senator Richter, by two-thirds vote **CS for CS for CS for HB 159** was withdrawn from the Committees on Banking and Insurance; and General Government Appropriations.

On motion by Senator Richter—

CS for CS for CS for HB 159—A bill to be entitled An act relating to guaranty associations; amending s. 631.52, F.S.; expanding an exemption from the applicability of certain provisions of state law to include workers’ compensation claims under employer liability coverage; amending s. 631.54, F.S.; conforming the definition of “account” to changes made by the act; amending s. 631.55, F.S.; revising the separate accounts of the association; amending s. 631.57, F.S.; conforming cross-references; providing a legislative finding and declaration; authorizing insurers to recoup certain assessments levied by the Office of Insurance Regulation by applying certain recoupment factors; deleting provisions relating to classification and payment of emergency assessments; providing guidelines and a methodology for the calculation of recoupment factors for recouping certain assessments; authorizing an insurer to apply a recalculated recoupment factor under certain conditions; providing for the return of excess assessments and recoupment charges; providing that amounts recouped are not premium and not subject to premium taxes, fees, or commissions; requiring that insurers treat failure to pay a recoupment charge as failure to pay the premium; requiring that an insurer file with the office a statement containing certain information within a specified period before applying a recoupment factor to any policies; authorizing an insurer to use a recoupment factor after the expiration of such period; providing that an insurer need submit only one such statement for all lines of business; requiring that an insurer file with the office an accounting report containing certain information within a specified period after the completion of the recoupment process; providing that an insurer need submit only one such report for all lines of business; amending s. 631.713, F.S.; expanding the application of certain provisions of state law to certain residents of other states who own certain insurance policies; expanding the list of contracts and policies to which life and health insurance guaranty of payments provisions do not apply; providing for application to coverage under certain structured settlement annuities under certain circumstances; amending s. 631.714, F.S.; revising certain definitions; amending s. 631.717, F.S.;

revising a guaranty association's aggregate liability for life insurance and deferred annuity contracts; authorizing an association to issue alternative policies or contracts to certain policies or contracts under certain circumstances; subjecting such alternative policies or contracts to specified requirements; creating s. 631.7295, F.S.; authorizing an association to succeed to the rights of an insolvent insurer arising after an order of liquidation or rehabilitation with regard to certain contracts of reinsurance; requiring that such an association pay all unpaid premiums due under the contract; amending s. 631.735, F.S.; specifying that certain advertisement prohibitions do not prohibit the furnishing of certain written information in a form prepared by an association upon request; amending s. 631.904, F.S.; revising the definition of the term "covered claim"; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2232** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for HB 159** was placed on the calendar of Bills on Third Reading.

On motion by Senator Richter—

CS for SB 2046—An act relating to employee leasing companies; amending s. 468.5245, F.S.; deleting the requirement that an employee leasing company obtain approval of the Board of Employee Leasing Companies before changing the name or location of a company; providing that board approval is not required before the purchase or acquisition of a company if a controlling person in the company is licensed; deleting provisions requiring board approval prior to existing stockholder or partners of a company acquiring control of a company; amending s. 468.528, F.S.; providing that failure to timely pay a license renewal fee subjects the licensee to disciplinary action; amending s. 468.534, F.S.; specifying that the regulatory requirements applicable to employee leasing companies do not affect the eligibility of such companies, their clients, or leased employees for any local or state tax credit, economic incentive, or other benefit; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2046** was placed on the calendar of Bills on Third Reading.

SENATOR LAWSON PRESIDING

On motion by Senator Richter, by two-thirds vote **HB 7117** was withdrawn from the Committees on Banking and Insurance; and Governmental Oversight and Accountability.

On motion by Senator Richter—

HB 7117—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 497.172, F.S., which provides exemptions from public meetings and public records requirements for the Board of Funeral, Cemetery, and Consumer Services within the Department of Financial Services and for certain information held by the Department of Financial Services; requiring a recording of a closed meeting of the board wherein licensure examination questions or answers are discussed; creating a public record exemption for a recording of the closed meeting; providing for future legislative review and repeal of the exemption; requiring a recording of a closed meeting of a probable cause panel of the board; removing the scheduled repeal of exemptions within the section; providing a statement of public necessity; providing an effective date.

—a companion measure, was substituted for **CS for SB 1660** and read the second time by title.

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

On motion by Senator Richter, by two-thirds vote **HB 7119** was withdrawn from the Committees on Banking and Insurance; and Governmental Oversight and Accountability.

On motion by Senator Richter—

HB 7119—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 627.0628, F.S.; clarifying the public records exemption for a trade secret used in designing and constructing a hurricane loss model and provided by a private company to the Florida Commission on Hurricane Loss Projection Methodology, the Office of Insurance Regulation, or an appointed consumer advocate to specify that the exemption applies to trade secrets as defined in the Uniform Trade Secrets Act; requiring a recording of a closed meeting of the commission or of a rate proceeding on an insurer's rate filing at which confidential and exempt trade secrets are discussed; creating a public records exemption for the recording of the closed meeting; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

—a companion measure, was substituted for **CS for SB 1658** and read the second time by title.

Pursuant to Rule 4.19, **HB 7119** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett—

CS for CS for SB 2264—A bill to be entitled An act relating to property insurance claims; amending s. 626.854, F.S.; providing statements that may be considered deceptive or misleading if made in any public adjuster's advertisement or solicitation; providing a definition for the term "written advertisement"; requiring that a disclaimer be included in any public adjuster's written advertisement; providing requirements for such disclaimer; providing limitations on the amount of compensation that may be received for a reopened or supplemental claim; requiring certain persons who act on behalf of an insurer to provide notice to the insurer, claimant, public adjuster, or legal representative for an onsite inspection of the insured property; authorizing the insured or claimant to deny access to the property if notice is not provided; requiring the public adjuster to ensure prompt notice of certain property loss claims; providing that an insurer be allowed to interview the insured directly about the loss claim; prohibiting the insurer from obstructing or preventing the public adjuster from communicating with the insured; requiring that the insurer communicate with the public adjuster in an effort to reach agreement as to the scope of the covered loss under the insurance policy; prohibiting a public adjuster from restricting or preventing persons acting on behalf of the insured from having reasonable access to the insured or the insured's property; prohibiting a public adjuster from restricting or preventing the insured's adjuster from having reasonable access to or inspecting the insured's property; authorizing the insured's adjuster to be present for the inspection; prohibiting a licensed contractor or subcontractor from adjusting a claim on behalf of an insured if such contractor or subcontractor is not a licensed public adjuster; providing an exception; amending s. 626.8651, F.S.; requiring that a public adjuster apprentice complete a minimum number of hours of continuing education to qualify for licensure; amending s. 626.8796, F.S.; providing requirements for a public adjuster contract; creating s. 626.70132, F.S.; requiring that notice of a claim, supplemental claim, or reopened claim be given to the insurer within a specified period after a windstorm or hurricane occurs; providing a definition for the term "supplemental or reopened claim"; providing applicability; providing an effective date.

—was read the second time by title.

Senator Bennett moved the following amendment which was adopted:

Amendment 1 (693448) (with title amendment)—Delete lines 52-325 and insert:

Section 1. Effective June 1, 2010, subsection (11) of section 626.854, Florida Statutes, is amended 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.

(11)(a) If a public adjuster enters into a contract with an insured or claimant to reopen a claim or to file a supplemental claim that seeks additional payments for a claim that has been previously paid in part or

in full or settled by the insurer, the public adjuster may not charge, agree to, or accept any compensation, payment, commission, fee, or other thing of value based on a previous settlement or previous claim payments by the insurer for the same cause of loss. The charge, compensation, payment, commission, fee, or other thing of value may be based only on the claim payments or settlement obtained through the work of the public adjuster after entering into the contract with the insured or claimant. *Compensation for a reopened or supplemental claim may not exceed 20 percent of the reopened or supplemental claim payment.* The contracts described in this paragraph are not subject to the limitations in paragraph (b).

(b) A public adjuster may not charge, agree to, or accept any compensation, payment, commission, fee, or other thing of value in excess of:

1. Ten percent of the amount of insurance claim payments by the insurer for claims based on events that are the subject of a declaration of a state of emergency by the Governor. This provision applies to claims made during the period of 1 year after the declaration of emergency. *After the period of 1 year, the limitations in subparagraph 2. apply.*

2. Twenty percent of the amount of ~~all other~~ insurance claim payments by the insurer for claims that are not based on events that are the subject of a declaration of a state of emergency by the Governor.

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

Section 2. Section 626.854, Florida Statutes, as amended by this act, is amended 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.

(1) A "public adjuster" is any person, except a duly licensed attorney at law as hereinafter in s. 626.860 provided, who, for money, commission, or any other thing of value, prepares, completes, or files an insurance claim form for an insured or third-party claimant or who, for money, commission, or any other thing of value, acts or aids in any manner on behalf of an insured or third-party claimant in negotiating for or effecting the settlement of a claim or claims for loss or damage covered by an insurance contract or who advertises for employment as an adjuster of such claims, and also includes any person who, for money, commission, or any other thing of value, solicits, investigates, or adjusts such claims on behalf of any such public adjuster.

(2) This definition does not apply to:

(a) A licensed health care provider or employee thereof who prepares or files a health insurance claim form on behalf of a patient.

(b) A person who files a health claim on behalf of another and does so without compensation.

(3) A public adjuster may not give legal advice. A public adjuster may not act on behalf of or aid any person in negotiating or settling a claim relating to bodily injury, death, or noneconomic damages.

(4) For purposes of this section, the term "insured" includes only the policyholder and any beneficiaries named or similarly identified in the policy.

(5) A public adjuster may not directly or indirectly through any other person or entity solicit an insured or claimant by any means except on Monday through Saturday of each week and only between the hours of 8 a.m. and 8 p.m. on those days.

(6) A public adjuster may not directly or indirectly through any other person or entity initiate contact or engage in face-to-face or telephonic solicitation or enter into a contract with any insured or claimant under an insurance policy until at least 48 hours after the occurrence of an event that may be the subject of a claim under the insurance policy unless contact is initiated by the insured or claimant.

(7) An insured or claimant may cancel a public adjuster's contract to adjust a claim without penalty or obligation within 3 business days after

the date on which the contract is executed or within 3 business days after the date on which the insured or claimant has notified the insurer of the claim, by phone or in writing, whichever is later. The public adjuster's contract shall disclose to the insured or claimant his or her right to cancel the contract and advise the insured or claimant that notice of cancellation must be submitted in writing and sent by certified mail, return receipt requested, or other form of mailing which provides proof thereof, to the public adjuster at the address specified in the contract; provided, during any state of emergency as declared by the Governor and for a period of 1 year after the date of loss, the insured or claimant shall have 5 business days after the date on which the contract is executed to cancel a public adjuster's contract.

(8) It is an unfair and deceptive insurance trade practice pursuant to s. 626.9541 for a public adjuster or any other person to circulate or disseminate any advertisement, announcement, or statement containing any assertion, representation, or statement with respect to the business of insurance which is untrue, deceptive, or misleading.

(a) For purposes of this section, the following statements, if made in any public adjuster's advertisement or solicitation, shall be considered deceptive or misleading:

1. A statement or representation that invites an insured policyholder to submit a claim when the policyholder does not have covered damage to insured property.

2. Any statement or representation that invites an insured policyholder to submit a claim by offering monetary or other valuable inducement.

3. A statement or representation that invites an insured policyholder to submit a claim by stating that there is "no risk" to the policyholder by submitting such claim.

4. Any statement or representation, or use of a logo or shield, that would imply or could be mistakenly construed that the solicitation was issued or distributed by a governmental agency or is sanctioned or endorsed by a governmental agency.

(b) For purposes of this paragraph, the term "written advertisement" includes only newspapers, magazines, flyers, and bulk mailers. The following disclaimer, which is not required to be printed on standard size business cards, shall be added in bold print and capital letters in typeface no smaller than the typeface of the body of the text to all written advertisements by any public adjuster:

"THIS IS A SOLICITATION FOR BUSINESS. IF YOU HAVE HAD A CLAIM FOR AN INSURED PROPERTY LOSS OR DAMAGE AND YOU ARE SATISFIED WITH THE PAYMENT BY YOUR INSURER, YOU MAY DISREGARD THIS ADVERTISEMENT."

(9) A public adjuster, a public adjuster apprentice, or any person or entity acting on behalf of a public adjuster or public adjuster apprentice may not give or offer to give a monetary loan or advance to a client or prospective client.

(10) A public adjuster, public adjuster apprentice, or any individual or entity acting on behalf of a public adjuster or public adjuster apprentice may not give or offer to give, directly or indirectly, any article of merchandise having a value in excess of \$25 to any individual for the purpose of advertising or as an inducement to entering into a contract with a public adjuster.

(11)(a) If a public adjuster enters into a contract with an insured or claimant to reopen a claim or to file a supplemental claim that seeks additional payments for a claim that has been previously paid in part or in full or settled by the insurer, the public adjuster may not charge, agree to, or accept any compensation, payment, commission, fee, or other thing of value based on a previous settlement or previous claim payments by the insurer for the same cause of loss. The charge, compensation, payment, commission, fee, or other thing of value may be based only on the claim payments or settlement obtained through the work of the public adjuster after entering into the contract with the insured or claimant. Compensation for a reopened or supplemental claim may not exceed 20 percent of the reopened or supplemental claim payment. The contracts described in this paragraph are not subject to the limitations in paragraph (b).

(b) A public adjuster may not charge, agree to, or accept any compensation, payment, commission, fee, or other thing of value in excess of:

1. Ten percent of the amount of insurance claim payments by the insurer for claims based on events that are the subject of a declaration of a state of emergency by the Governor. This provision applies to claims made during the period of 1 year after the declaration of emergency. After the period of 1 year, the limitations in subparagraph 2. apply.

2. Twenty percent of the amount of insurance claim payments by the insurer for claims that are not based on events that are the subject of a declaration of a state of emergency by the Governor.

(12) Each public adjuster shall provide to the claimant or insured a written estimate of the loss to assist in the submission of a proof of loss or any other claim for payment of insurance proceeds. The public adjuster shall retain such written estimate for at least 5 years and shall make such estimate available to the claimant or insured and the department upon request.

(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.

(14) *A company employee adjuster, independent adjuster, attorney, investigator, or other persons acting on behalf of an insurer that needs access to an insured or claimant or to the insured property that is the subject of a claim shall provide at least 48 hours' notice to the insured or claimant, public adjuster, or legal representative before scheduling a meeting with the claimant or an onsite inspection of the insured property. The insured or claimant may deny access to the property if this notice has not been provided. The insured or claimant may waive this 48-hour notice.*

(15)(a) *A public adjuster shall ensure prompt notice of any property loss claim submitted to an insurer by or through a public adjuster or on which a public adjuster represents the insured at the time the claim or notice of loss is submitted to the insurer. The public adjuster shall ensure that notice is given to the insurer, the public adjuster's contract is provided to the insurer, the property is made available for inspection of the loss or damage by the insurer, and the insurer is given an opportunity to interview the insured directly about the loss and claim. The insurer shall be allowed to obtain necessary information to investigate and respond to the claim. The insurer may not exclude the public adjuster from its in-person meetings with the insured. The insurer shall meet or communicate with the public adjuster in an effort to reach agreement as to the scope of the covered loss under the insurance policy. This section does not impair the terms and conditions of the insurance policy in effect at the time the claim is filed.*

(b) *A public adjuster may not restrict or prevent an insurer, company employee adjuster, independent adjuster, attorney, investigator, or other person acting on behalf of the insurer from having reasonable access at reasonable times to any insured or claimant or to the insured property that is the subject of a claim.*

(c) *A public adjuster may not act or fail to reasonably act in any manner that would obstruct or prevent an insurer or insurer's adjuster from timely gaining access to conduct an inspection of any part of the insured property for which there is a claim for loss or damage to the property. The public adjuster that represents the insured may be present for the insurer's inspection of the property loss or damage but, if the lack of availability of the public adjuster would otherwise delay the access to or the inspection of the insured property by the insurer, the public adjuster or the insured must allow the insurer to gain access to the insured property to facilitate the insurer's prompt inspection of the loss or damage without the participation or presence of the public adjuster or insured.*

(16) *A licensed contractor under part I of chapter 489, or a sub-contractor, may not adjust a claim on behalf of an insured without being licensed and compliant as a public adjuster under this chapter. However, if asked by the residential property owner who has suffered loss or damage covered by a property insurance policy, or the insurer of such*

property, a licensed contractor may discuss or explain a bid for construction or repair of covered property if the contractor is doing so for usual and customary fees applicable to the work to be performed as stated in the contract between the contractor and the insured.

The provisions of subsections (5)-(16) ~~(5)-(13)~~ apply only to residential property insurance policies and condominium unit owner ~~association~~ policies as defined in s. 718.111(11).

Section 3. Present subsections (7) through (11) of section 626.8651, Florida Statutes, are redesignated as subsections (8) through (12), respectively, and a new subsection (7) is added to that section, to read:

626.8651 Public adjuster apprentice license; qualifications.—

(7) *A public adjuster apprentice shall complete a minimum of 8 hours of continuing education specific to the practice of a public adjuster, 2 hours of which must relate to ethics, in order to qualify for licensure as a public adjuster. The continuing education must be in subjects designed to inform the licensee regarding the current insurance laws of this state for the purpose of enabling him or her to engage in business as an insurance adjuster fairly and without injury to the public and to adjust all claims in accordance with the insurance contract and the laws of this state.*

Section 4. Section 626.8796, Florida Statutes, is amended to read:

626.8796 Public adjuster contracts; fraud statement.—

(1) All contracts for public adjuster services must be in writing and must prominently display the following statement on the contract: "Pursuant to s. 817.234, Florida Statutes, any person who, with the intent to injure, defraud, or deceive any insurer or insured, prepares, presents, or causes to be presented a proof of loss or estimate of cost or repair of damaged property in support of a claim under an insurance policy knowing that the proof of loss or estimate of claim or repairs contains any false, incomplete, or misleading information concerning any fact or thing material to the claim commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, Florida Statutes."

(2) *A public adjuster contract must contain the following information: full name, permanent business address, and license number of the public adjuster, the full name of the public adjusting firm, and the insured's full name and street address, together with a brief description of the loss. The contract must state the percentage of compensation for the public adjuster's services, the type of claim, including an emergency claim, non-emergency claim, or supplemental claim, the signatures of the public adjuster and all named insureds, and the signature date. If all named insureds signatures are not available, the public adjuster shall submit an affidavit signed by the available named insureds attesting that they have authority to enter into the contract and to settle all claim issues on behalf of all named insureds. An unaltered copy of the executed contract must be remitted to the insurer within 30 days after execution.*

Section 5. Effective June 1, 2010, section 626.70132, Florida Statutes, is created to read:

626.70132 *Duty to file windstorm or hurricane claim.—A claim, supplemental claim, or reopened claim under an insurance policy that provides personal lines residential coverage, as defined in s. 627.4025, for loss or damage caused by the peril of windstorm or hurricane is barred unless notice of the claim, supplemental claim, or reopened claim was given to the insurer in accordance with the terms of the policy within 3 years after the hurricane first made landfall or the windstorm caused the covered damage. For purposes of this section, the term "supplemental claim" or "reopened claim" means any additional claim for recovery from the insurer for losses from the same hurricane or windstorm for which the insurer has previously adjusted pursuant to the initial claim. This section may not be interpreted to affect any applicable limitation on civil actions provided in s. 95.11 for claims, supplemental claims, or reopened claims timely filed under this section.*

Section 6. Except as otherwise expressly provided in this act and except for this section, which shall take effect June 1, 2010, this act shall take effect January 1, 2011.

And the title is amended as follows:

Delete lines 47-48 and insert: for the terms “supplemental claim” or “reopened claim”; providing applicability; providing effective dates.

Pursuant to Rule 4.19, **CS for CS for SB 2264** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Richter—

CS for SB 2230—A bill to be entitled An act relating to public records; creating s. 517.2016, F.S.; providing an exemption from public-records requirements for information that would reveal examination techniques and procedures used by the Office of Financial Regulation pursuant to the Florida Securities and Investor Protection Act; providing a definition; providing for retroactive application of the public-record exemption; providing an exception to the exemption for other governmental entities having oversight or regulatory or law enforcement authority; providing for future review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2230** was placed on the calendar of Bills on Third Reading.

SB 1364—A bill to be entitled An act relating to life insurance; creating s. 627.4605, F.S.; specifying types of transactions for which a notice to the existing insurer of the replacement of a life insurance policy is not required; amending s. 627.5575, F.S.; revising a limitation on the amount of life insurance available for a covered spouse or dependent child under certain group life insurance policies; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 1364** to **CS for CS for HB 885**.

Pending further consideration of **SB 1364** as amended, on motion by Senator Thrasher, by two-thirds vote **CS for CS for HB 885** was withdrawn from the Committees on Banking and Insurance; and Commerce.

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

CS for CS for HB 885—A bill to be entitled An act relating to life insurance; amending s. 626.2815, F.S.; exempting certain life insurance agents from certain continuing education requirements under certain circumstances; providing an attestation requirement; creating s. 627.4605, F.S.; specifying nonapplication of a required notice to a current insurer of a policy replacement under certain circumstances; amending s. 627.464, F.S.; providing a limitation on the resale of certain annuities to third parties; amending s. 627.552, F.S.; prohibiting the creating or permitting of certain classes of employees for group health insurance policy purposes; preserving an employer's authority to require certain plan participation as a condition of employment; amending s. 627.5575, F.S.; revising the limitation on the amount of insurance for spouses of dependent children of employees of members under a group life insurance policy; providing an effective date.

—a companion measure, was substituted for **SB 1364** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 885** was placed on the calendar of Bills on Third Reading.

On motion by Senator Richter, by two-thirds vote **HB 661** was withdrawn from the Committees on Banking and Insurance; Finance and Tax; and General Government Appropriations.

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

HB 661—A bill to be entitled An act relating to minimum surplus requirements for mortgage guaranty insurers; amending s. 635.042, F.S.; authorizing the Commissioner of Insurance Regulation to permit a temporary exception to certain requirements under certain circum-

stances; revising authority of the Office of Insurance Regulation to take action against a noncomplying insurer under certain circumstances; providing an effective date.

—a companion measure, was substituted for **SB 2084** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 661** was placed on the calendar of Bills on Third Reading.

On motion by Senator Garcia—

CS for CS for SB 1736—A bill to be entitled An act relating to unemployment compensation; reviving, readopting, and amending s. 443.1117, F.S.; providing for retroactive application; establishing temporary state extended benefits for weeks of unemployment; revising definitions; providing for state extended benefits for certain weeks and for periods of high unemployment; providing applicability; amending s. 55.204, F.S.; specifying the duration of liens securing the payment of unemployment compensation tax obligations; amending s. 95.091, F.S.; creating an exception to a limit on the duration of tax liens for certain tax liens relating to unemployment compensation taxes; amending s. 213.25, F.S.; authorizing the Department of Revenue to reduce a tax refund or credit owing to a taxpayer to the extent of liability for unemployment compensation taxes; amending s. 443.036, F.S.; revising definitions; conforming cross-references; providing for the treatment of a single-member limited liability company as the employer for purposes of unemployment compensation; amending s. 443.091, F.S.; requiring claimants to register with the Agency for Workforce Innovation and report to the local one-stop career center; specifying exemptions; clarifying that an individual must report regardless of any pending appeals relating to eligibility; amending s. 443.1215, F.S.; conforming a cross-reference; amending s. 443.131, F.S.; conforming provisions to changes made by the act; deleting a requirement for employer response; revising a date triggering the calculating of a positive adjustment factor based on the balance of the Unemployment Compensation Trust Fund; amending s. 443.141, F.S.; providing penalties for erroneous, incomplete, or insufficient reports relating to unemployment compensation taxes; authorizing a waiver of the penalty under certain circumstances; defining a term; authorizing the Agency for Workforce Innovation and the state agency providing unemployment compensation tax collection services to adopt rules; providing an expiration date for liens for contributions and reimbursements; updating a cross-reference; amending s. 443.151, F.S.; requiring the process for filing a claim to incorporate the process for registering for work with the workforce information system; authorizing the agency to adopt rules; providing for monetary and nonmonetary determinations as part of the notice of claim; requiring employers to respond to a notice of claim within a certain period; providing for chargeability of benefits; providing for rulemaking; limiting collection of overpayments under certain conditions; amending s. 443.163, F.S.; increasing penalties for failing to file Employers Quarterly Reports by means other than approved electronic means; revising the conditions under which the electronic filing requirement may be waived; deleting obsolete provisions related to telefile; amending s. 443.1715, F.S.; specifying that an employer may obtain employee wage information from the agency; amending s. 443.101, F.S.; correcting a cross-reference; providing that the act fulfills an important state interest; providing effective dates.

—was read the second time by title.

Senator Garcia moved the following amendment which was adopted:

Amendment 1 (875252) (with directory amendment)—Delete lines 72-197 and insert:

443.1117 Temporary extended benefits.—

(1) **APPLICABILITY OF EXTENDED BENEFITS STATUTE.**—Except if when the result is inconsistent with the other provisions of this section, s. 443.1115(2), (3) ~~the provisions of s. 443.1115(3)~~, (4), (6), and (7) apply to all claims covered by this section.

(2) **DEFINITIONS.**—For the purposes of this section, the term:

(a) “Regular benefits” and “extended benefits” have the same meaning as in s. 443.1115.

(b) “Eligibility period” means the ~~period consisting of the~~ weeks in an individual’s benefit year or emergency benefit period which begin in an extended benefit period and, if the benefit year or emergency benefit period ends within that extended benefit period, any subsequent weeks beginning in that period.

(c) “Emergency benefits” means Emergency Unemployment Compensation paid pursuant to Pub. L. No. 110-252, Pub. L. No. 110-449, Pub. L. No. 111-5, Pub. L. No. 111-92, ~~and~~ Pub. L. No. 111-118, *Pub. L. No. 111-144*, and *Pub. L. No. 111-157*.

(d) “Extended benefit period” means a period that:

1. Begins with the third week after a week for which there is a state “on” indicator; and
2. Ends with any of the following weeks, whichever occurs later:
 - a. The third week after the first week for which there is a state “off” indicator;
 - b. The 13th consecutive week of that period.

However, an extended benefit period may not begin by reason of a state “on” indicator before the 14th week after the end of a prior extended benefit period that was in effect for this state.

(e) “Emergency benefit period” means the period during which an individual receives emergency benefits as defined in paragraph (c).

(f) “Exhaustee” means an individual who, for any week of unemployment in her or his eligibility period:

1. Has received, before that week, all of the regular benefits and emergency benefits, if any, available under this chapter or any other law, including dependents’ allowances and benefits payable to federal civilian employees and ex-servicemembers under 5 U.S.C. ss. 8501-8525, in the current benefit year or emergency benefit period that includes that week. For the purposes of this subparagraph, an individual has received all of the regular benefits and emergency benefits, if any, available although, as a result of a pending appeal for wages paid for insured work which were not considered in the original monetary determination in the benefit year, she or he may subsequently be determined to be entitled to added regular benefits;

2. Had a benefit year which expired before that week, and was paid no, or insufficient, wages for insured work on the basis of which she or he could establish a new benefit year that includes that week; and

- 3.a. Has no right to unemployment benefits or allowances under the Railroad Unemployment Insurance Act or other federal laws as specified in regulations issued by the United States Secretary of Labor; and

- b. Has not received and is not seeking unemployment benefits under the unemployment compensation law of Canada; but if an individual is seeking those benefits and the appropriate agency finally determines that she or he is not entitled to benefits under that law, she or he is considered an exhaustee.

(g) “State ‘on’ indicator” means, with respect to weeks of unemployment beginning on or after February 1, 2009, and ending on or before ~~May 8 January 30~~, 2010, the occurrence of a week in which the average total unemployment rate, seasonally adjusted, as determined by the United States Secretary of Labor, for the ~~period consisting of the~~ most recent 3 months for which data for all states are published by the United States Department of Labor:

1. Equals or exceeds 110 percent of the average of those rates for the corresponding 3-month period ending in each of the preceding 2 calendar years; and
2. Equals or exceeds 6.5 percent.

(h) “High unemployment period” means, with respect to weeks of unemployment beginning on or after February 1, 2009, and ending on or before ~~May 8 January 30~~, 2010, any week in which the average total unemployment rate, seasonally adjusted, as determined by the United States Secretary of Labor, for the ~~period consisting of the~~ most recent 3

months for which data for all states are published by the United States Department of Labor:

1. Equals or exceeds 110 percent of the average of those rates for the corresponding 3-month period ending in each of the preceding 2 calendar years; and

2. Equals or exceeds 8 percent.

(i) “State ‘off’ indicator” means the occurrence of a week in which there is no state “on” indicator or which does not constitute a high unemployment period.

(3) TOTAL EXTENDED BENEFIT AMOUNT.—Except as provided in subsection (4):

(a) For any week for which there is an “on” indicator pursuant to paragraph (2)(g), the total extended benefit amount payable to an eligible individual for her or his applicable benefit year is the lesser of:

1. Fifty percent of the total regular benefits payable under this chapter in the applicable benefit year; or
2. Thirteen times the weekly benefit amount payable under this chapter for a week of total unemployment in the applicable benefit year.

(b) For any high unemployment period ~~as defined in paragraph (2)(h)~~, the total extended benefit amount payable to an eligible individual for her or his applicable benefit year is the lesser of:

1. Eighty percent of the total regular benefits payable under this chapter in the applicable benefit year; or
2. Twenty times the weekly benefit amount payable under this chapter for a week of total unemployment in the applicable benefit year.

(4) EFFECT ON TRADE READJUSTMENT.—Notwithstanding any other provision of this chapter, if the benefit year of an individual ends within an extended benefit period, the number of weeks of extended benefits the individual is entitled to receive in that extended benefit period for weeks of unemployment beginning after the end of the benefit year, except as provided in this section, is reduced, but not to below zero, by the number of weeks for which the individual received, within that benefit year, trade readjustment allowances under the Trade Act of 1974, as amended.

Section 2. *The provisions of s. 443.1117, Florida Statutes, as revived, readopted, and amended by this act, apply only to claims for weeks of unemployment in which an exhaustee establishes entitlement to extended benefits pursuant to that section which are established for the period between February 22, 2009, and June 2, 2010.*

And the directory clause is amended as follows:

Delete line 69 and insert: retroactive to February 27, 2010, and expiring June 2, 2010,

Pursuant to Rule 4.19, **CS for CS for SB 1736** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Gelber—

CS for SB 1114—A bill to be entitled An act relating to international commercial arbitration; creating s. 684.0001, F.S.; providing a short title; creating s. 684.0002, F.S.; defining the scope of application of the Florida International Commercial Arbitration Act; creating s. 684.0003, F.S.; defining terms; providing rules of interpretation for the act; creating s. 684.0004, F.S.; providing intent that the act be applied and interpreted with respect to its purpose; creating s. 684.0005, F.S.; specifying when a written communication is received; creating s. 684.0006, F.S.; specifying circumstances that constitute a waiver of the right to object; creating s. 684.0007, F.S.; limiting the ability of a court to intervene in an arbitral proceeding; creating s. 684.0008, F.S.; designating the circuit court in which an arbitration is or will be held as the court that may take certain actions authorized by the act; creating s. 684.0009, F.S.; requiring a court to refer matters governed by an arbitration agreement to arbitration; creating s. 684.001, F.S.; authorizing a court to

grant an interim measure of protection before or during an arbitral proceeding; creating s. 684.0011, F.S.; authorizing the parties to an arbitration to determine the number of arbitrators; specifying the number of arbitrators for a proceeding if the number of arbitrators is not determined by the parties; creating s. 684.0012, F.S.; specifying procedures for the appointment of an arbitrator; creating s. 684.0013, F.S.; requiring a person who is approached to be an arbitrator to make disclosures relating to conflicts of interest; authorizing the appointment of an arbitrator to be challenged based on a perceived conflict of interest or qualifications; creating s. 684.0014, F.S.; providing procedures to challenge the appointment of an arbitrator; creating s. 684.0015, F.S.; providing for the termination of the mandate of an arbitrator due to failure or impossibility to act; creating s. 684.0016, F.S.; providing a procedure for the appointment of a substitute arbitrator; creating s. 684.0017, F.S.; authorizing an arbitral tribunal to determine its jurisdiction; authorizing a court to determine the jurisdiction of an arbitral tribunal; creating s. 684.0018, F.S.; authorizing an arbitral tribunal to grant an interim measure; creating s. 684.0019, F.S.; specifying conditions under which an interim measure may be granted; creating s. 684.002, F.S.; specifying conditions under which an interim order may be granted to prevent a party from frustrating the purpose of an interim measure; creating s. 684.0021, F.S.; requiring a party to be notified of information relating to an interim measure or preliminary order; requiring that a party be given an opportunity to object to a preliminary order; creating s. 684.0022, F.S.; authorizing an arbitral tribunal to modify, suspend, or terminate an interim measure or preliminary order under certain circumstances; creating s. 684.0023, F.S.; authorizing an arbitral tribunal to require security as a condition of granting an interim measure; requiring security as a condition of granting a preliminary order; creating s. 684.0024, F.S.; requiring certain disclosures as a condition of granting or maintaining an interim measure or preliminary order; creating s. 684.0025, F.S.; providing for liability and an award of costs and damages; creating s. 684.0026, F.S.; providing for the recognition and enforcement of an interim measure by a court; authorizing the court to require security under certain circumstances; creating s. 684.0027, F.S.; specifying grounds under which a court may refuse to enforce an interim measure; creating s. 684.0028, F.S.; authorizing a court to grant an interim measure; creating s. 684.0029, F.S.; requiring parties to an arbitral proceeding to be treated with equality and given an opportunity to present their cases; creating s. 684.003, F.S.; authorizing parties to an arbitration to agree to arbitration procedures; providing default procedures; creating s. 684.0031, F.S.; authorizing parties to an arbitration to agree on the place of arbitration; providing criteria to determine a default location for the arbitration; creating s. 684.0032, F.S.; specifying the date of commencement of an arbitral proceeding; creating s. 684.0033, F.S.; authorizing parties to an arbitration to agree on the language to be used in the proceeding; authorizing the arbitral tribunal to determine the language in the absence of a decision by the parties; creating s. 684.0034, F.S.; providing for the submission of claims and defenses to an arbitral tribunal; creating s. 684.0035, F.S.; providing for the determination of the method by which evidence will be presented before an arbitral proceeding; creating s. 684.0036, F.S.; specifying actions that constitute a default by a party to an arbitral proceeding; creating s. 684.0037, F.S.; authorizing an arbitral tribunal to appoint an expert and for the parties to question and present other experts to the tribunal's expert, unless otherwise agreed by the parties; creating s. 684.0038, F.S.; authorizing a party or an arbitral tribunal to request the assistance of a court in taking evidence; creating s. 684.0039, F.S.; providing for the choice of law applicable in an arbitral proceeding; creating s. 684.004, F.S.; specifying the number of arbitrators who must make a decision, unless specified otherwise by the parties; creating s. 684.0041, F.S.; authorizing the parties to an arbitral proceeding to enter into a settlement that is recorded as an award by the arbitral tribunal; creating s. 684.0042, F.S.; specifying the form and content of an arbitral award; creating s. 684.0043, F.S.; specifying events that terminate or require an arbitral tribunal to terminate an arbitral proceeding; creating s. 684.0044, F.S.; authorizing an arbitral tribunal to correct and interpret an arbitral award or make an additional award under certain conditions; creating s. 684.0045, F.S.; providing judicial immunity to arbitrators acting under ch. 684, F.S.; creating s. 684.0046, F.S.; specifying conditions under which a court may set aside an arbitral award; creating s. 684.0047, F.S.; providing for the recognition and enforcement of arbitral awards by a court; creating s. 684.0048, F.S.; specifying grounds under which a court may refuse to recognize or enforce an arbitral award; repealing parts I, II, and III of ch. 684, F.S., which create the Florida International Arbitration Act and provide procedures for the conduct of

international arbitrations and authorize court proceedings in connection with such arbitrations; providing an effective date.

—was read the second time by title.

Senator Gelber moved the following amendment which was adopted:

Amendment 1 (228948) (with title amendment)—Between lines 134 and 135 insert:

Section 1. Subsection (1) of section 48.196, Florida Statutes, is amended to read:

48.196 Service of process in connection with actions under the Florida International *Commercial Arbitration Act*.—

(1) Any process in connection with the commencement of an action before the courts of this state under chapter 684, the Florida International *Commercial Arbitration Act*, shall be served:

(a) In the case of a natural person, by service upon:

1. That person;
2. Any agent for service of process appointed in, or pursuant to, any applicable agreement or by operation of any law of this state; or
3. Any person authorized by the law of the jurisdiction where process is being served to accept service for that person.

(b) In the case of any person other than a natural person, by service upon:

1. Any agent for service of process appointed in, or pursuant to, any applicable agreement or by operation of any law of this state;
2. Any person authorized by the law of the jurisdiction where process is being served to accept service for that person; or
3. Any person, whether natural or otherwise and wherever located, who by operation of law or internal action is an officer, business agent, director, general partner, or managing agent or director of the person being served; or
4. Any partner, joint venturer, member or controlling shareholder, wherever located, of the person being served, if the person being served does not by law or internal action have any officer, business agent, director, general partner, or managing agent or director.

And the title is amended as follows:

Delete line 3 and insert: arbitration; amending 48.196, F.S.; conforming a reference to changes made by the act; creating s. 684.0001, F.S.; providing a

Pursuant to Rule 4.19, **CS for SB 1114** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for CS for CS for SB 2014—A bill to be entitled An act relating to early learning; amending s. 39.0121, F.S.; deleting an obsolete reference to the repealed subsidized child care program; amending s. 39.202, F.S.; replacing an obsolete reference to a repealed program with an updated reference to the school readiness program; authorizing county agencies responsible for licensure or approval of child care providers to be granted access to certain confidential reports and records in cases of child abuse or neglect; amending s. 39.5085, F.S.; deleting an obsolete reference to a repealed program; amending s. 383.14, F.S.; replacing obsolete references to the former State Coordinating Council for School Readiness Programs with updated references to the Agency for Workforce Innovation; transferring, renumbering, and amending s. 402.25, F.S.; updating an obsolete reference to a repealed program; deleting obsolete references relating to the repealed prekindergarten early intervention program and Florida First Start Program; amending s. 402.26, F.S.; revising legislative intent; updating an obsolete reference to a repealed program; amending s. 402.281, F.S.; establishing the Gold Seal Quality Care program within the Department of Children and Family Services; providing that a child care facility, large family child care home, or family day care home may receive a Gold Seal Quality

Care designation if accredited by a nationally recognized accrediting association and certain requirements are met; requiring that the department adopt rules establishing accreditation standards; requiring that an accrediting association apply to the department for participation in the program; requiring that the department consult with the Agency for Workforce Innovation regarding the approval of accrediting associations for the program; transferring and renumbering s. 402.3016, F.S., relating to Early Head Start collaboration grants; transferring, renumbering, and amending s. 402.3018, F.S.; transferring administration of the statewide toll-free Warm-Line from the department to the agency; conforming provisions; transferring, renumbering, and amending s. 402.3051, F.S.; revising procedures for child care market rate reimbursement and child care grants; transferring authority to establish the procedures from the department to the agency; directing the agency to adopt a prevailing market rate schedule for child care services; revising definitions; authorizing the agency to enter into contracts and adopt rules; amending s. 402.313, F.S.; deleting obsolete provisions authorizing the department to license family day care homes participating in a repealed program; repealing s. 402.3135, F.S., relating to the subsidized child care program case management program; transferring, renumbering, and amending s. 402.3145, F.S.; transferring administration of certain transportation services for children at risk of abuse or neglect from the department to the agency; revising requirements for the provision of such transportation services; amending s. 402.315, F.S.; revising provisions relating to fees collected for child care facilities; amending s. 402.45, F.S.; updating an obsolete reference relating to a former council; directing the Department of Health to consult with the agency regarding certain training provided for contractors of the community resource mother or father program; amending s. 409.1671, F.S.; clarifying that a licensed foster home may be dually licensed as a family day care home or large family child care home and receive certain payments for the same child; deleting an obsolete reference to a repealed program; amending s. 411.01, F.S.; revising provisions relating to the School Readiness Act; revising legislative intent; revising the duties and responsibilities of the Agency for Workforce Innovation; revising provisions for school readiness plans; specifying that certain program providers' compliance with licensing standards satisfies certain health screening requirements; requiring early learning coalitions to maintain certain direct enhancement services; deleting obsolete provisions relating to the merger of early learning coalitions; revising provisions for the membership of early learning coalitions and the voting privileges of such members; revising requirements for parental choice; directing the agency to establish a formula for allocating school readiness funds to each county; providing for legislative notice and review of the formula; amending s. 411.0101, F.S.; revising requirements for services provided by the statewide child care resource and referral network; updating obsolete references to repealed programs; amending s. 411.0102, F.S.; revising provisions relating to the Child Care Executive Partnership Act; updating obsolete references to repealed programs; deleting provisions relating to the duties of each early coalition board; amending s. 411.203, F.S.; deleting an obsolete reference to a repealed program; conforming provisions; amending s. 411.221, F.S.; updating an obsolete reference to a former council; amending ss. 445.024, 445.030, 490.014, and 491.014, F.S.; deleting obsolete references to repealed programs; conforming provisions to the repeal of the subsidized child care case management program; amending ss. 1002.53, 1002.55, 1002.67, and 1002.71, F.S.; revising provisions relating to the eligibility requirements for private prekindergarten providers; conforming provisions to changes made by the act; amending s. 1009.64, F.S.; deleting an obsolete reference to a repealed program; providing an effective date.

—was read the second time by title.

Senator Wise moved the following amendment which was adopted:

Amendment 1 (144800)—Delete lines 869-886 and insert: However, the Agency for Workforce Innovation shall grant a waiver to ~~may authorize~~ an early learning coalition to serve fewer children than the minimum number established under subparagraph 2. ~~±, if:~~

~~a. The coalition demonstrates to the Agency for Workforce Innovation that merging with another county or multicounty region contiguous to the coalition would cause an extreme hardship on the coalition;~~

~~a. b.~~ The Agency for Workforce Innovation has determined during the most recent ~~annual~~ review of the coalition's school readiness plan, or through monitoring and performance evaluations conducted under paragraph (4)(l), that the coalition has substantially implemented its

~~plan and substantially met the performance standards and outcome measures adopted by the agency; and~~

~~b. e.~~ The coalition demonstrates to the Agency for Workforce Innovation the coalition's ability to effectively and efficiently implement the Voluntary Prekindergarten Education Program; ~~and~~

~~c.~~ The coalition demonstrates to the Agency for Workforce Innovation that the coalition can perform its duties in accordance with law.

Senator Negron moved the following amendment:

Amendment 2 (506948) (with title amendment)—Between lines 1992 and 1993 insert:

Section 31. Subsection (4) of section 125.901, Florida Statutes, is amended to read:

125.901 Children's services; independent special district; council; powers, duties, and functions; public records exemption.—

(4)(a) Any district created pursuant to ~~the provisions of~~ this section may be dissolved by a special act of the Legislature, or the county governing body may by ordinance dissolve the district subject to the approval of the electorate.

(b)1.a. *Notwithstanding paragraph (a), the governing body of the county shall submit the question of retention or dissolution of a district with taxing authority to the electorate in the general election according to the following schedule:*

(I) *For a district in existence on July 1, 2010, and serving a county with a population of 400,000 or fewer persons as of that date . . . 2014.*

(II) *For a district in existence on July 1, 2010, and serving a county with a population of more than 400,000 but fewer than 2 million persons as of that date 2016.*

(III) *For a district in existence on July 1, 2010, and serving a county with a population of 2 million or more persons as of that date . . . 2020.*

b. *A referendum by the electorate on or after July 1, 2010, creating a new district with taxing authority may specify that the district is not subject to reauthorization or may specify the number of years for which the initial authorization shall remain effective. If the referendum does not prescribe terms of reauthorization, the governing body of the county shall submit the question of retention or dissolution of the district to the electorate in the general election 12 years after the initial authorization.*

2. *The governing board of the district may specify, and submit to the governing body of the county no later than nine months before the scheduled election, that the district is not subsequently subject to reauthorization or may specify the number of years for which a reauthorization under this paragraph shall remain effective. If the governing board of the district makes such specification and submission, the governing body of the county shall include that information in the question submitted to the electorate. If the governing board of the district does not specify and submit such information, the governing body of the county shall resubmit the question of reauthorization to the electorate every 12 years after the year prescribed in subparagraph 1.*

3. *Nothing in this paragraph limits the authority to dissolve a district as provided under paragraph (a).*

If any district is dissolved pursuant to ~~the provisions of~~ this subsection, each county ~~shall~~ first obligate itself to assume the debts, liabilities, contracts, and outstanding obligations of the district within the total millage available to the county governing body for all county and municipal purposes as provided for under s. 9, Art. VII of the State Constitution. Any district may also be dissolved pursuant to ~~the provisions of~~ s. 189.4042.

Section 32. *Notwithstanding s. 31 of chapter 90-288, Laws of Florida, the revisions made by this act to s. 125.901, Florida Statutes, apply to any special district having taxing authority to provide funding for children's services, and governed by a council on children's services, which is in existence on the effective date of this act and to any such district created on or after the effective date of this act.*

And the title is amended as follows:

Delete line 110 and insert: reference to a repealed program; amending s. 125.901, F.S.; requiring the governing body of the county to submit to the electorate the question of retention or dissolution of a special taxing district created to provide funding for children's services; prescribing a schedule and conditions relating to submission of the question to the electorate; prescribing reauthorization conditions governing newly created children's services districts; providing for the application of the revisions made by this act to s. 125.901, F.S., to certain children's services special districts in existence before and after the effective date of the act; providing an

MOTION

On motion by Senator Altman, by the required two-thirds vote, consideration of the following amendment was allowed:

Senator Altman moved the following amendment to **Amendment 2** which was adopted:

Amendment 2A (384780)—Delete line 16 and insert: *dissolution of a district with voter-approved taxing authority to the*

MOTION

On motion by Senator Negron, by the required two-thirds vote, consideration of the following amendment was allowed:

Senator Negron moved the following amendment to **Amendment 2** which was adopted:

Amendment 2B (397122)—Delete line 49 and insert: *prescribed in subparagraph 1. The governing board of the district may recommend to the governing body of the county language for the question submitted to the electorate.*

On motion by Senator Wise, further consideration of **CS for CS for CS for SB 2014** with pending **Amendment 2 (506948)** as amended was deferred.

On motion by Senator Garcia—

CS for CS for CS for SB 2330—A bill to be entitled An act relating to a review of the Department of State under the Florida Government Accountability Act; reenacting s. 20.10, F.S., relating to the establishment of the department; amending s. 117.01, F.S.; assigning various duties of the Executive Office of the Governor relating to notaries public to the department; revising the application requirements for notaries public; requiring notary public applicants to complete certain interactive or classroom instruction; authorizing certain persons or entities to offer courses for the required instruction; revising provisions for the deposit and use of funds from the notary public surcharge; providing penalties for applicants who submit applications containing certain statements; requiring the department to provide notice on notary application forms of criminal penalties for providing false information; providing for the filing and investigation of complaints against notaries public; requiring the department to submit investigative findings to the Executive Office of the Governor; deleting obsolete provisions relating to notary bonds; requiring entities issuing notary bonds to submit annual reports to the department; requiring the department to refuse bonding certificates from such entity that does not submit its annual report by a specified date; conforming provisions; amending ss. 117.021, 117.05, and 117.103, F.S.; deleting an obsolete provision relating to notary public seals; conforming provisions; amending s. 117.107, F.S.; prohibiting a notary public from using a signature stamp except under certain circumstances; providing penalties; specifying that notaries public are subject to suspension under certain circumstances; transferring the administration of certain provisions relating to notaries public from the Executive Office of the Governor to the department; amending s. 668.50, F.S.; deleting requirements for certain interactive or classroom instruction for notaries public, to conform; amending s. 257.015, F.S.; providing definitions; amending s. 257.02, F.S.; renaming the State Library Council; revising the council's membership and duties; providing for a quorum of council members; specifying the vote required for official action by the council; amending s. 257.031, F.S.; conforming provisions; amending s. 257.05, F.S.; establishing the state publications program; requiring state agen-

cies to furnish the department's Division of Library and Information Services with copies of state publications and designate agency publications liaisons; deleting provisions requiring certain officials and agencies to provide the division with specified numbers of public documents; revising the division's duties with respect to the management, distribution, and exchange of state publications and the establishment of a periodic bibliography for such publications; requiring depository libraries to maintain state publications in a specified manner; authorizing the division to adopt rules; amending s. 257.105, F.S.; requiring state agencies to furnish copies of state publications to the Library of Congress; conforming provisions; amending s. 267.0612, F.S.; revising the duties of the Florida Historical Commission; transferring to the commission and revising provisions for the Official Florida Historical Markers, the State Historical Marker Program, and the Great Floridians Program to conform to the repeal by the act of provisions establishing the State Historical Marker Council and the Great Floridians Program; amending s. 267.075, F.S.; deleting provisions establishing The Grove Advisory Council; authorizing the Division of Historical Resources to charge visitor fees, establish an endowment, and conduct fundraising activities; authorizing the division, or under certain circumstances a citizen support organization, to operate a museum store and provide visitor services and activities at The Grove; providing for use of the net proceeds from the museum store and the visitor services and activities; amending s. 267.16, F.S.; requiring the division to make folklife apprenticeship programs available throughout the state; amending s. 267.161, F.S.; assigning certain duties to the Florida Folklife Council with respect to folklife apprenticeship programs; amending ss. 283.31 and 286.001, F.S.; conforming provisions to changes made by the act; conforming cross-references; amending s. 872.05, F.S.; excluding certain portions of human remains from the definition of the term "unmarked human burial" for purposes of the duties of the State Archaeologist and district medical examiners; repealing ss. 267.0731 and 267.0743, F.S., relating to the Great Floridians Program and the State Historical Marker Council, respectively; providing an effective date.

—was read the second time by title.

Senator Garcia moved the following amendment which was adopted:

Amendment 1 (381944)—Delete lines 110 and 111 and insert:

(2) *A first-time applicant for appointment as a notary public must*

MOTION

On motion by Senator Garcia, by the required two-thirds vote, consideration of the following amendments were allowed:

Senator Garcia moved the following amendments which were adopted:

Amendment 2 (977332) (with title amendment)—Delete lines 612-654.

And the title is amended as follows:

Delete lines 65-69 and insert: Florida Historical Markers and the State Historical Marker Program to conform to the repeal by the act of provisions establishing the State Historical Marker Council; amending s. 267.075,

Amendment 3 (762988) (with title amendment)—Delete lines 878 and 879 and insert:

Section 21. *Section 267.0743, Florida Statutes, is repealed.*

And the title is amended as follows:

Delete lines 91-93 and insert: repealing s. 267.0743, F.S., relating to the State Historical Marker Council; providing an effective

Pursuant to Rule 4.19, **CS for CS for CS for SB 2330** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Wise, by two-thirds vote **HB 985** was withdrawn from the Committees on Commerce; and Criminal Justice.

On motion by Senator Wise—

HB 985—A bill to be entitled An act relating to peddling at camp meetings; repealing s. 871.03, F.S., relating to peddling at or within a specified distance of any camp or field meeting held for religious purposes; providing an effective date.

—a companion measure, was substituted for **SB 2128** and read the second time by title.

Pursuant to Rule 4.19, **HB 985** was placed on the calendar of Bills on Third Reading.

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

CS for CS for CS for SB 2014—A bill to be entitled An act relating to early learning; amending s. 39.0121, F.S.; deleting an obsolete reference to the repealed subsidized child care program; amending s. 39.202, F.S.; replacing an obsolete reference to a repealed program with an updated reference to the school readiness program; authorizing county agencies responsible for licensure or approval of child care providers to be granted access to certain confidential reports and records in cases of child abuse or neglect; amending s. 39.5085, F.S.; deleting an obsolete reference to a repealed program; amending s. 383.14, F.S.; replacing obsolete references to the former State Coordinating Council for School Readiness Programs with updated references to the Agency for Workforce Innovation; transferring, renumbering, and amending s. 402.25, F.S.; updating an obsolete reference to a repealed program; deleting obsolete references relating to the repealed prekindergarten early intervention program and Florida First Start Program; amending s. 402.26, F.S.; revising legislative intent; updating an obsolete reference to a repealed program; amending s. 402.281, F.S.; establishing the Gold Seal Quality Care program within the Department of Children and Family Services; providing that a child care facility, large family child care home, or family day care home may receive a Gold Seal Quality Care designation if accredited by a nationally recognized accrediting association and certain requirements are met; requiring that the department adopt rules establishing accreditation standards; requiring that an accrediting association apply to the department for participation in the program; requiring that the department consult with the Agency for Workforce Innovation regarding the approval of accrediting associations for the program; transferring and renumbering s. 402.3016, F.S., relating to Early Head Start collaboration grants; transferring, renumbering, and amending s. 402.3018, F.S.; transferring administration of the statewide toll-free Warm-Line from the department to the agency; conforming provisions; transferring, renumbering, and amending s. 402.3051, F.S.; revising procedures for child care market rate reimbursement and child care grants; transferring authority to establish the procedures from the department to the agency; directing the agency to adopt a prevailing market rate schedule for child care services; revising definitions; authorizing the agency to enter into contracts and adopt rules; amending s. 402.313, F.S.; deleting obsolete provisions authorizing the department to license family day care homes participating in a repealed program; repealing s. 402.3135, F.S., relating to the subsidized child care program case management program; transferring, renumbering, and amending s. 402.3145, F.S.; transferring administration of certain transportation services for children at risk of abuse or neglect from the department to the agency; revising requirements for the provision of such transportation services; amending s. 402.315, F.S.; revising provisions relating to fees collected for child care facilities; amending s. 402.45, F.S.; updating an obsolete reference relating to a former council; directing the Department of Health to consult with the agency regarding certain training provided for contractors of the community resource mother or father program; amending s. 409.1671, F.S.; clarifying that a licensed foster home may be dually licensed as a family day care home or large family child care home and receive certain payments for the same child; deleting an obsolete reference to a repealed program; amending s. 411.01, F.S.; revising provisions relating to the School Readiness Act; revising legislative intent; revising the duties and responsibilities of the Agency for Workforce Innovation; revising provisions for school readiness plans; specifying that certain program providers' compliance with licensing standards satisfies certain health screening requirements; requiring early learning coalitions to maintain certain direct enhancement services; deleting obsolete provisions relating to the merger of early learning coalitions; revising provisions for the membership of early learning coalitions and the voting privileges of such members; revising requirements for parental choice; directing the agency to establish a

formula for allocating school readiness funds to each county; providing for legislative notice and review of the formula; amending s. 411.0101, F.S.; revising requirements for services provided by the statewide child care resource and referral network; updating obsolete references to repealed programs; amending s. 411.0102, F.S.; revising provisions relating to the Child Care Executive Partnership Act; updating obsolete references to repealed programs; deleting provisions relating to the duties of each early coalition board; amending s. 411.203, F.S.; deleting an obsolete reference to a repealed program; conforming provisions; amending s. 411.221, F.S.; updating an obsolete reference to a former council; amending ss. 445.024, 445.030, 490.014, and 491.014, F.S.; deleting obsolete references to repealed programs; conforming provisions to the repeal of the subsidized child care case management program; amending ss. 1002.53, 1002.55, 1002.67, and 1002.71, F.S.; revising provisions relating to the eligibility requirements for private prekindergarten providers; conforming provisions to changes made by the act; amending s. 1009.64, F.S.; deleting an obsolete reference to a repealed program; providing an effective date.

—which was previously considered and amended this day. Pending **Amendment 2 (506948)** as amended by Senator Negron was adopted.

MOTION

On motion by Senator Wise, by the required two-thirds vote, consideration of the following amendment was allowed:

Senator Wise moved the following amendment which was adopted:

Amendment 3 (290528) (with title amendment)—Delete lines 1878-1993 and insert:

Section 28. Effective May 31, 2010, paragraph (c) of subsection (3) of section 1002.67, Florida Statutes, is amended to read:

1002.67 Performance standards; curricula and accountability.—

(3)

(c)1. If the kindergarten readiness rate of a private prekindergarten provider or public school falls below the minimum rate adopted by the State Board of Education as satisfactory under s. 1002.69(6), the early learning coalition or school district, as applicable, shall require the provider or school to submit an improvement plan for approval by the coalition or school district, as applicable, and to implement the plan.

2. If a private prekindergarten provider or public school fails to meet the minimum rate adopted by the State Board of Education as satisfactory under s. 1002.69(6) for 2 consecutive years, the early learning coalition or school district, as applicable, shall place the provider or school on probation and must require the provider or school to take certain corrective actions, including the use of a curriculum approved by the department under paragraph (2)(c).

3. A private prekindergarten provider or public school that is placed on probation must continue the corrective actions required under subparagraph 2., including the use of a curriculum approved by the department, until the provider or school meets the minimum rate adopted by the State Board of Education as satisfactory under s. 1002.69(6).

4. If a private prekindergarten provider or public school remains on probation for 2 consecutive years and fails to meet the minimum rate adopted by the State Board of Education as satisfactory under s. 1002.69(6) *and is not granted a good cause exemption by the department pursuant to s. 1002.69(7)*, the Agency for Workforce Innovation shall require the early learning coalition or the Department of Education shall require the school district, ~~as applicable~~, to remove, *as applicable*, the provider or school from eligibility to deliver the Voluntary Prekindergarten Education Program and receive state funds for the program.

Section 29. Paragraph (b) of subsection (6) of section 1002.71, Florida Statutes, is amended to read:

1002.71 Funding; financial and attendance reporting.—

(6)

(b)1. Each private prekindergarten provider's and district school board's attendance policy must require the parent of each student in the Voluntary Prekindergarten Education Program to verify, each month, the student's attendance on the prior month's certified student attendance.

2. The parent must submit the verification of the student's attendance to the private prekindergarten provider or public school on forms prescribed by the Agency for Workforce Innovation. The forms must include, in addition to the verification of the student's attendance, a certification, in substantially the following form, that the parent continues to choose the private prekindergarten provider or public school in accordance with s. 1002.53 and directs that payments for the program be made to the provider or school:

VERIFICATION OF STUDENT'S ATTENDANCE
AND CERTIFICATION OF PARENTAL CHOICE

I, _____ (Name of Parent), swear (or affirm) that my child, _____ (Name of Student), attended the Voluntary Prekindergarten Education Program on the days listed above and certify that I continue to choose _____ (Name of Provider or School) to deliver the program for my child and direct that program funds be paid to the provider or school for my child.

(Signature of Parent)

(Date)

3. The private prekindergarten provider or public school must keep each original signed form for at least 2 years. Each private prekindergarten provider must permit the early learning coalition, and each public school must permit the school district, to inspect the original signed forms during normal business hours. The Agency for Workforce Innovation shall adopt procedures for early learning coalitions and school districts to review the original signed forms against the certified student attendance. The review procedures shall provide for the use of selective inspection techniques, including, but not limited to, random sampling. Each early learning coalition and the school districts ~~district~~ must comply with the review procedures.

Section 30. Effective May 31, 2010, subsection (7) is added to section 1002.69, Florida Statutes, to read:

1002.69 Statewide kindergarten screening; kindergarten readiness rates.—

(7)(a) *Notwithstanding s. 1002.67(3)(c)4., the State Board of Education, upon the request of a private prekindergarten provider or public school that remains on probation for 2 consecutive years or more and subsequently fails to meet the minimum rate adopted under subsection (6) and for good cause shown, may grant to the provider or school an exemption from being determined ineligible to deliver the Voluntary Prekindergarten Education Program and receive state funds for the program. Such exemption is valid for 1 year and, upon the request of the private prekindergarten provider or public school and for good cause shown, may be renewed.*

(b) *A private prekindergarten provider's or public school's request for a good cause exemption, or renewal of such an exemption, must be submitted to the state board in the manner and within the timeframes prescribed by the state board and must include the following:*

1. *Submission of data by the private prekindergarten provider or public school which documents on a standardized assessment the achievement and progress of the children served.*

2. *Submission and review of data available from the respective early learning coalition or district school board, the Department of Children and Family Services, local licensing authority, or an accrediting association, as applicable, relating to the private prekindergarten provider's or public school's compliance with state and local health and safety standards.*

3. *Submission and review of data available to the department on the performance of the children served and the calculation of the private prekindergarten provider's or public school's kindergarten readiness rate.*

(c) *The State Board of Education shall adopt criteria for granting good cause exemptions. Such criteria shall include, but are not limited to:*

1. *Learning gains of children served in the Voluntary Prekindergarten Education Program by the private prekindergarten provider or public school.*

2. *Verification that the private prekindergarten provider or public school serves at least twice the statewide percentage of children with disabilities as defined in s. 1003.01(3)(a).*

3. *Verification that local and state health and safety requirements are met.*

(d) *A good cause exemption may not be granted to any private prekindergarten provider that has any class I violations or two or more class II violations within the 2 years preceding the provider's or school's request for the exemption. For purposes of this paragraph, class I and class II violations have the same meaning as provided in s. 402.281(3).*

(e) *A private prekindergarten provider or public school granted a good cause exemption shall continue to implement its improvement plan and continue the corrective actions required under s. 1002.67(3)(c)2., including the use of a curriculum approved by the department, until the provider or school meets the minimum rate adopted under subsection (6).*

(f) *The State Board of Education shall notify the Agency for Workforce Innovation of any good cause exemption granted to a private prekindergarten provider under this subsection. If a good cause exemption is granted to a private prekindergarten provider who remains on probation for 2 consecutive years, the Agency for Workforce Innovation shall notify the early learning coalition of the good cause exemption and direct that the coalition, notwithstanding s. 1002.67(3)(c)4., not remove the provider from eligibility to deliver the Voluntary Prekindergarten Education Program or to receive state funds for the program, if the provider meets all other applicable requirements of this part.*

Section 31. Effective May 31, 2010, paragraph (d) is added to subsection (2) of section 1002.73, Florida Statutes, to read:

1002.73 Department of Education; powers and duties; accountability requirements.—

(2) The department shall adopt procedures for the department's:

(d) *Granting of a private prekindergarten provider's or public school's request for a good cause exemption under s. 1002.69(7).*

Section 32. Paragraph (b) of subsection (4) of section 1009.64, Florida Statutes, is amended to read:

1009.64 Certified Education Paraprofessional Welfare Transition Program.—

(4) The agencies shall complete an implementation plan that addresses at least the following recommended components of the program:

(b) A budget for use of incentive funding to provide motivation to participants to succeed and excel. The budget for incentive funding includes:

1. Funds allocated by the Legislature directly for the program.

2. Funds that may be made available from the federal Workforce Investment Act based on client eligibility or requested waivers to make the clients eligible.

3. Funds made available by implementation strategies that would make maximum use of work supplementation funds authorized by federal law.

4. Funds authorized by strategies to lengthen participants' eligibility for federal programs such as Medicaid, ~~subsidized~~ child care services, and transportation.

Incentives may include a stipend during periods of college classroom training, a bonus and recognition for a high grade-point average, child care and prekindergarten services for children of participants, and services to increase a participant's ability to advance to higher levels of

employment. Nonfinancial incentives should include providing a mentor or tutor, and service incentives should continue and increase for any participant who plans to complete the baccalaureate degree and become a certified teacher. Services may be provided in accordance with family choice by community colleges and school district career centers, through family service centers and full-service schools, or under contract with providers through central agencies.

Section 33. Except as otherwise expressly provided in this act and except for this section, which shall take effect May 31, 2010, this act shall take effect July 1, 2010.

And the title is amended as follows:

Delete lines 109-111 and insert: amending s. 1002.69, F.S.; revising provisions relating to statewide kindergarten screening and kindergarten readiness rates; authorizing the State Board of Education to grant an exemption to a private prekindergarten provider or public school if requested and good cause is shown; providing for the renewal of such exemption; requiring that certain information be submitted along with the provider's or public school's request for the exemption; requiring that the board adopt criteria for granting the exemption; providing that the exemption not be granted under certain circumstances; requiring notice to the Agency for Workforce Innovation of exemptions; amending s. 1002.73, F.S.; requiring that the Department of Education adopt procedures for granting good cause exemptions to private prekindergarten providers and public schools; amending s. 1009.64, F.S.; deleting an obsolete reference to a repealed program; providing effective dates.

Pursuant to Rule 4.19, **CS for CS for CS for SB 2014** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Jones, by two-thirds vote **HB 53** was withdrawn from the Committees on Transportation; Environmental Preservation and Conservation; and General Government Appropriations.

On motion by Senator Jones—

HB 53—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.

—a companion measure, was substituted for **SB 304** and read the second time by title.

Pursuant to Rule 4.19, **HB 53** was placed on the calendar of Bills on Third Reading.

On motion by Senator Richter, by two-thirds vote **HB 7089** was withdrawn from the Committees on Banking and Insurance; and Governmental Oversight and Accountability.

On motion by Senator Richter—

HB 7089—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 440.3851, F.S., which provides an exemption from public records and public meetings requirements for the Florida Self-Insurers Guaranty Association, Incorporated; reorganizing the section; removing the scheduled repeal of the exemptions; providing an effective date.

—a companion measure, was substituted for **CS for SB 1662** and read the second time by title.

Pursuant to Rule 4.19, **HB 7089** was placed on the calendar of Bills on Third Reading.

On motion by Senator Thrasher—

SB 2470—A bill to be entitled An act relating to Northeast Florida regional transportation; creating the Northeast Florida Regional Transportation Study Commission; providing for membership and organization; providing for reimbursement of expenses; providing for re-

moval and suspension of commission members; providing for staff of the Jacksonville Transportation Authority to act as staff to the commission; providing for funding of staff and facilities; providing for committees within the commission; providing for commission meetings; providing for the commission to make available to the public its meeting minutes, reports, and recommendations and publish its reports and recommendations electronically; directing the authority to make its Internet site available for such purposes; requiring the commission to submit reports to the Governor and the Legislature; providing that a county's membership in the commission and participation of a county's appointees does not constitute consent of the county to inclusion within the jurisdiction of a regional transportation authority; providing for expiration of the act and termination of the commission; providing an effective date.

—was read the second time by title.

Senator Gaetz moved the following amendment which was adopted:

Amendment 1 (512672) (with title amendment)—Delete lines 120-129 and insert: *legislation consistent with this section, and any other recommendations it deems appropriate.*

(7) *A county's membership in the commission, and the participation of a county's appointees in the work of the commission, is not intended to constitute the consent of the county to inclusion within the jurisdiction of a regional transportation authority.*

(8) *This section shall expire and the commission shall terminate upon delivery of the final report required in subsection (6).*

Section 2. Subsection (1) of section 8 of chapter 2009-89, Laws of Florida, is amended to read:

Section 8. (1) The Northwest Florida Regional Transportation Planning Organization, an interlocal agency under part I of chapter 163, Florida Statutes, is authorized to study the feasibility of advance-funding the costs of capacity projects in its member counties and making recommendations to the Legislature by February 1, 2011 ~~2010~~. The Department of Transportation may assist the organization in conducting the study. *The study shall be funded by the Northwest Florida Regional Transportation Planning Organization from its existing resources and by such other funds that may be provided from its constituent counties.*

And the title is amended as follows:

Delete lines 2-24 and insert: An act relating to regional transportation; creating the Northeast Florida Regional Transportation Study Commission; providing for membership and organization; providing for reimbursement of expenses; providing for removal and suspension of commission members; providing for the Jacksonville Transportation Authority to staff the commission; providing for funding of the commission; providing that the costs of staffing and the amount of funding are determined by the board of the Jacksonville Transportation Authority; providing for committees within the commission; providing for commission meetings; providing for the commission to make available to the public its meeting minutes, reports, and recommendations and publish its reports and recommendations electronically; directing the authority to make its Internet site available for such purposes; requiring the commission to submit reports to the Governor and the Legislature; providing that a county's membership in the commission and participation of a county's appointees does not constitute consent of the county to inclusion within the jurisdiction of a regional transportation authority; providing for expiration and termination of the commission; amending s. 8, ch. 2009-89, Laws of Florida; revising the due date for the Northwest Florida Regional Transportation Planning Organization to complete a study and make recommendations to the Legislature concerning advance-funding the costs of capacity projects in its member counties; providing for funding of the study; providing an effective

Pursuant to Rule 4.19, **SB 2470** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

SENATOR VILLALOBOS PRESIDING

On motion by Senator Lynn—

SB 488—A bill to be entitled An act relating to motor vehicle registration application forms; amending s. 320.02, F.S.; requiring application forms to provide for a voluntary contribution to Florida Network of Children's Advocacy Centers, Inc.; providing for the use of such funds; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 488** was placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine—

CS for SB 768—A bill to be entitled An act relating to street racing; creating the "Luis Rivera Ortega Street Racing Act"; amending s. 316.191, F.S.; revising penalties for violating provisions prohibiting certain speed competitions and exhibitions; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 768** was placed on the calendar of Bills on Third Reading.

On motion by Senator Lynn—

SB 1082—A bill to be entitled An act relating to driver's license restrictions; amending s. 322.16, F.S.; restricting the number of passengers under the age of 18 permitted in a vehicle operated by a person under the age of 18 unless accompanied by a driver at least 21 years of age; providing exceptions; providing for secondary enforcement; providing penalties; providing for applicability; amending s. 318.14, F.S.; providing citation procedures for a violation of such restrictions; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1082** was placed on the calendar of Bills on Third Reading.

On motion by Senator Garcia—

CS for CS for SB 320—A bill to be entitled An act relating to household moving services; amending s. 507.01, F.S.; redefining the term "storage"; amending s. 507.03, F.S.; providing for the biennial renewal of mover and moving broker registrations; authorizing the Department of Agriculture and Consumer Services to extend registration expiration dates in order to establish staggered dates; requiring the calculation of biennial registration fees based on an annual rate; deleting a provision requiring certain movers and moving brokers to obtain a local license or registration and pay the state registration fee; amending s. 507.04, F.S.; authorizing a mover to exclude liability for household goods packed by the shipper under certain circumstances; amending s. 507.06, F.S.; authorizing a mover to refuse to transport or ship household goods under certain circumstances; amending s. 507.07, F.S.; prohibiting a mover or moving broker from conducting business without being registered with the department; providing penalties; amending s. 507.13, F.S.; preempting local ordinances and regulations except in certain counties; restricting the levy or collection of local registration fees and taxes of movers and moving brokers; providing for local registration and bonding; exempting local business taxes from preemption; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 320** was placed on the calendar of Bills on Third Reading.

On motion by Senator Baker—

CS for CS for CS for SB 1048—A bill to be entitled An act relating to construction bonds; amending s. 255.05, F.S.; requiring that a con-

tractor record in the official records a payment bond for a public works construction project; requiring that the bond number be stated on the first page of the bond; prohibiting the issuing authority for a building permit or a private provider performing inspection services from inspecting the property being improved until certain documents are filed; providing that a payment and performance bond is not required for certain contracts; authorizing certain entities to exempt certain contracts from the requirement for a payment and performance bond; requiring the clerk of court to mail a notice of contest of lien by certified or registered mail; amending s. 713.015, F.S.; requiring that a contractor provide an owner with a general statement of an owner's rights and responsibilities under Florida's Construction Lien Law; requiring that a signed copy of the statement be filed with the building permit application; specifying the form and content of the statement; deleting the requirement that notice be included in the direct contract between the contractor and the owner; amending s. 713.06, F.S.; revising the form of a notice for liens of persons not in privity with the owner; amending s. 713.13, F.S.; revising the form of the notice of commencement; requiring the posting of a payment bond on a job site; amending s. 713.135, F.S.; revising the warning to the owner printed on certain permit cards; deleting a requirement relating to filing a notice of commencement before certain inspections; revising the warning to the owner provided on a building permit form; creating s. 713.137, F.S.; prohibiting the authority issuing a building permit or a private provider performing inspection services from inspecting an improvement until certain documents have been filed and the information in the notice of commencement meets certain standards; providing exceptions; amending s. 713.16, F.S.; revising requirements for demands for a copy of a construction contract and a statement of account; authorizing a lienor who submits or mails a claim of lien to the clerk for recording to make certain demands to an owner for certain written statements; providing requirements for such written demands; amending s. 713.18, F.S.; providing additional methods by which certain items may be served by mail; specifying the information required on certain written instruments under certain circumstances; amending s. 713.22, F.S.; requiring that the clerk of court serve a notice of contest of lien; amending s. 713.23, F.S.; requiring that the clerk of court mail a notice of contest of nonpayment by certified or registered mail; conforming cross-references; amending s. 713.24, F.S.; requiring that the clerk of court mail, by certified or registered mail, a copy of the certificate showing the transfer of a lien and a copy of the security if the lien is transferred to a security; authorizing a clerk to collect certain service charges under certain circumstances; providing an effective date.

—was read the second time by title.

MOTION

On motion by Senator Baker, by the required two-thirds vote, consideration of the following amendment was allowed:

Senator Baker moved the following amendment which was adopted:

Amendment 1 (746874)—Delete line 441 and insert: *Additional information regarding license and insurance requirements for contractors can be obtained online at*

Pursuant to Rule 4.19, **CS for CS for CS for SB 1048** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Dean—

SB 1150—A bill to be entitled An act relating to registration of farm labor contractors and employees; amending s. 450.31, F.S.; requiring the renewal of farm labor contractor and employee certificates of registration under certain circumstances; requiring the Department of Business and Professional Regulation to suspend, revoke, or refuse to issue or renew certificates of registration under certain circumstances; providing an effective date.

—was read the second time by title.

Senator Dean moved the following amendments which were adopted:

Amendment 1 (695786) (with title amendment)—Before line 14 insert:

Section 1. Subsection (7) is added to section 450.28, Florida Statutes, to read:

450.28 Definitions.—

(7) *“Timely application for renewal” means the application for a federal certificate of registration as a farm labor contractor, or a farm labor contractor employee, is filed, as defined by federal law, with the United States Department of Labor at least 30 days before its expiration date.*

And the title is amended as follows:

Delete line 3 and insert: contractors and employees; amending s. 450.28, F.S.; defining the term “timely application for renewal”; amending s. 450.31, F.S.;

Amendment 2 (164884)—Delete lines 50-52 and insert: *issue or renew a certificate of registration upon receipt of a final order of suspension, revocation, or refusal to issue or renew the federal certificate of registration from the United States Department of Labor.*

Pursuant to Rule 4.19, **SB 1150** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett—

CS for CS for SB 1152—A bill to be entitled An act relating to the Florida Funeral, Cemetery, and Consumer Services Act; amending s. 497.005, F.S.; defining the terms “direct supervision” and “general supervision” as they relate to supervision by funeral directors and embalmers; expanding the definition of the term “legally authorized person” to include certain persons designated by a decedent pursuant to certain types of authority; amending s. 497.101, F.S.; revising qualifications for the membership of the Board of Funeral, Cemetery, and Consumer Services; amending s. 497.103, F.S.; authorizing the waiver of certain provisions during a state of emergency; amending s. 497.140, F.S.; authorizing fees for certain inspections of licensees; amending s. 497.141, F.S.; prohibiting the issuance or renewal of a license to an applicant that has specified criminal records under certain circumstances; authorizing a licensing authority of the Department of Financial Services to adopt rules; authorizing the licensing authority to require the submission of applications in an online electronic format; authorizing fees for applications submitted in a paper format; amending s. 497.142, F.S.; requiring an applicant for renewal of a license to disclose certain criminal offenses; requiring an applicant for issuance or renewal of a license to disclose certain criminal pleas; requiring the licensing authority to adopt rules for the disclosure of criminal records; authorizing an exception from disclosure requirements for previously disclosed criminal records; amending s. 497.143, F.S.; revising legislative intent; authorizing the licensing authority to adopt rules for the issuance of limited licenses to certain persons licensed outside the state; revising eligibility and application requirements for a limited license; amending s. 497.147, F.S.; deleting limits on the continuing education credit provided for attendance at board meetings; amending s. 497.152, F.S.; providing that certain criminal pleas are a ground for denial of an application or discipline of a licensee under ch. 497, F.S.; amending s. 497.161, F.S.; authorizing the department to adopt rules that temporarily suspend or modify certain provisions during and following a state of emergency; amending s. 497.162, F.S.; revising which nonlicensed personnel are required to complete a course on communicable diseases; extending the time for completion of the course; amending s. 497.166, F.S.; conforming terminology to changes made by the act; amending s. 497.277, F.S.; authorizing a cemetery company to charge a fee for performing specified duties related to certain cemetery sales contracts; requiring disclosure of the charges; exempting charges from certain trust deposit requirements; authorizing the department to adopt rules; amending s. 497.278, F.S.; authorizing a cemetery company to require certain persons and firms to show proof of certain insurance coverage; prohibiting a cemetery company from setting certain insurance coverage limits; amending s. 497.365, F.S.; prohibiting the embalming of human remains except by certain licensees; amending s. 497.372, F.S.; revising certain functions construed to be the practice of funeral directing; prohibiting a funeral director from engaging in the practice of funeral directing except under certain circumstances; providing an exception; requiring that the Board of Funeral, Cemetery, and Consumer Services adopt rules; providing that certain provisions of state law do not prohibit a funeral director from being designated the licensed funeral director in

charge of a cineration facility; revising the acts that are exempt from regulation as the practice of funeral directing; amending s. 497.373, F.S.; revising the educational and examination requirements for licensure of funeral directors by examination; revising requirements for the supervision of provisional licensees; amending s. 497.374, F.S.; revising the examination requirements for licensure of funeral directors by endorsement; amending s. 497.375, F.S.; establishing educational requirements for funeral director intern licenses; revising the application requirements for funeral director intern licensees; revising requirements for the supervision of funeral director interns; providing for the expiration of funeral director intern licenses; prohibiting the renewal of funeral director intern licenses except under certain circumstances; authorizing rules for the renewal of funeral director intern licenses; providing for license renewal fees; amending s. 497.376, F.S.; deleting provisions requiring rules for the display of certain licenses; amending s. 497.378, F.S.; conforming the continuing education requirements for funeral directors and embalmers to the repeal by the act of provisions requiring a course on HIV and AIDS; authorizing the licensing authority to adopt rules for the renewal of funeral director and embalmer licenses; amending s. 497.380, F.S.; providing duties of a funeral director in charge of a funeral establishment; requiring a funeral director in charge to have an embalmer license and providing exceptions; requiring the reporting of a change in the funeral director in charge of a funeral establishment; requiring certain licensees to display their licenses in funeral establishments; creating s. 497.4555, F.S.; authorizing a preneed licensee to charge a fee for performing certain duties related to a preneed contract; requiring disclosure of the charges; exempting charges from certain trust deposit requirements; authorizing the department to adopt rules; amending s. 497.456, F.S.; authorizing requirements that certain claims forms be sworn and notarized; amending s. 497.464, F.S.; deleting a requirement that trust payments for preneed contracts be deposited in this state; requiring that funds discharging a preneed contract be disbursed from the trust under certain circumstances; amending s. 497.602, F.S.; revising the course requirements for a direct disposer license; deleting provisions requiring rules for the display of certain licenses; amending s. 497.603, F.S.; requiring the licensing authority to adopt rules for the renewal of direct disposer licenses; requiring a course on communicable diseases; conforming the continuing education requirements for direct disposers to the repeal by the act of provisions requiring a course on HIV and AIDS; amending s. 497.604, F.S.; requiring a direct disposal establishment to have a licensed funeral director act as the direct disposer in charge and providing exceptions; requiring certain licensees to display their licenses in direct disposal establishments; repealing s. 497.367, F.S., relating to a continuing education course required for funeral directors and embalmers on HIV and AIDS; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1152** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett—

CS for CS for CS for SB 846—A bill to be entitled An act relating to residential fire sprinkler requirements; amending s. 553.73, F.S.; prohibiting incorporation into the Florida Building Code certain mandatory residential fire sprinkler provisions of the International Residential Code; providing an exception; amending s. 633.025, F.S.; prohibiting the requirement of property owners to install fire sprinklers in residential properties based on the use of that property as a rental property or any change in or reclassification of the property's primary use to a rental property; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for SB 846** was placed on the calendar of Bills on Third Reading.

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

SB 1166—A bill to be entitled An act relating to community residential homes; amending s. 393.501, F.S.; prohibiting certain rules adopted by the Agency for Persons with Disabilities from restricting the number of facilities designated as community residential homes located within a planned residential community; amending s. 419.001, F.S.;

defining the term “planned residential community”; providing that community residential homes located within a planned residential community may be contiguous to one another; providing an effective date.

—which was previously considered and amended April 16 with pending **Amendment 2 (281414)** as amended by Senator Altman and pending point of order by Senator Lynn.

POINTS OF ORDER DISPOSITION

On motion by Senator Altman, pending **Amendment 2 (281414)** as amended by **Amendment 2A (327834)** was withdrawn without objection.

Senator Altman moved the following amendment:

Amendment 3 (753162)—Delete lines 60-109 and insert:

(a) “Community residential home” means a dwelling unit licensed to serve residents, ~~as defined in paragraph (d)~~, who are clients of the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, or the Department of Children and Family Services or ~~a dwelling unit~~ licensed by the Agency for Health Care Administration which provides a living environment for 7 to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.

(b) “Licensing entity” or “licensing entities” means the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, the Department of Children and Family Services, or the Agency for Health Care Administration, all of which are authorized to license a community residential home to serve residents; ~~as defined in paragraph (d)~~.

(c) “Local government” means a county as set forth in chapter 7 or a municipality incorporated under the provisions of chapter 165.

(d) *“Planned residential community” means a local government-approved, planned unit development that is under unified control, is planned and developed as a whole, has a minimum gross lot area of 8 acres, and has amenities that are designed to serve residents with a developmental disability as defined in s. 393.063 but that may also provide housing options for other individuals. The community shall provide choices with regard to housing arrangements, support providers, and activities. The residents’ freedom of movement within and outside the community may not be restricted. For the purposes of this paragraph, local government approval must be based on criteria that include, but are not limited to, compliance with appropriate land use, zoning, and building codes. A planned residential community may contain two or more community residential homes that are contiguous to one another.*

(e)(d) “Resident” means any of the following: a frail elder as defined in s. 429.65; a person who has a handicap ~~physically disabled or handicapped person~~ as defined in s. 760.22(7)(a); a ~~developmentally disabled~~ person who has a developmental disability as defined in s. 393.063; a nondangerous ~~mentally ill~~ person who has a mental illness as defined in s. 394.455(18); or a child who is found to be dependent as defined in s. 39.01 or s. 984.03, or a child in need of services as defined in s. 984.03 or s. 985.03.

(f)(e) “Sponsoring agency” means an agency or unit of government, a profit or nonprofit agency, or any other person or organization which intends to establish or operate a community residential home.

(4) *Community residential homes, including homes of six or fewer residents which would otherwise meet the definition of a community residential home, which are located within a planned residential community are not subject to the proximity requirements of this section and may be contiguous to each other. A planned residential community must comply with the applicable local government’s land development code and other local ordinances. A local government may not impose proximity limitations between homes within a planned residential community if such limitations are based solely on the types of residents anticipated to be living in the community.*

MOTION

On motion by Senator Aronberg, by the required two-thirds vote, consideration of the following amendment was allowed:

Senator Aronberg moved the following substitute amendment:

Amendment 4 (695462) (with directory and title amendments)—Delete lines 60-109 and insert:

(a) “Community residential home” means a dwelling unit licensed to serve residents, ~~as defined in paragraph (d)~~, who are clients of the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, or the Department of Children and Family Services or ~~a dwelling unit~~ licensed by the Agency for Health Care Administration which provides a living environment for 7 to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.

(b) “Licensing entity” or “licensing entities” means the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, the Department of Children and Family Services, or the Agency for Health Care Administration, all of which are authorized to license a community residential home to serve residents; ~~as defined in paragraph (d)~~.

(c) “Local government” means a county as set forth in chapter 7 or a municipality incorporated under the provisions of chapter 165.

(d) *“Planned residential community” means a local government-approved, planned unit development that is under unified control, is planned and developed as a whole, has a minimum gross lot area of 8 acres, and has amenities that are designed to serve residents with a developmental disability as defined in s. 393.063 but that may also provide housing options for other individuals. The community shall provide choices with regard to housing arrangements, support providers, and activities. The residents’ freedom of movement within and outside the community may not be restricted. For the purposes of this paragraph, local government approval must be based on criteria that include, but are not limited to, compliance with appropriate land use, zoning, and building codes. A planned residential community may contain two or more community residential homes that are contiguous to one another.*

(e)(d) “Resident” means any of the following: a frail elder as defined in s. 429.65; a person who has a handicap ~~physically disabled or handicapped person~~ as defined in s. 760.22(7)(a); a ~~developmentally disabled~~ person who has a developmental disability as defined in s. 393.063; a nondangerous ~~mentally ill~~ person who has a mental illness as defined in s. 394.455(18); or a child who is found to be dependent as defined in s. 39.01 or s. 984.03, or a child in need of services as defined in s. 984.03 or s. 985.03.

(f) *“Sober house-transitional living home” means a single-family residence that is a peer supported and managed alcohol and drug-free living environment for up to six unrelated individuals who are recovering from substance abuse and are actively participating in licensed substance abuse treatment or nonlicensed peer-support services, or who are in transition back to the community from residential treatment programs or incarceration. The homes are supervised by a house manager who ensures that the sober living environment offers structure and strong peer support. Individuals pay weekly or monthly rent and other living expenses associated with the operation of the home while working, attending treatment, or attending school during the day and engaging in recovery activities in the evenings.*

(g)(e) “Sponsoring agency” means an agency or unit of government, a profit or nonprofit agency, or any other person or organization which intends to establish or operate a community residential home.

(4) *Community residential homes, including homes of six or fewer residents which would otherwise meet the definition of a community residential home, which are located within a planned residential community are not subject to the proximity requirements of this section and may be contiguous to each other. A planned residential community must comply with the applicable local government’s land development code and other local ordinances. A local government may not impose proximity*

limitations between homes within a planned residential community if such limitations are based solely on the types of residents anticipated to be living in the community.

(5) *A sober house-transitional living home that is established on or after July 1, 2010, may not operate within 1,000 feet of another such home.*

And the directory clause is amended as follows:

Delete lines 54 and 55 and insert: that section are redesignated as subsections (6) through (13), respectively, and new subsections (4) and (5) are added to that section,

And the title is amended as follows:

Delete lines 8-11 and insert: F.S.; defining the terms “planned residential community” and “sober house-transitional living home”; providing that community residential homes located within a planned residential community may be contiguous to one another; prohibiting sober house-transitional living homes from being within a certain distance from one another; providing an effective

POINT OF ORDER

Senator Lynn raised a point of order that pursuant to Rule 7.1 substitute **Amendment 4 (695462)** was not germane to the bill.

The President referred the point of order and the amendment to the Committee on Rules.

Further consideration of **SB 1166** with pending **Amendment 3 (753162)**, pending substitute **Amendment 4 (695462)** and pending point of order was deferred.

MOTION

On motion by Senator Wise, the rules were waived and time of recess was extended until 5:30 p.m. or completion of the Special Order Calendar.

On motion by Senator Bennett—

CS for CS for SB 282—A bill to be entitled An act relating to a review of the Department of Community Affairs and the Florida Housing Finance Corporation under the Florida Government Accountability Act; reenacting s. 20.18, F.S., relating to the establishment of the Department of Community Affairs; reenacting s. 420.504, F.S., relating to the establishment of the Florida Housing Finance Corporation; repealing s. 14.31(8), F.S., relating to the repeal of the Florida Faith-based and Community-based Advisory Council; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 282** was placed on the calendar of Bills on Third Reading.

On motion by Senator Baker, by two-thirds vote **HB 1013** was withdrawn from the Committees on Agriculture; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

On motion by Senator Baker—

HB 1013—A bill to be entitled An act relating to citrus canker eradication; repealing s. 581.1845, F.S., relating to the citrus canker eradication program and the payment of compensation to eligible homeowners whose citrus trees have been removed under the program; amending s. 215.22, F.S.; deleting an exemption from a service charge imposed on income of a revenue nature deposited in trust funds for funds held for the payment of citrus canker eradication and compensation to conform; amending s. 933.02, F.S.; deleting a cross-reference to conform; providing an effective date.

—a companion measure, was substituted for **SB 1956** and read the second time by title.

Pursuant to Rule 4.19, **HB 1013** was placed on the calendar of Bills on Third Reading.

CS for SB 2752—A bill to be entitled An act relating to Citrus County; providing for codification of special laws relating to the Citrus County Hospital Board, an independent special district in Citrus County; providing legislative intent; codifying, amending, and reenacting chapter 99-442, Laws of Florida, as amended, as the “Citrus County Hospital and Medical Nursing and Convalescent Home Act”; deleting obsolete provisions; making technical revisions; repealing prior special acts relating to board; authorizing the board to enter into a lease or contract with a not-for-profit corporation for the purpose of operating and managing the hospital and its facilities; providing requirements for such lease or contract; declaring a need for governance authority to fulfill the hospital board’s public responsibilities; providing for approval by the hospital board of the governing documents of the not-for-profit corporation and of the members of its board of directors; providing that the hospital board is the sole member of the not-for-profit corporation; providing for the hospital board’s approval for a merger or dissolution of the not-for-profit corporation; providing that all members of the hospital board are voting members of the board of directors of the not-for-profit corporation and will comprise a voting majority of the board; requiring hospital board approval of the Chief Executive Officer of the hospital and his or her term of office; requiring hospital board approval for all substantial operating, capital, and debt expenditures; providing for the hospital board’s approval of the annual operating and capital budgets of the not-for-profit corporation; requiring an annual independent audit of the fiscal management of the hospital at the discretion of the hospital board; providing that all records of the not-for-profit corporation, unless exempted, are public records; requiring that proprietary confidential business information be disclosed to the hospital board; providing for interpretation and implementation of the act and for court enforcement; providing for severability; providing for application of the act; providing an effective date.

—was read the second time by title.

Senator Dean moved the following amendments which were adopted:

Amendment 1 (776200) (with title amendment)—Delete lines 371-435 and insert:

Section 17. The Citrus County Hospital Board shall have the authority to enter into leases or contracts with a not-for-profit Florida corporation for the purpose of operating and managing the hospital and any or all of its facilities of any kind and nature. To ensure public oversight, accountability, and public benefit, in addition to the requirements for any such lease set forth in s. 155.40, Florida Statutes:

(a) *The Citrus County Hospital Board shall be the sole member of the not-for-profit corporation.*

(b) *The not-for-profit corporation shall have an eleven (11) member board of directors consisting of three (3) classes. The first class shall consist of the five (5) Citrus County Hospital Board trustees. The second class shall consist of five (5) private not-for-profit directors who shall be selected initially by the sitting private not-for-profit directors of the not-for-profit corporation in existence on the effective date of this act and thereafter by the board of directors when the nominating committee presents the nominees for the board of directors. The third class shall be the chief of the hospital’s medical staff. The chief of the hospital’s medical staff shall not have a financial or business relationship with the hospital, a competing hospital, or a competing medical provider. All eleven (11) members shall have voting rights and a quorum shall consist of a minimum of six (6) members. To the extent that any governance documents of the not-for-profit corporation do not so presently provide for the requisite governance structure, the not-for-profit corporation shall take all steps necessary to bring them into conformity with the requirements herein.*

(c) *The hospital board shall independently approve any plan of merger or dissolution of the not-for-profit corporation pursuant to sections 617.1103 and 617.1402, Florida Statutes.*

(d) All members of the hospital board shall be voting directors of the not-for-profit board of directors.

(e) The not-for-profit corporation's committees shall consist of two (2) trustees and two (2) private not-for-profit members. The Audit and Conflict Committees may expand membership with persons from neither class. Each class of directors shall select its representatives for each committee. The not-for-profit corporation's executive committee shall retain authority to resolve medical liability issues. All other matters shall be approved by the board of directors.

(f) The not-for-profit corporation shall separately account for the expenditure of all ad valorem tax moneys provided to it by the Citrus County Hospital Board, including maintaining them in a separate accounting fund. The expenditure for all such public tax funds shall be approved in a public meeting and separately accounted for annually by the not-for-profit corporation in a report provided to the Citrus County Hospital Board.

(g) The Citrus County Hospital Board shall have the right to approve or reject the following:

(1) Adoption, amendment, modification, or restatement of the not-for-profit corporation's Articles of Incorporation or Bylaws, including those required by this act and any such amendments not heretofore approved;

(2) Upon expiration of the contract in effect on January 1, 2010, selection of a new chief executive officer or renewal of his or her employment contract;

(3)a. The annual operating and capital budgets of the not-for-profit corporation, considering each budget separately and without line item veto authority. To reject any budget shall require the affirmative vote of four (4) hospital board trustees.

b. Subject to the annual approved budget, the Citrus County Hospital Board shall reimburse the not-for-profit corporation for indigent care at the prevailing Medicaid per diem rate pursuant to state and federal law.

(4) Additional loan indebtedness or leases in excess of \$1,250,000 per instrument or contract; and

(5) The not-for-profit corporation policies governing travel reimbursements and contract bid procedures.

(h) All records of the not-for-profit corporation are public records unless exempt by law.

(i) Any dispute between the Citrus County Hospital Board and the not-for-profit corporation shall be subject to any court actions pursuant to sections 164.101-164.1065, Florida Statutes.

And the title is amended as follows:

Delete lines 17-133 and insert: providing for a board of directors; providing for membership; requiring that the not-for-profit corporation conform all governance documents to certain requirements, if necessary; providing for committees; requiring that the not-for-profit corporation's executive committee resolve medical liability issues; requiring that the not-for-profit corporation separately account for the expenditure of all ad valorem tax moneys provided by the Citrus County Hospital Board; requiring that the expenditure of all public tax funds be approved in a public meeting and maintained in a separate account; providing for the hospital board's approval or rejection of the not-for-profit corporation's Articles of Incorporation or Bylaws, selection of a new chief executive officer or renewal of his or her employment contract, the annual operating and capital budgets, additional loan indebtedness or leases in excess of a specified amount, and the not-for-profit corporation's policies for travel reimbursements and contract bid procedures; providing that all records of the not-for-profit corporation are public records unless exempt; providing that any dispute between the hospital board and the not-for-profit corporation is subject to court action; providing for interpretation and implementation of the act and for court enforcement; repealing chapters 99-442 and 2001-308, Laws of Florida, relating to the Citrus County Hospital Board; providing for severability; providing for application of the act; providing an effective date.

WHEREAS, the Citrus County Hospital Board was created by the Legislature in 1949 as a special taxing district and a public nonprofit

corporation for the purpose of operating public hospitals, medical nursing homes, and convalescent homes in Citrus County, and

WHEREAS, in 1987 the hospital board incorporated a not-for-profit management corporation, and in 1990 entered into a lease agreement with the not-for-profit corporation pursuant to s. 155.40, Florida Statutes, leasing all public assets, operations, and management of Citrus Memorial Hospital, and

WHEREAS, meaningful oversight by the hospital board is necessitated in light of the not-for-profit corporation's status as an instrumentality of the hospital district, and

WHEREAS, restoration of the hospital board's representation on the board of the lessee corporation, and implementation of appropriate accountability and oversight by the hospital board, are necessitated in order to ensure corporate sovereign immunity status of the not-for-profit corporation as an instrumentality of the hospital district, and

WHEREAS, the ability of the hospital board to continue to act in the public interest on behalf of the taxpayers of Citrus County requires mechanisms to ensure adherence to the hospital board's public responsibilities, as well as express authority for judicial interpretation and enforcement of this act through declaratory proceedings and other appropriate judicial remedies, and

WHEREAS, this act provides an appropriate and effective means of addressing the lessee's performance of its responsibilities to the public and to the taxpayers of Citrus County, NOW, THEREFORE,

Amendment 2 (332964)—Delete line 444 and insert:

(b) Except as provided for in section 17(i), may be enforced by a court of competent jurisdiction in

Amendment 3 (825154)—Delete line 455 and insert:

Section 5. This act shall take effect July 1, 2010.

MOTION

On motion by Senator Dean, by the required two-thirds vote, consideration of the following amendments were allowed:

Senator Dean moved the following amendments which were adopted:

Amendment 4 (447414)—Delete lines 355-365 and insert: bonds in such manner, either at public or private sale, and for such price as it may determine to be for the best interest of the hospital board.

Amendment 5 (652222)—Delete line 189 and insert: hold office for a period of one (1) year. Each trustee shall execute a bond in the penal sum of five thousand dollars (\$5,000) with two (2) good and sufficient sureties of a surety company authorized under the laws of the state to become surety, payable to the Citrus County Hospital Board, conditioned upon the faithful performance of the duties of the officer, which bonds shall be approved by the remaining trustees of the board and which shall be filed with the Board of County Commissioners of Citrus County. The premiums on said bonds shall be paid by the hospital board.

On motions by Senator Dean, by two-thirds vote **CS for SB 2752** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—36

Alexander	Dockery	Lynn
Altman	Fasano	Negron
Aronberg	Gaetz	Oelrich
Baker	Garcia	Peaden
Bennett	Gardiner	Richter
Bullard	Gelber	Ring
Constantine	Haridopolos	Siplin
Crist	Hill	Smith
Dean	Jones	Sobel
Detert	Justice	Storms
Diaz de la Portilla	Lawson	Thrasher

Villalobos Wilson Wise

Nays—None

On motion by Senator Baker—

SB 2226—A bill to be entitled An act relating to off-highway vehicles; amending ss. 261.03 and 317.0003, F.S.; redefining the term “ROV” to include vehicles of an increased width and weight; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 2226** was placed on the calendar of Bills on Third Reading.

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

SB 1166—A bill to be entitled An act relating to community residential homes; amending s. 393.501, F.S.; prohibiting certain rules adopted by the Agency for Persons with Disabilities from restricting the number of facilities designated as community residential homes located within a planned residential community; amending s. 419.001, F.S.; defining the term “planned residential community”; providing that community residential homes located within a planned residential community may be contiguous to one another; providing an effective date.

—which was previously considered this day with pending **Amendment 3 (753162)** by Senator Altman, pending substitute **Amendment 4 (695462)** by Senator Aronberg and pending point of order by Senator Lynn.

RULING ON POINT OF ORDER

The President ruled the point well taken and pending substitute **Amendment 4 (695462)** out of order.

The question recurred on **Amendment 3 (753162)** by Senator Altman which was adopted.

Pursuant to Rule 4.19, **SB 1166** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett—

CS for CS for SB 982—A bill to be entitled An act relating to underground facility damage prevention and safety; amending s. 556.101, F.S.; prohibiting municipalities, counties, districts, and other local governments from enacting ordinances or rules that conflict with ch. 556, F.S.; amending s. 556.103, F.S.; requiring that the board of directors of Sunshine State One-Call of Florida, Inc., present to the Governor and Legislature an annual report that includes a summary of reports issued by the clerks of court; amending s. 556.105, F.S.; requiring that an excavator provide the Sunshine State One-Call of Florida, Inc., system with certain specified information not less than 10 full business days before beginning an excavation or demolition beneath the waters of the state; prohibiting the use of such information by member operators for sales or marketing purposes; deleting obsolete provisions; removing provisions requiring the premarking of certain proposed excavation sites; requiring a mutually agreed excavation plan for high-priority excavations; amending s. 556.106, F.S.; removing redundant provisions that provide a limited waiver of sovereign immunity for the state and its agencies and subdivisions arising from matters involving underground facilities; amending s. 556.107, F.S.; providing increased penalties for noncriminal infractions of the Sunshine State One-Call of Florida, Inc., system; requiring each clerk of court to submit a report to Sunshine State One-Call of Florida, Inc., by a specified date listing each violation that has been filed in the county during the preceding calendar year; amending s. 556.109, F.S.; specifying circumstances under which an excavator shall not notify the Sunshine State One-Call of Florida, Inc., system that there is an emergency; amending s. 556.110, F.S.; deleting a provision that limits assessments against a member operator who receives fewer than 10 notifications in any month; creating s. 556.114, F.S.;

providing requirements for low-impact marking practices; providing procedures and methods to mark areas of excavation; requiring Sunshine State One-Call of Florida, Inc., to establish an educational program for the purpose of informing excavators and member operators about low-impact marking practices; creating s. 556.115, F.S.; requiring Sunshine State One-Call of Florida, Inc., to create a voluntary alternative dispute resolution program that is open to all member operators, excavators, and other stakeholders; requiring the voluntary users of the alternative dispute resolution program to choose the form of alternative dispute resolution to be used; requiring that the costs of using the voluntary program be borne by the users; providing that unless binding arbitration is the chosen method of alternative dispute resolution, the users or any one of such users may end the process at any time and proceed in a court of competent jurisdiction or before the Division of Administrative Hearings; creating s. 556.116, F.S.; defining the terms “high-priority subsurface installations” and “incident”; providing that if an excavation is proposed within 15 feet of a high-priority subsurface installation and is identified as such by the facility operator, the facility operator must notify the excavator of the existence of the high-priority subsurface installation and mark its location before excavation may begin; requiring an excavator to notify the operator of the excavation start time in the vicinity of a high-priority subsurface installation; providing that an alleged infraction that results in an incident must be reported to the system by an operator or an excavator; providing that the system shall transmit incident reports to the Division of Administrative Hearings; providing that the system and the division may contract for the division to conduct proceedings; providing that the division has jurisdiction to determine the facts and law concerning an alleged incident; authorizing the division to impose a fine on a violator if the violation was a proximate cause of the incident; providing procedures, venue, and standard of proof; providing an effective date.

—was read the second time by title.

REMARKS

On motion by Senator Bennett, the following remarks were ordered spread upon the Journal:

Senator Bennett: The preemption of local government authority in section 1 of HB 691 and SB 982, amending section 556.101, is intended to limit the explanation of activities and does not apply to design services.

Senator Bennett moved the following amendment which was adopted:

Amendment 1 (708530)—Delete line 596 and insert:

(2) *When an excavator proposes to excavate or demolish*

Pursuant to Rule 4.19, **CS for CS for SB 982** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Ring, by two-thirds vote **HB 1377** was withdrawn from the Committees on Communications, Energy, and Public Utilities; Governmental Oversight and Accountability; and General Government Appropriations.

On motion by Senator Ring—

HB 1377—A bill to be entitled An act relating to telecommunications companies; repealing ss. 364.03, 364.035, 364.037, 364.05, 364.055, 364.14, 364.17, and 364.18, F.S., relating to rates, tolls, contracts, charges, rules, regulations, performance of service, and maintenance of telecommunications facilities; fixing rates by the Public Service Commission; consideration of directory advertising revenues when establishing rates; changing rates, tolls, rentals, contracts, or charges; procedures for interim rates; commission to compel by order or rule the adjustment of rates, charges, tolls, rules, or regulations or changes to practices or service or the installation of equipment or facilities; forms prescribed by the commission; and inspection by the commission of accounts and records; amending s. 364.051, F.S.; deleting a schedule for implementation of price regulation; amending ss. 364.025, 364.052, 364.063, 364.337, 364.385, and 364.507, F.S.; conforming provisions to changes made by the act; providing an effective date.

—a companion measure, was substituted for **SB 2646** and read the second time by title.

Pursuant to Rule 4.19, **HB 1377** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 2188** and **SB 2252** was deferred.

CS for CS for CS for SB 752—A bill to be entitled An act relating to health care; amending s. 400.471, F.S.; prohibiting the Agency for Health Care Administration from issuing an initial license to a home health agency for the purpose of opening a new home health agency under certain conditions until a specified date; prohibiting the agency from issuing a change-of-ownership license to a home health agency under certain conditions until a specified date; providing an exception; amending s. 400.474, F.S.; authorizing the agency to revoke a home health agency license if the applicant or any controlling interest has been sanctioned for acts specified under s. 400.471(10), F.S.; amending s. 408.815, F.S.; revising the grounds upon which the agency may deny or revoke an application for an initial license, a change-of-ownership license, or a licensure renewal for certain health care entities listed in s. 408.802, F.S.; amending s. 408.910, F.S.; revising the list of employers who are eligible to enroll in the Florida Health Choices Program; revising the membership of the board of directors of the Florida Health Choices, Inc.; requiring the President of the Senate and the Speaker of the House of Representatives to initially appoint members to the board of directors for staggered terms; requiring that the members of the board appoint new members to the board of directors after a specified date, subject to Senate confirmation; deleting a provision that prohibits board members from serving for more than a certain number of consecutive years; amending s. 409.907, F.S.; extending the number of years that Medicaid providers must retain Medicaid recipient records; adding additional requirements to the Medicaid provider agreement; revising applicability of screening requirements; revising conditions under which the agency is authorized to deny a Medicaid provider application; amending s. 409.912, F.S.; revising requirements for Medicaid prepaid, fixed-sum, and managed care contracts; revising requirements for Medicaid durable medical equipment providers; repealing s. 409.9122(13), F.S., relating to the enrollee assignment process of Medicaid managed prepaid health plans for those Medicaid managed prepaid health plans operating in Miami-Dade County; amending s. 409.913, F.S.; removing a required element from the joint Medicaid fraud and abuse report submitted by the agency and the Medicaid Fraud Control Unit of the Department of Legal Affairs; extending the number of years that Medicaid providers must retain Medicaid recipient records; authorizing the Medicaid program integrity staff to immediately suspend or terminate a Medicaid provider for engaging in specified conduct; removing a requirement for the agency to hold suspended Medicaid payments in a separate account; authorizing the agency to deny payment or require repayment to Medicaid providers convicted of certain crimes; authorizing the agency to terminate a Medicaid provider if the provider fails to reimburse a fine determined by a final order; authorizing the agency to withhold Medicaid reimbursement to a Medicaid provider that fails to pay a fine determined by a final order, fails to enter into a repayment plan, or fails to comply with a repayment plan or settlement agreement; requiring the biennial review of Medicaid fraud and abuse by the Office of Program Policy Analysis and Government Accountability to include a report on the Medicaid Fraud Control Unit within the Department of Legal Affairs; amending s. 409.9203, F.S.; providing that certain state employees are ineligible from receiving a reward for reporting Medicaid fraud; amending s. 456.001, F.S.; defining the term “affiliate” or “affiliated person” as it relates to health professions and occupations; amending s. 456.041, F.S.; requiring the Department of Health to include administrative complaints and any conviction information relating to the practitioner’s profile; providing a disclaimer; amending s. 456.0635, F.S.; revising the grounds under which the Department of Health or corresponding board is required to refuse to admit a candidate to an examination and refuse to issue or renew a license, certificate, or registration of a health care practitioner; providing an exception; amending s. 456.072, F.S.; clarifying a ground under which disciplinary actions may be taken; amending s. 456.073, F.S.; revising applicability of investigations and administrative complaints to include Medicaid fraud; amending s. 456.074, F.S.; authorizing the Department of Health to issue an emergency order suspending the license of any person licensed under ch. 456, F.S., who engages in specified criminal conduct; amending s. 499.01, F.S.; exempting certain persons from requirements for medical device manufacturer permits; providing an effective date.

—was read the second time by title.

Senator Gaetz moved the following amendment which was adopted:

Amendment 1 (934552) (with title amendment)—Between lines 138 and 139 insert:

Section 3. Paragraph (l) of subsection (4) of section 400.9905, Florida Statutes, is amended, and paragraph (m) is added to that subsection, to read:

400.9905 Definitions.—

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

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

(m) *Entities that are owned by a corporation that has \$250 million or more in total annual sales of health care services provided by licensed health care practitioners if one or more of the owners of the entity is a health care practitioner who is licensed in this state, is responsible for supervising the business activities of the entity, and is legally responsible for the entity’s compliance with state law for purposes of this section.*

And the title is amended as follows:

Delete line 14 and insert: 400.471(10), F.S.; amending s. 400.9905, F.S.; specifying that certain licensure requirements do not apply to certain pediatric cardiological or perinatalogical clinical facilities; providing that part X of ch., 400, F.S., the Health Care Clinic Act, does not apply to entities owned by a corporation that has a specified amount of annual sales of health care services under certain circumstances; amending s. 408.815, F.S.; revising

On motion by Senator Gaetz, by two-thirds vote **CS for CS for CS for SB 752** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Ring

Consideration of **CS for SB 2530** was deferred.

On motion by Senator Gaetz—

CS for SB 2580—A bill to be entitled An act relating to group insurance for public employees; amending s. 112.08, F.S.; requiring that

school districts procure certain types of insurance through interlocal agreements; providing an exception; requiring that each school district in this state enter into a specified type of interlocal agreement and establish the School District Insurance Consortium; providing purposes of the consortium; requiring that the consortium be governed by a board of directors consisting of a specified number of members; providing requirements for membership on the board; specifying terms of office for board members; authorizing the board to employ staff or contract for staffing services to be provided to the consortium; requiring that the Department of Management Services provide technical services to the consortium as requested by the board; requiring the consortium to advertise for competitive bids for health, accident, or hospitalization insurance, as well as certain insurance plans; requiring that the contracts for such insurance be let upon the basis of such bids; requiring that the consortium take certain actions and consider certain factors when defining coverage regions; authorizing the awarding of bids on a statewide or regional basis and the selection of multiple insurance providers; requiring that school districts engage in collective bargaining with the certified bargaining agent for any unit of employees for which health, accident, or hospitalization insurance is provided; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2580** was placed on the calendar of Bills on Third Reading.

CS for SJR 72—A joint resolution proposing the creation of Section 28 of Article I of the State Constitution, relating to health care services.

—was read the second time by title.

Senator Baker moved the following amendment:

Amendment 1 (900110)—Delete lines 21-92 and insert:

(2) *A person or an employer may pay directly for lawful health care services and may not be required to pay penalties or fines for paying directly for lawful health care services. A health care provider may accept direct payment for lawful health care services and may not be required to pay penalties or fines for accepting direct payment from a person or an employer for lawful health care services.*

(b) *Subject to reasonable and necessary rules that do not substantially limit a person's options, the purchase or sale of health insurance in private health care systems may not be prohibited by law or rule.*

(c) *This section does not:*

(1) *Affect which health care services a health care*

provider is required to perform or provide.

(2) *Affect which health care services are permitted by law.*

(3) *Prohibit care provided pursuant to general law relating to workers' compensation.*

(4) *Affect laws or rules in effect as of March 1, 2010.*

(5) *Affect the terms or conditions of any health care system to the extent that those terms and conditions do not have the effect of punishing a person or an employer for paying directly for lawful health care services or a health care provider for accepting direct payment from a person or an employer for lawful health care services, except that this section may not be construed to prohibit any negotiated provision in any insurance contract, network agreement, or other provider agreement contractually limiting copayments, coinsurance, deductibles, or other patient charges.*

(6) *Affect any general law passed by a two-thirds vote of the membership of each house of the legislature after the effective date of this section, if the law states with specificity the public necessity that justifies an exception from this section.*

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

(1) *"Compel" includes the imposition of penalties or fines.*

(2) *"Direct payment" or "pay directly" means payment for lawful health care services without a public or private third party, not including an employer, paying for any portion of the service.*

(3) *"Health care system" means any public or private entity whose function or purpose is the management of, processing of, enrollment of individuals for, or payment, in full or in part, for health care services, health care data, or health care information for its participants.*

(4) *"Lawful health care services" means any health-related service or treatment, to the extent that the service or treatment is permitted or not prohibited by law or regulation, which may be provided by persons or businesses otherwise permitted to offer such services.*

(5) *"Penalties or fines" means any civil or criminal penalty or fine, tax, salary or wage withholding or surcharge, or named fee with a similar effect established by law or rule by an agency established, created, or controlled by the government which is used to punish or discourage the exercise of rights protected under this section. For purposes of this section only, the term "rule by an agency" may not be construed to mean any negotiated provision in any insurance contract, network agreement, or other provider agreement contractually limiting copayments, coinsurance, deductibles, or other patient charges.*

BE IT FURTHER RESOLVED that the following title and statement be placed on the ballot:

HEALTH CARE FREEDOM

CONSTITUTIONAL AMENDMENT

ARTICLE I, SECTION 28

HEALTH CARE SERVICES.—Proposing an amendment to the State Constitution to ensure access to health care services without waiting lists, protect the doctor-patient relationship, guard against mandates that don't work, prohibit laws or rules from compelling any person, employer, or health care provider to participate in any health care system; permit a person or an employer to purchase lawful health care services directly from a health care provider; permit a health care provider to accept direct payment from a person or an employer for lawful health care services; exempt persons, employers, and health care providers from penalties and fines for paying directly or accepting direct payment for lawful health care services; and permit the purchase or sale of health insurance in private health care systems. Specifies that the amendment does not affect which health care services a health care provider is required to perform or provide; affect which health care services are permitted by law; prohibit care provided pursuant to general law relating to workers' compensation; affect laws or rules in effect as of March 1, 2010; affect the terms or conditions of any health care system to the extent that those terms and conditions do not have the effect of punishing a person or an employer for paying directly for lawful health care services or a health care provider for accepting direct payment from a person or an employer for lawful health care services; or affect any general law passed by two-thirds vote of the membership of each house of the Legislature, passed after the effective date of the amendment, provided such law states with specificity the public necessity justifying the exceptions from the provisions of the amendment. The amendment expressly provides that it may not be construed to prohibit negotiated provisions in insurance contracts, network agreements, or other provider agreements contractually limiting copayments, coinsurance, deductibles, or other patient charges.

On motion by Senator Baker, further consideration of **CS for SJR 72** with pending **Amendment 1 (900110)** was deferred.

On motion by Senator Gelber, by two-thirds vote **HB 1** was withdrawn from the Committees on Criminal Justice; Judiciary; and Criminal and Civil Justice Appropriations; and the Policy and Steering Committee on Ways and Means.

On motion by Senator Gelber—

HB 1—A bill to be entitled An act relating to statutes of limitations; providing a short title; amending s. 95.11, F.S.; eliminating the statute of limitations for wrongful death actions for intentional torts resulting in death from acts described in s. 782.04, F.S., relating to murder, or s.

782.07, F.S., relating to manslaughter; providing for application; providing an effective date.

—a companion measure, was substituted for **SB 92** and read the second time by title.

Pursuant to Rule 4.19, **HB 1** was placed on the calendar of Bills on Third Reading.

On motion by Senator Siplin—

CS for SB 140—A bill to be entitled An act relating to school food service programs; amending s. 1006.06, F.S.; creating the Florida Farm Fresh Schools Program within the Department of Education; providing legislative intent; requiring the department to work with the Department of Agriculture and Consumer Services to recommend policies and rules to the State Board of Education relating to school food services which encourage schools and school districts in this state to buy fresh and local food; requiring the Department of Education, in collaboration with the Department of Agriculture and Consumer Services, to provide outreach services regarding the benefits of fresh food products from this state; requiring the program to maintain compliance with the rules and regulations of the National School Lunch Program; providing an effective date.

—was read the second time by title.

MOTION

On motion by Senator Siplin, by the required two-thirds vote, consideration of the following amendment was allowed:

Senator Siplin moved the following amendment which was adopted:

Amendment 1 (299320) (with title amendment)—Delete lines 30-53 and insert: *agency for the program. The program shall comply with the regulations of the National School Lunch Program and require:*

(a) *The Department of Education to work with the Department of Agriculture and Consumer Services to develop policies pertaining to school food services which encourage:*

1. *School districts to buy fresh and high-quality foods grown in this state when feasible.*
2. *Farmers in this state to sell their products to school districts and schools.*
3. *School districts and schools to demonstrate a preference for competitively priced organic food products.*

(b) *School districts and schools to make reasonable efforts to select foods based on a preference for those that have maximum nutritional content.*

(c) *The Department of Education, in collaboration with the Department of Agriculture and Consumer Services, to provide outreach, guidance, and training to school districts, schools, school food service directors, parent and teacher organizations, and students about the benefits of fresh food products from farms in this state.*

And the title is amended as follows:

Delete lines 5-17 and insert: Education; requiring the program to comply with regulations of the National School Lunch Program and meet specified requirements; requiring the department to work with the Department of Agriculture and Consumer Services to develop policies that encourage school districts to buy fresh and local food and select foods with maximum nutritional content; requiring the department, in collaboration with the Department of Agriculture and Consumer Services, to provide outreach services regarding the benefits of fresh food products from this state; providing an effective

Pursuant to Rule 4.19, **CS for SB 140** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for CS for SB 334—A bill to be entitled An act relating to temporary and concurrent custody of a child; revising ch. 751, F.S., relating to petitions and court orders awarding the temporary custody of a child to an extended family member, to also provide for concurrent custody with the parents of the child; amending ss. 751.01 and 751.02, F.S.; conforming provisions to changes made by the act; amending s. 751.011, F.S.; revising definitions; defining the term “concurrent custody”; amending s. 751.03, F.S.; revising the petition for concurrent custody to require additional information; amending s. 751.05, F.S.; providing that if a parent objects to a petition for concurrent custody, the court may not grant the petition and must give the petitioner the option of converting the petition to one for temporary custody; providing for dismissal of the petition; providing that an order granting concurrent custody does not affect the ability of the parents to obtain the physical custody of the child at any time; providing for the court to terminate an order for concurrent custody if either or both parents object to the order; providing for filing for temporary custody if an order for concurrent custody has been terminated; providing for the court to modify an existing child support order; amending s. 61.13002, F.S.; authorizing a servicemember parent ordered to active duty to designate another to exercise that parent’s time-sharing responsibility for the child; providing for expedited hearings and alternative means for the servicemember parent to testify; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 334** to **CS for CS for HB 25**.

Pending further consideration of **CS for CS for SB 334** as amended, on motion by Senator Storms, by two-thirds vote **CS for CS for HB 25** was withdrawn from the Committees on Children, Families, and Elder Affairs; Judiciary; and Criminal and Civil Justice Appropriations.

On motion by Senator Storms—

CS for CS for HB 25—A bill to be entitled An act relating to temporary and concurrent custody of a child; amending s. 61.13002, F.S.; providing that a parent activated, deployed, or temporarily assigned to military service on orders in excess of a specified period may designate a person or persons to exercise time-sharing with the child on the parent’s behalf; limiting who may be designated; providing for limited objections by the other parent; providing for expedited hearings; requiring a servicemember and a nonmilitary parent to cooperate with each other to resolve issues; requiring information sharing; providing for agreements for persons to exercise time-sharing on a parent’s behalf; providing for expedited hearings to enforce time-sharing rights; revising ch. 751, F.S., relating to petitions and court orders awarding the temporary custody of a child to an extended family member, to also provide for concurrent custody with the parents of the child; amending s. 751.01, F.S.; conforming provisions to changes made by the act; amending s. 751.011, F.S.; revising definitions; defining the term “concurrent custody”; amending s. 751.02, F.S.; providing requirements for concurrent custody; amending s. 751.03, F.S.; revising the petition for concurrent custody to require additional information; amending s. 751.04, F.S.; conforming provisions to changes made by the act; amending s. 751.05, F.S.; providing that if a parent objects to a petition for concurrent custody, the court may not grant the petition and must give the petitioner the option of converting the petition to one for temporary custody; providing for dismissal of the petition; providing that an order granting concurrent custody does not affect the ability of the parents to obtain the physical custody of the child at any time; providing for the court to terminate an order for concurrent custody if either or both parents object to the order; providing for filing for temporary custody if an order for concurrent custody has been terminated; providing for the court to modify an existing child support order; amending s. 49.011, F.S.; conforming provisions to changes made by the act; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 334** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 25** was placed on the calendar of Bills on Third Reading.

The Senate resumed consideration of—

CS for SJR 72—A joint resolution proposing the creation of Section 28 of Article I of the State Constitution, relating to health care services.

—which was previously considered this day with pending **Amendment 1 (900110)** by Senator Baker.

On motion by Senator Baker, further consideration of **CS for SJR 72** with pending **Amendment 1 (900110)** was deferred.

CS for SB 336—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. 435.04, 943.0585, and 943.059, F.S.; conforming cross-references; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 336** to **CS for HB 91**.

Pending further consideration of **CS for SB 336** as amended, on motion by Senator Storms, by two-thirds vote **CS for HB 91** was withdrawn from the Committees on Children, Families, and Elder Affairs; Governmental Oversight and Accountability; and Health and Human Services Appropriations.

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

CS for HB 91—A bill to be entitled An act relating to adult protective services; amending s. 415.101, F.S.; revising legislative intent with respect to adult protective services; providing for care and protection of all vulnerable adults; amending s. 415.102, F.S.; defining the term “activities of daily living”; revising the definition of the term “vulnerable adult”; conforming a cross-reference; amending s. 415.103, F.S.; providing for certain suspected abuse cases to be transferred to the local county sheriff’s office; amending s. 415.1051, F.S.; providing for the Department of Children and Family Services to file a petition to determine incapacity and guardianship under certain circumstances; amending s. 322.142, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to provide copies of drivers’ license files to the Department of Children and Family Services to conduct protective investigations; amending ss. 435.04, 943.0585, and 943.059, F.S.; conforming cross-references; providing an effective date.

—a companion measure, was substituted for **CS for SB 336** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 91** was placed on the calendar of Bills on Third Reading.

On motion by Senator Joyner—

CS for SB 370—A bill to be entitled An act relating to community corrections assistance to counties or county consortiums; amending s. 948.51, F.S.; adding rehabilitative community reentry programs to the list of programs, services, and facilities that may be funded using community corrections funds; providing an effective date.

—was read the second time by title.

Senator Joyner moved the following amendment which was adopted:

Amendment 1 (627450)—Delete line 31 and insert:

11. *Rehabilitative community reentry programs that provide services that assist offenders in successfully reentering the community. Such services may include, but are not limited to, assistance with housing, health care, education, substance abuse treatment, and employment.*

Pursuant to Rule 4.19, **CS for SB 370** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Wise—

CS for SB 580—A bill to be entitled An act relating to Alzheimer’s disease; creating s. 430.5025, F.S.; directing the Department of Elderly Affairs to develop and implement a public education program relating to screening for Alzheimer’s disease; providing criteria for awarding grants; providing a definition; requiring grant recipients to submit an evaluation of certain activities to the department; authorizing the department to provide technical support; requiring an annual report to the Legislature; providing for implementation of the public education program to operate within existing resources of the department; providing that implementation of the memory-impairment screening grant program is contingent upon an appropriation of state funds or the availability of private resources; amending s. 400.1755, F.S.; specifying the types of facilities where an employee or direct caregiver of an assisted living facility may begin employment without repeating certain training requirements; amending s. 400.6045, F.S.; requiring direct caregivers to comply with certain continuing education requirements; amending s. 429.178, F.S.; specifying the types of facilities where an employee or direct caregiver of an assisted living facility may begin employment without repeating certain training requirements; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 580** was placed on the calendar of Bills on Third Reading.

MOTION

On motion by Senator Wise, the rules were waived and time of recess was extended until completion of the Special Order Calendar, motions and announcements.

On motion by Senator Storms—

CS for CS for CS for SB 694—A bill to be entitled An act relating to child support; amending s. 61.13, F.S.; deleting a reference to health insurance in the process for determining a parent’s share of an obligation to pay medical support only; providing that an obligor may make child support payments directly to the obligee under certain circumstances; clarifying when income deduction payments are required to be paid to the State Disbursement Unit; amending s. 61.30, F.S.; authorizing the Department of Revenue to submit to the court a written declaration signed under penalty of perjury for the purpose of establishing an obligation for child support; amending s. 382.015, F.S.; requiring the Office of Vital Statistics in the Department of Health to prepare and file a new birth certificate that includes the name of the legal father when a final judgment of dissolution of marriage requires the former husband to pay child support for the child; amending s. 382.016, F.S.; requiring the Office of Vital Statistics to amend a child’s birth certificate to include the name of the legal father upon receipt of a marriage license that identifies the child as a child of the marriage; amending s. 409.2558, F.S.; requiring the Department of Revenue to process collected funds that are determined to be undistributable in a specified manner; requiring the department to retain as program income de minimis child support collections under \$1; amending s. 409.256, F.S.; changing the term “custodian” to “caregiver” and defining the role of the caregiver; amending s. 409.2563, F.S.; replacing “caretaker relative” with “caregiver” and defining the term; requiring the notice of a proceeding to establish an administrative support order to inform parents that the Department of Revenue may refer the child support proceeding to the Division of Administrative Hearings for determination of the support obligation; authorizing the Department of Revenue to refer a proceeding to the Division of Administrative Hearings for an evidentiary hearing to determine the support obligation; replacing the term “hearing request” with “proceeding”; amending s. 409.25635, F.S.; authorizing the Department of Revenue to collect noncovered medical expenses in installments by issuing an income deduction notice; amending s. 409.2564, F.S.; removing a provision that encouraged parties to enter into a settlement agreement; requiring the department to review child support orders in IV-D

cases at least once every 3 years; requiring that the department file a petition to modify support if the review of a support order indicates that the order should be modified; amending s. 409.2567, F.S.; authorizing the Department of Revenue to seek a specified waiver from the United States Department of Health and Human Services if the estimated increase in federal funding to the state derived from the waiver would exceed any additional cost to the state; amending s. 409.259, F.S.; extending the deadline for implementing electronic filing of pleadings and other documents with the clerks of court in Title IV-D cases until completion of the Child Support Automated Management System II; amending s. 409.910, F.S.; requiring the Agency for Health Care Administration to obtain health insurance information from insurers and provide it to the Department of Revenue for use in Title IV-D child support cases; requiring both agencies to enter into a cooperative agreement to implement the requirement; amending s. 414.095, F.S.; conforming a provision to a change made by the act; amending s. 741.01, F.S.; requiring an application for a marriage license to allow both parties to the marriage to state under oath in writing if they are the parents of a child born in this state and to identify any such child they have in common; reenacting ss. 61.14(1)(c) and 61.30(1)(c), F.S., relating to the enforcement and modification of support, maintenance, or alimony agreements or orders and the child support guidelines, respectively, to incorporate the amendments made to s. 409.2564, F.S., in references thereto; providing effective dates.

—was read the second time by title.

MOTION

On motion by Senator Storms, by the required two-thirds vote, consideration of the following amendments were allowed:

Senator Storms moved the following amendments which were adopted:

Amendment 1 (956300) (with title amendment)—Between lines 272 and 273 insert:

Section 3. Subsection (2) of section 382.013, Florida Statutes, is amended to read:

382.013 Birth registration.—A certificate for each live birth that occurs in this state shall be filed within 5 days after such birth with the local registrar of the district in which the birth occurred and shall be registered by the local registrar if the certificate has been completed and filed in accordance with this chapter and adopted rules. The information regarding registered births shall be used for comparison with information in the state case registry, as defined in chapter 61.

(2) PATERNITY.—

(a) If the mother is married at the time of birth, the name of the husband shall be entered on the birth certificate as the father of the child, unless paternity has been determined otherwise by a court of competent jurisdiction.

(b) Notwithstanding paragraph (a), if the husband of the mother dies while the mother is pregnant but before the birth of the child, the name of the deceased husband shall be entered on the birth certificate as the father of the child, unless paternity has been determined otherwise by a court of competent jurisdiction.

(c) If the mother is not married at the time of the birth, the name of the father may not be entered on the birth certificate without the execution of an affidavit signed by both the mother and the person to be named as the father. The facility shall give notice orally or through the use of video or audio equipment, and in writing, of the alternatives to, the legal consequences of, and the rights, including, if one parent is a minor, any rights afforded due to minority status, and responsibilities that arise from signing an acknowledgment of paternity, as well as information provided by the Title IV-D agency established pursuant to s. 409.2557, regarding the benefits of voluntary establishment of paternity. Upon request of the mother and the person to be named as the father, the facility shall assist in the execution of the affidavit, a notarized voluntary acknowledgment of paternity, or a voluntary acknowledgment of paternity that is witnessed by two individuals and signed under penalty of perjury as specified by s. 92.525(2).

(d) If the paternity of the child is determined by a court of competent jurisdiction as provided under s. 382.015 or there is a final judgment of dissolution of marriage which requires the former husband to pay child support for the child, the name of the father and the surname of the child shall be entered on the certificate in accordance with the finding and order of the court. If the court fails to specify a surname for the child, the surname shall be entered in accordance with subsection (3).

(e) If the paternity of the child is determined pursuant to s. 409.256, the name of the father and the surname of the child shall be entered on the certificate in accordance with the finding and order of the Department of Revenue.

(f) If the mother and father marry each other at any time after the child's birth, upon receipt of a marriage license that identifies any such child, the department shall amend the certificate with regard to the parents' marital status as though the parents were married at the time of birth.

(g) If the father is not named on the certificate, no other information about the father shall be entered on the certificate.

And the title is amended as follows:

Delete line 13 and insert: obligation for child support; amending s. 382.013, F.S.; providing that if the mother and father of a child marry each other at any time after the child's birth, the Department of Health shall amend the certificate with regard to the parents' marital status as though the parents were married at the time of birth; amending s. 382.015,

Amendment 2 (125514)—Delete lines 1016 and 1017 and insert:

(i) That if the parent from whom

Amendment 3 (418908) (with title amendment)—Delete lines 1031-1107 and insert:

(l) That either parent, or caregiver ~~caretaker~~ relative if applicable, may file at any time a civil action in a circuit court having jurisdiction and proper venue to determine parental support obligations, if any, and that a support order issued by a circuit court supersedes an administrative support order rendered by the department;

(m) That; neither the department nor the Division of Administrative Hearings has jurisdiction to award or change child custody or rights of parental contact or time-sharing, and these issues may ~~only~~ be addressed *only* in circuit court.

1. The parent from whom support is being sought may request in writing that the department proceed in circuit court to determine his or her support obligations.

2. The parent from whom support is being sought may state in writing to the department his or her intention to address issues concerning custody or rights to parental contact in circuit court.

3. If the parent from whom support is being sought submits the request authorized in subparagraph 1., or the statement authorized in subparagraph 2. to the department within 20 days after the receipt of the initial notice, the department shall file a petition in circuit court for the determination of the parent's child support obligations, and shall send to the parent from whom support is being sought a copy of its petition, a notice of commencement of action, and a request for waiver of service of process as provided in the Florida Rules of Civil Procedure.

4. If, within 10 days after receipt of the department's petition and waiver of service, the parent from whom support is being sought signs and returns the waiver of service form to the department, the department shall terminate the administrative proceeding without prejudice and proceed in circuit court.

5. In any circuit court action filed by the department pursuant to this paragraph or filed by a parent from whom support is being sought or other person pursuant to paragraph (l) or paragraph (n), the department shall be a party only with respect to those issues of support allowed and reimbursable under Title IV-D of the Social Security Act. It is the responsibility of the parent from whom support is being sought or other

person to take the necessary steps to present other issues for the court to consider.

(n) That if the parent from whom support is being sought files an action in circuit court and serves the department with a copy of the petition within 20 days after being served notice under this subsection, the administrative process ends without prejudice and the action must proceed in circuit court;

(o) Information provided by the Office of State Courts Administrator concerning the availability and location of self-help programs for those who wish to file an action in circuit court but who cannot afford an attorney.

The department may serve the notice of proceeding to establish administrative support order by certified mail, restricted delivery, return receipt requested. Alternatively, the department may serve the notice by any means permitted for service of process in a civil action. For purposes of this section, an authorized employee of the department may serve the notice and execute an affidavit of service. Service by certified mail is completed when the certified mail is received or refused by the addressee or by an authorized agent as designated by the addressee in writing. If a person other than the addressee signs the return receipt, the department shall attempt to reach the addressee by telephone to confirm whether the notice was received, and the department shall document any telephonic communications. If someone other than the addressee signs the return receipt, the addressee does not respond to the notice, and the department is unable to confirm that the addressee has received the notice, service is not completed and the department shall attempt to have the addressee served personally. The department shall provide the parent from whom support is not being sought or ~~the caregiver caretaker relative~~ with a copy of the notice by regular mail to the last known address of the parent from whom support is not being sought or ~~caregiver caretaker~~.

And the title is amended as follows:

Delete lines 33-37.

Amendment 4 (235408) (with directory and title amendments)—Between lines 1267 and 1268 insert:

(5) Whenever the ~~department IV-D agency~~ has undertaken an action to determine paternity, to establish an obligation of support, or to enforce or modify an obligation of support, the ~~department IV-D agency~~ shall be a party to the action only for those purposes allowed under Title IV-D of the Social Security Act. The program attorney shall be the attorney of record solely for the purposes of support enforcement as authorized under Title IV-D and may prosecute only those activities which are eligible for federal financial participation under Title IV-D. An attorney-client relationship exists only between the department and the legal services providers in all Title IV-D cases. The attorney shall advise the obligee in Title IV-D cases that the attorney represents the agency and not the obligee.

(7) The director of the ~~department Title IV-D agency~~, or the director's designee, is authorized to subpoena from any person financial and other information necessary to establish, modify, or enforce a child support order.

(a) For the purpose of establishing or modifying a child support order, or enforcing a support order, the director of the ~~department this or another state's Title IV-D agency~~, or any employee designated by the director of the ~~department this state's Title IV-D agency~~ or authorized under another state's law, may administer oaths or affirmations, subpoena witnesses and compel their attendance, take evidence and require the production of any matter which is relevant to the support action, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of material evidence.

(b) Subpoenas issued by ~~the department this or another any other~~ state's Title IV-D agency may be challenged in accordance with s. 120.569(2)(k)1. While a subpoena is being challenged, the ~~department Title IV-D agency~~ may not impose a fine as provided for under paragraph

(c) until the challenge is complete and the subpoena has been found to be valid.

(c) The ~~department Title IV-D agency~~ is authorized to impose a fine for failure to comply with a subpoena. Failure to comply with the subpoena, or to challenge the subpoena as provided in paragraph (b), within 15 days after service of the subpoena may result in the agency taking the following actions:

1. Imposition of an administrative fine of not more than \$500.

2. Enforcement of the subpoena as provided in s. 120.569(2)(k)2. When the subpoena is enforced pursuant to s. 120.569(2)(k)2., the court may award costs and fees to the prevailing party in accordance with that section.

(d) The ~~department Title IV-D agency~~ may seek to collect administrative fines imposed pursuant to paragraph (c) by filing a petition in the circuit court of the judicial circuit in which the person against whom the fine was imposed resides. All fines collected pursuant to this subsection shall be deposited into the Child Support Enforcement Application and Program Revenue Trust Fund.

(8) In cases in which support is subject to an assignment as provided under 45 C.F.R. s. 301.1, the ~~department Title IV-D agency~~ shall, upon providing notice to the obligor and obligee, direct the obligor or other payor to change the payee to the appropriate depository.

(9)(a) For the purpose of securing delinquent support, the ~~department Title IV-D agency~~ may increase the amount of the monthly support obligation to include amounts for delinquencies, subject to such conditions or limitations as set forth in paragraph (b).

(b) In support obligations not subject to income deduction, the ~~department Title IV-D agency~~ shall notify the obligor of his or her delinquency and of the department's intent to require an additional 20 percent of the monthly obligation amount to allow for collection of the delinquency unless, within 20 days, the obligor:

1. Pays the delinquency in full; or

2. Files a petition with the circuit court to contest the delinquency action.

And the directory clause is amended as follows:

Delete lines 1249 and 1250 and insert:

Section 9. Effective November 1, 2010, subsections (4), (5), (7), (8), (9), and (11) of section 409.2564, Florida Statutes, are amended to read:

And the title is amended as follows:

Delete line 47 and insert: settlement agreement; conforming cross-references; requiring the department to

Amendment 5 (696094)—Delete lines 1282-1303 and insert:

(b) *If the department's review of a support order entered by the circuit court indicates that the order should be modified, the department, through counsel, shall file a petition to modify the order with the court. Along with the petition, the department shall file a child support guideline worksheet, any financial affidavits or written declarations, pursuant to s. 61.30(15), received from the parties or completed by the department as part of the support order review, a proposed modified order that includes findings as to the source and amount of income, and a notice that informs the parties of the requirement to file an objection or a request for hearing with the court if the party wants a court hearing on the petition to modify. A copy of the petition, proposed order, and other documents shall be served by regular mail on a party who requested the support order review. A party that did not request the support order review shall be served personally in any manner authorized under chapter 48.*

(c) *To obtain a court hearing on a petition to modify a support order, a party who is served by regular mail must file an objection to the proposed order or a request for hearing with the court within 30 days after the date on which the petition, proposed order, and other documents were mailed. If a party is served personally, to obtain a court hearing on a petition to modify the party must file an objection to the proposed order or a request*

for hearing with the court within 30 days after the date of receipt of the petition, proposed order, and other documents.

(d) If a timely objection or request for hearing is not filed with the court, the court may modify the support order without a hearing in accordance with the terms of the proposed order.

(e) If a support order does not provide for payment of noncovered medical expenses or require health insurance for the minor child and health insurance is accessible to the child and available at a reasonable cost, the department shall seek to have the order modified and any modification shall be made without a requirement for proof or showing of a change in circumstances.

Pursuant to Rule 4.19, **CS for CS for CS for SB 694** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

CS for SJR 72—A joint resolution proposing the creation of Section 28 of Article I of the State Constitution, relating to health care services.

—which was previously considered this day. Pending **Amendment 1 (900110)** by Senator Baker was adopted.

Pursuant to Rule 4.19, **CS for SJR 72** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Storms—

CS for CS for CS for SB 724—A bill to be entitled An act relating to a review of the Department of Children and Family Services under the Florida Government Accountability Act; reenacting and amending s. 20.19, F.S., relating to the establishment of the department; changing the name of the Department of Children and Family Services to the Department of Children and Families; revising provisions relating to the establishment and structure of, and services provided by, the department; providing for operating units called circuits that conform to the geographic boundaries of judicial circuits; providing for the establishment of and requirements for membership and participation in community alliances and community partnerships; amending s. 20.04, F.S.; authorizing the department to establish circuits or regions headed by circuit administrators or region directors and deleting a requirement for statutory enactment for additional divisions or offices in the department; amending s. 20.43, F.S.; revising provisions relating to service area boundaries; amending s. 394.47865, F.S.; deleting obsolete provisions relating to the privatization of South Florida State Hospital; amending s. 394.78, F.S.; deleting an obsolete provision relating to dispute resolution; amending s. 394.9135, F.S.; requiring the transfer of certain sexually violent offenders to the custody of the United States Immigration and Customs Enforcement; requiring that the department put into place a memorandum of understanding for retaining custody of such an offender under certain circumstances; amending s. 402.313, F.S.; revising licensure requirements for family day care homes; amending s. 402.315, F.S.; requiring the county, rather than the department, to bear the costs of licensing family day care homes, under certain circumstances; amending s. 402.40, F.S.; defining the terms “child welfare certification” and “core competency”; requiring that professionals providing child welfare services demonstrate core competency; requiring that the department recognize certain certifications; requiring that certain persons hold active certification; amending s. 409.1671, F.S.; revising provisions relating to lead agencies; requiring the department to annually evaluate each agency; conforming provision to changes made by the act; amending s. 409.1755, F.S.; decreasing the membership of the One Church, One Child of Florida Corporation, to conform to changes made by the act; amending s. 420.621, F.S.; revising the definition of the term “district” to conform to changes made by the act; amending s. 420.622, F.S.; deleting a requirement for the Governor to appoint the executive director of the State Office of Homelessness; conforming a provision; amending ss. 20.195, 39.01, 39.0121, 39.301, 39.302, 39.303, 39.806, 39.828, 49.011, 381.0072, 394.493, 394.4985, 394.67, 394.73, 394.74, 394.75, 394.76, 394.82, 394.9084, 397.821, 402.49, 409.152, 409.1685, 410.0245, 410.603, 410.604, 411.224, 414.24, 415.1113, 420.623, 420.625, 429.35, and 1002.67, F.S.; revising provisions to conform to changes made by the act; correcting cross-references; repealing

ss. 39.311, 39.312, 39.313, 39.314, 39.315, 39.316, 39.317, and 39.318, F.S., relating to the Family Builders Program; repealing s. 394.9083, F.S., relating to the Behavioral Health Services Integration Workgroup; repealing s. 402.35, F.S., which provides for department employees to be governed by Department of Management Services rules; directing the Division of Statutory Revision to prepare a reviser’s bill; requiring the Agency for Persons with Disabilities to prepare a plan to perform its own administrative and operational functions separate from the department; directing the department to define legal services associated with dependency proceeding and modify lead agency funding; directing the department to establish a procedure for assisting certain undocumented aliens in returning to their country of origin; directing the department to institute a program for identifying undocumented aliens in mental health institutions who may be appropriate candidates for removal; providing an effective date.

—was read the second time by title.

Senator Storms moved the following amendment which was adopted:

Amendment 1 (241080) (with title amendment)—Between lines 1442 and 1443 insert:

Section 48. Subsection (3) of section 39.407, Florida Statutes, is amended to read:

39.407 Medical, psychiatric, and psychological examination and treatment of child; physical, mental, or substance abuse examination of person with or requesting child custody.—

(3)(a) *All children placed in out-of-home care shall be provided with a comprehensive behavioral health assessment. The child protective investigator or dependency case manager shall submit a referral for such assessment within 7 days after the child is placed in out-of-home care.*

(b) *Any child who has been in out-of-home care for more than 1 year, or who did not receive a comprehensive behavioral health assessment when placed into out-of-home care, is eligible to receive a comprehensive behavioral health assessment. Such assessments evaluate behaviors that give rise to the concern that the child has unmet mental health needs. Any party to the dependency proceeding, or the court on its own motion, may request that an assessment be performed.*

(c) *The child protective investigator or dependency case manager is responsible for ensuring that all recommendations in the comprehensive behavioral health assessment are incorporated into the child’s case plan and that the recommended services are provided in a timely manner. If, at a case planning conference, a determination is made that a specific recommendation should not be included in a child’s case plan, a written explanation must be provided to the court as to why the recommendation is not being followed.*

(d) *This subsection does not prevent a child from receiving any other form of psychological assessment if needed.*

(e) *If it is determined that a child is in need of mental health services, the comprehensive behavioral health assessment must be provided to the physician involved in developing the child’s mental health treatment plan, pursuant to s. 39.4071(9).*

~~(3)(a)1. Except as otherwise provided in subparagraph (b)1. or paragraph (c), before the department provides psychotropic medications to a child in its custody, the prescribing physician shall attempt to obtain express and informed consent, as defined in s. 394.455(9) and as described in s. 394.459(3)(a), from the child’s parent or legal guardian. The department must take steps necessary to facilitate the inclusion of the parent in the child’s consultation with the physician. However, if the parental rights of the parent have been terminated, the parent’s location or identity is unknown or cannot reasonably be ascertained, or the parent declines to give express and informed consent, the department may, after consultation with the prescribing physician, seek court authorization to provide the psychotropic medications to the child. Unless parental rights have been terminated and if it is possible to do so, the department shall continue to involve the parent in the decisionmaking process regarding the provision of psychotropic medications. If, at any time, a parent whose parental rights have not been terminated provides express and informed consent to the provision of a psychotropic medication, the requirements of this section that the department seek court~~

authorization do not apply to that medication until such time as the parent no longer consents.

2.—Any time the department seeks a medical evaluation to determine the need to initiate or continue a psychotropic medication for a child, the department must provide to the evaluating physician all pertinent medical information known to the department concerning that child.

(b)1.—If a child who is removed from the home under s. 39.401 is receiving prescribed psychotropic medication at the time of removal and parental authorization to continue providing the medication cannot be obtained, the department may take possession of the remaining medication and may continue to provide the medication as prescribed until the shelter hearing, if it is determined that the medication is a current prescription for that child and the medication is in its original container.

2.—If the department continues to provide the psychotropic medication to a child when parental authorization cannot be obtained, the department shall notify the parent or legal guardian as soon as possible that the medication is being provided to the child as provided in subparagraph 1. The child's official departmental record must include the reason parental authorization was not initially obtained and an explanation of why the medication is necessary for the child's well being.

3.—If the department is advised by a physician licensed under chapter 458 or chapter 459 that the child should continue the psychotropic medication and parental authorization has not been obtained, the department shall request court authorization at the shelter hearing to continue to provide the psychotropic medication and shall provide to the court any information in its possession in support of the request. Any authorization granted at the shelter hearing may extend only until the arraignment hearing on the petition for adjudication of dependency or 28 days following the date of removal, whichever occurs sooner.

4.—Before filing the dependency petition, the department shall ensure that the child is evaluated by a physician licensed under chapter 458 or chapter 459 to determine whether it is appropriate to continue the psychotropic medication. If, as a result of the evaluation, the department seeks court authorization to continue the psychotropic medication, a motion for such continued authorization shall be filed at the same time as the dependency petition, within 21 days after the shelter hearing.

(c)—Except as provided in paragraphs (b) and (c), the department must file a motion seeking the court's authorization to initially provide or continue to provide psychotropic medication to a child in its legal custody. The motion must be supported by a written report prepared by the department which describes the efforts made to enable the prescribing physician to obtain express and informed consent for providing the medication to the child and other treatments considered or recommended for the child. In addition, the motion must be supported by the prescribing physician's signed medical report providing:

1.—The name of the child, the name and range of the dosage of the psychotropic medication, and that there is a need to prescribe psychotropic medication to the child based upon a diagnosed condition for which such medication is being prescribed.

2.—A statement indicating that the physician has reviewed all medical information concerning the child which has been provided.

3.—A statement indicating that the psychotropic medication, at its prescribed dosage, is appropriate for treating the child's diagnosed medical condition, as well as the behaviors and symptoms the medication, at its prescribed dosage, is expected to address.

4.—An explanation of the nature and purpose of the treatment; the recognized side effects, risks, and contraindications of the medication; drug interaction precautions; the possible effects of stopping the medication; and how the treatment will be monitored, followed by a statement indicating that this explanation was provided to the child if age appropriate and to the child's caregiver.

5.—Documentation addressing whether the psychotropic medication will replace or supplement any other currently prescribed medications or treatments; the length of time the child is expected to be taking the medication; and any additional medical, mental health, behavioral, counseling, or other services that the prescribing physician recommends.

(d)1.—The department must notify all parties of the proposed action taken under paragraph (c) in writing or by whatever other method best ensures that all parties receive notification of the proposed action within 48 hours after the motion is filed. If any party objects to the department's motion, that party shall file the objection within 2 working days after being notified of the department's motion. If any party files an objection to the authorization of the proposed psychotropic medication, the court shall hold a hearing as soon as possible before authorizing the department to initially provide or to continue providing psychotropic medication to a child in the legal custody of the department. At such hearing and notwithstanding s. 90.803, the medical report described in paragraph (c) is admissible in evidence. The prescribing physician need not attend the hearing or testify unless the court specifically orders such attendance or testimony, or a party subpoenas the physician to attend the hearing or provide testimony. If, after considering any testimony received, the court finds that the department's motion and the physician's medical report meet the requirements of this subsection and that it is in the child's best interests, the court may order that the department provide or continue to provide the psychotropic medication to the child without additional testimony or evidence. At any hearing held under this paragraph, the court shall further inquire of the department as to whether additional medical, mental health, behavioral, counseling, or other services are being provided to the child by the department which the prescribing physician considers to be necessary or beneficial in treating the child's medical condition and which the physician recommends or expects to provide to the child in concert with the medication. The court may order additional medical consultation, including consultation with the MedConsult line at the University of Florida, if available, or require the department to obtain a second opinion within a reasonable timeframe as established by the court, not to exceed 21 calendar days, after such order based upon consideration of the best interests of the child. The department must make a referral for an appointment for a second opinion with a physician within 1 working day. The court may not order the discontinuation of prescribed psychotropic medication if such order is contrary to the decision of the prescribing physician unless the court first obtains an opinion from a licensed psychiatrist, if available, or, if not available, a physician licensed under chapter 458 or chapter 459, stating that more likely than not, discontinuing the medication would not cause significant harm to the child. If, however, the prescribing psychiatrist specializes in mental health care for children and adolescents, the court may not order the discontinuation of prescribed psychotropic medication unless the required opinion is also from a psychiatrist who specializes in mental health care for children and adolescents. The court may also order the discontinuation of prescribed psychotropic medication if a child's treating physician, licensed under chapter 458 or chapter 459, states that continuing the prescribed psychotropic medication would cause significant harm to the child due to a diagnosed nonpsychiatric medical condition.

2.—The burden of proof at any hearing held under this paragraph shall be by a preponderance of the evidence.

(e)1.—If the child's prescribing physician certifies in the signed medical report required in paragraph (c) that delay in providing a prescribed psychotropic medication would more likely than not cause significant harm to the child, the medication may be provided in advance of the issuance of a court order. In such event, the medical report must provide the specific reasons why the child may experience significant harm and the nature and the extent of the potential harm. The department must submit a motion seeking continuation of the medication and the physician's medical report to the court, the child's guardian ad litem, and all other parties within 3 working days after the department commences providing the medication to the child. The department shall seek the order at the next regularly scheduled court hearing required under this chapter, or within 30 days after the date of the prescription, whichever occurs sooner. If any party objects to the department's motion, the court shall hold a hearing within 7 days.

2.—Psychotropic medications may be administered in advance of a court order in hospitals, crisis stabilization units, and in statewide inpatient psychiatric programs. Within 2 working days after the medication is begun, the department must seek court authorization as described in paragraph (c).

(f)1.—The department shall fully inform the court of the child's medical and behavioral status as part of the social services report prepared for each judicial review hearing held for a child for whom psychotropic medication has been prescribed or provided under this subsection. As a

part of the information provided to the court, the department shall furnish copies of all pertinent medical records concerning the child which have been generated since the previous hearing. On its own motion or on good cause shown by any party, including any guardian ad litem, attorney, or attorney ad litem who has been appointed to represent the child or the child's interests, the court may review the status more frequently than required in this subsection.

2. The court may, in the best interests of the child, order the department to obtain a medical opinion addressing whether the continued use of the medication under the circumstances is safe and medically appropriate.

(g) ~~The department shall adopt rules to ensure that children receive timely access to clinically appropriate psychotropic medications. These rules must include, but need not be limited to, the process for determining which adjunctive services are needed, the uniform process for facilitating the prescribing physician's ability to obtain the express and informed consent of a child's parent or guardian, the procedures for obtaining court authorization for the provision of a psychotropic medication, the frequency of medical monitoring and reporting on the status of the child to the court, how the child's parents will be involved in the treatment planning process if their parental rights have not been terminated, and how caretakers are to be provided information contained in the physician's signed medical report. The rules must also include uniform forms to be used in requesting court authorization for the use of a psychotropic medication and provide for the integration of each child's treatment plan and case plan. The department must begin the formal rulemaking process within 90 days after the effective date of this act.~~

Section 49. Section 39.4071, Florida Statutes, is created to read:

39.4071 Use of psychotropic medication for children in out-of-home placement.—

(1) LEGISLATIVE FINDINGS AND INTENT.—

(a) The Legislature finds that children in out-of-home placements often have multiple risk factors that predispose them to emotional and behavioral disorders and that they receive mental health services at higher rates and are more likely to be given psychotropic medications than children from comparable backgrounds.

(b) The Legislature also finds that the use of psychotropic medications for the treatment of children in out-of-home placements who have emotional and behavioral disturbances has increased over recent years. While the increased use of psychotropic medications is paralleled by an increase in the rate of the coadministration of two or more psychotropic medications, data on the safety and efficacy of many of the psychotropic medications used in children and research supporting the coadministration of two or more psychotropic medications in this population is limited.

(c) The Legislature further finds that significant challenges are encountered in providing quality mental health care to children in out-of-home placements. Not uncommonly, children in out-of-home placements are subjected to multiple placements and many service providers, with communication between providers often poor, resulting in fragmented medical and mental health care. The dependable, ongoing therapeutic and caregiving relationships these children need are hampered by the high turnover among child welfare caseworkers and care providers. Furthermore, children in out-of-home placements, unlike children from intact families, often have no consistent interested party who is available to coordinate treatment and monitoring plans or to provide longitudinal oversight of care.

(d) The Legislature recognizes the important role the Guardian ad Litem Program has played in Florida's dependency system for the past 30 years serving the state's most vulnerable children through the use of trained volunteers, case coordinators, child advocates and attorneys. The program's singular focus is on the child and its mission is to advocate for the best interest of the child. It is often the guardian ad litem who is the constant in a child's life, maintaining consistent contact with the child, the child's caseworkers, and others involved with the child, including family, doctors, teachers, and service providers. Studies have shown that a child assigned a guardian ad litem will, on average, experience fewer placement changes than a child without a guardian ad litem. It is therefore the intent of the Legislature that children in out-of-home placements who may benefit from psychotropic medications receive those

medications safely as part of a comprehensive mental health treatment plan requiring the appointment of a guardian ad litem whose responsibility is to monitor the plan for compliance and suitability as to the child's best interest.

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

(a) "Behavior analysis" means services rendered by a provider who is certified by the Behavior Analysis Certification Board in accordance with chapter 393.

(b) "Obtaining assent" means a process by which a provider of medical services helps a child achieve a developmentally appropriate awareness of the nature of his or her condition, informs the child of what can be expected through tests and treatment, makes a clinical assessment of the child's understanding of the situation and the factors influencing how he or she is responding, and solicits an expression of the child's willingness to adhere to the proposed care. The mere absence of an objection by the child may not be construed as assent.

(c) "Comprehensive behavioral health assessment" means an in-depth and detailed assessment of the child's emotional, social, behavioral, and developmental functioning within the family home, school, and community. A comprehensive behavioral health assessment includes direct observation of the child in the home, school, and community, as well as in the clinical setting, and adheres to the requirements in the Florida Medicaid Community Behavioral Health Services Coverage and Limitations Handbook.

(d) "Express and informed consent" means a process by which a provider of medical services obtains voluntary consent from a parent whose rights have not been terminated or a legal guardian of the child who has received full, accurate, and sufficient information and an explanation about the child's medical condition, medication, and treatment in order to enable the parent or guardian to make a knowledgeable decision without any element of fraud, deceit, duress, or other form of coercion.

(e) "Mental health treatment plan" means a plan that lists the particular mental health needs of the child and the services that will be provided to address those needs. If the plan includes prescribing psychotropic medication to a child in out-of-home placement, the plan must also include the information required under subsection (9).

(f) "Psychotropic medication" means a prescription medication that is used for the treatment of mental disorders and includes, without limitation, hypnotics, antipsychotics, antidepressants, antianxiety agents, sedatives, stimulants, and mood stabilizers.

(3) APPOINTMENT OF GUARDIAN AD LITEM.—

(a) If not already appointed, a guardian ad litem shall be appointed by the court at the earliest possible time to represent the best interests of a child in out-of-home placement who is prescribed a psychotropic medication or is being evaluated for the initiation of psychotropic medication. Pursuant to s. 39.820, the appointed guardian ad litem is a party to any judicial proceeding as a representative of the child and serves until discharged by the court.

(b) Pursuant to this section, the guardian ad litem shall participate in the development of the mental health treatment plan, monitor whether all requirements of the mental health treatment plan are being provided to the child, including counseling, behavior analysis, or other services, medications, and treatment modalities; and notice the court of the child's objections, if any, to the mental health treatment plan. The guardian ad litem shall prepare and submit to the court a written report every 45 days or as directed by the court, advising the court and the parties as to the status of the care, health, and medical treatment of the child pursuant to the mental health treatment plan and any change in the status of the child. The guardian ad litem must immediately notify parties as soon as a medical emergency of the child becomes known. The guardian ad litem shall ensure that the prescribing physician has been provided with all pertinent medical information concerning the child.

(c) The department and the community-based care lead agency shall notify the court and the guardian ad litem, and, if applicable, the child's attorney, in writing within 24 hours after any change in the status of the child, including, but not limited to, a change in placement, a change in

school, a change in medical condition or medication, or a change in prescribing physician, other service providers, counseling, or treatment scheduling.

(4) **PSYCHIATRIC EVALUATION OF CHILD.**—Whenever the department believes that a child in its legal custody may need psychiatric treatment, an evaluation must be conducted by a physician licensed under chapter 458 or chapter 459.

(5) **EXPRESS AND INFORMED CONSENT AND ASSENT.**—If, at the time of removal from his or her home, a child is being provided, or at any time is being evaluated for the initiation of, prescribed psychotropic medication under this section, express and informed consent and assent shall be sought by the prescribing physician.

(a) The prescribing physician shall obtain assent from the child, unless the prescribing physician determines that it is not appropriate. In making this assessment, the prescribing physician shall consider the capacity of the child to make an independent decision based on his or her age, maturity, and psychological and emotional state. If the physician determines that it is not appropriate, the physician must document the decision in the mental health treatment plan. If the physician determines it is appropriate and the child refuses to give assent, the physician must document the child's refusal in the mental health treatment plan.

1. Assent from a child shall be sought in a manner that is understandable to the child using a developmentally appropriate assent form. The child shall be provided with sufficient information, such as the nature and purpose of the medication, how it will be administered, the probable risks and benefits, alternative treatments and the risks and benefits thereof, and the risks and benefits of refusing or discontinuing the medication, and when it may be appropriately discontinued. Assent may be oral or written and must be documented by the prescribing physician.

2. Oral assent is appropriate for a child who is younger than 7 years of age. Assent from a child who is 7 to 13 years of age may be sought orally or in a simple form that is written at the second-grade or third-grade reading level. A child who is 14 years of age or older may understand the language presented in the consent form for parents or legal guardians. If so, the child may sign the consent form along with the parent or legal guardian. Forms for parents and older children shall be written at the sixth grade to eighth-grade reading level.

3. In each case where assent is obtained, a copy of the assent documents must be provided to the parent or legal guardian and the guardian ad litem, with the original assent documents becoming a part of the child's mental health treatment plan and filed with the court.

(b) Express and informed consent for the administration of psychotropic medication may be given only by a parent whose rights have not been terminated or a legal guardian of the child who has received full, accurate, and sufficient information and an explanation about the child's medical condition, medication, and treatment in order to enable the parent or guardian to make a knowledgeable decision. A sufficient explanation includes, but need not be limited to, the following information, which must be provided and explained in plain language by the prescribing physician to the parent or legal guardian: the child's diagnosis, the symptoms to be addressed by the medication, the name of the medication and its dosage ranges, the reason for prescribing it, and its purpose or intended results; benefits, side effects, risks, and contraindications, including effects of not starting or stopping the medication; method for administering the medication and how it will be monitored; potential drug interactions; alternative treatments to psychotropic medication; a plan to reduce or eliminate ongoing medication when medically appropriate; the counseling, behavioral analysis, or other services used to complement the use of medication, if applicable; and that the parent or legal guardian may revoke the consent at any time.

1. Express and informed consent may be oral or written and must be documented by the prescribing physician. If the department or the physician is unable to obtain consent from the parent or legal guardian, the reasons must be documented.

2. If express and informed consent is obtained, a copy of the consent documents must be provided to the parent or legal guardian and the guardian ad litem, with the original consent documents becoming a part of the child's mental health treatment plan and filed with the court.

(c) The informed consent of any parent whose whereabouts are unknown for 60 days, who is adjudicated incapacitated, who does not have regular and frequent contact with the child, who later revokes assent, or whose parental rights are terminated after giving consent, is invalid. If the informed consent of a parent becomes invalid, the department may seek informed consent from any other parent or legal guardian. If the informed consent provided by a parent whose parental rights have been terminated is invalid and no other parent or legal guardian gives informed consent, the department shall file a motion for the administration of psychotropic medication along with the motion for final judgment of termination of parental rights.

(d) If consent is revoked or becomes invalid the department shall immediately notify all parties and, if applicable, the child's attorney. Medication shall be continued until such time as the court rules on the motion.

(e) A medication may not be discontinued without explicit instruction from a physician as to how to safely discontinue the medication.

(6) **ADMINISTRATION OF PSYCHOTROPIC MEDICATION TO A CHILD IN SHELTER CARE OR IN FOSTER CARE WHEN INFORMED CONSENT HAS NOT BEEN OBTAINED.**—

(a) **Motion for court authorization for administration of psychotropic medications.**—

1. If a physician who has evaluated the child prescribes psychotropic medication as part of the mental health treatment plan and the child's parents or legal guardians have not provided express and informed consent as provided by law or such consent is invalid as set forth in paragraph (5)(c), the department or its agent shall file a motion with the court within 3 working days to authorize the administration of the psychotropic medication before the administration of the medication, except as provided in subsection (7). In each case in which a motion is required, the motion must include:

a. A written report by the department describing the efforts made to enable the prescribing physician to obtain express and informed consent and describing other treatments attempted, considered, and recommended for the child; and

b. The prescribing physician's completed and signed mental health treatment plan.

2. The department must file a copy of the motion with the court and, within 48 hours after filing the motion, notify all parties in writing, or by whatever other method best ensures that all parties receive notification, of its proposed administration of psychotropic medication to the child.

3. If any party objects to the proposed administration of the psychotropic medication to the child, that party must file its objection within 2 working days after being notified of the department's motion. A party may request an extension of time to object for good cause shown if such extension would be in the best interests of the child. Any extension must be for a specific number of days not to exceed the time absolutely necessary.

4. Lack of assent from the child is deemed a timely objection from the child.

(b) **Court action on motion for administration of psychotropic medication.**—

1. If no party timely files an objection to the department's motion and the motion is legally sufficient, the court may enter its order authorizing the proposed administration of the psychotropic medication without a hearing. Based on its determination of the best interests of the child, the court may order additional medical consultation, including consultation with the MedConsult line at the University of Florida, if available, or require the department to obtain a second opinion within a reasonable time established by the court, not to exceed 21 calendar days. If the court orders an additional medical consultation or second medical opinion, the department shall file a written report including the results of this additional consultation or a copy of the second medical opinion with the court within the time required by the court, and serve a copy of the report on all parties.

2. If any party timely files its objection to the proposed administration of the psychotropic medication, the court shall hold a hearing as soon as possible on the department's motion.

a. The signed mental health treatment plan of the prescribing physician is admissible in evidence at the hearing.

b. The court shall ask the department whether additional medical, mental health, behavior analysis, counseling, or other services are being provided to the child which the prescribing physician considers to be necessary or beneficial in treating the child's medical condition and which the physician recommends or expects to be provided to the child along with the medication.

3. The court may order additional medical consultation or a second medical opinion, as provided in this paragraph.

4. After considering the department's motion and any testimony received, the court may enter its order authorizing the department to provide or continue to provide the proposed psychotropic medication. The court must find a compelling governmental interest that the proposed psychotropic medication is in the child's best interest. In so determining the court shall, at a minimum, consider the following factors:

- a. The severity and likelihood of risks associated with the treatment.
- b. The magnitude and likelihood of benefits expected from the treatment.
- c. The child's prognosis without the proposed psychotropic medication.
- d. The availability and effectiveness of alternative treatments.
- e. The wishes of the child concerning treatment alternatives.
- f. The recommendation of the parents or legal guardian.
- g. The recommendation of the guardian ad litem.

(7) **ADMINISTRATION OF PSYCHOTROPIC MEDICATION TO A CHILD IN OUT-OF-HOME CARE BEFORE COURT AUTHORIZATION HAS BEEN OBTAINED.**—The department may provide continued administration of psychotropic medication to a child before authorization by the court has been obtained only as provided in this subsection.

(a) If a child is removed from the home and taken into custody under s. 39.401, the department may continue to administer a current prescription of psychotropic medication; however, the department shall request court authorization for the continued administration of the medication at the shelter hearing. This request shall be included in the shelter petition.

1. The department shall provide all information in its possession to the court in support of its request at the shelter hearing. The court may authorize the continued administration of the psychotropic medication only until the arraignment hearing on the petition for adjudication, or for 28 days following the date of the child's removal, whichever occurs first.

2. If the department believes, based on the required physician's evaluation, that it is appropriate to continue the psychotropic medication beyond the time authorized by the court at the shelter hearing, the department shall file a motion seeking continued court authorization at the same time that it files the dependency petition, but within 21 days after the shelter hearing.

(b) If the department believes, based on the certification of the prescribing physician, that delay in providing the prescribed psychotropic medication would, more likely than not, cause significant harm to the child, the department shall administer the medication immediately. The department must submit a motion to the court seeking continuation of the medication within 3 working days after the department begins providing the medication to the child.

1. The motion seeking authorization for the continued administration of the psychotropic medication must include all information required in this section. The required medical report must also include the specific reasons why the child may experience significant harm, and the nature

and the extent of the potential harm, resulting from a delay in authorizing the prescribed medication.

2. The department shall serve the motion on all parties within 3 working days after the department begins providing the medication to the child.

3. The court shall hear the department's motion at the next regularly scheduled court hearing required by law, or within 30 days after the date of the prescription, whichever occurs first. However, if any party files an objection to the motion, the court must hold a hearing within 7 days.

(c) The department may authorize, in advance of a court order, the administration of psychotropic medications to a child in its custody in a hospital, crisis stabilization unit or receiving facility, therapeutic group home, or statewide inpatient psychiatric program. If the department does so, it must file a motion to seek court authorization for the continued administration of the medication within 3 working days as required in this section.

(d) If a child receives a one-time dose of a psychotropic medication during a crisis, the department shall provide immediate notice to all parties and to the court of each such emergency use.

(8) **DISCONTINUATION OR ALTERATION OF MEDICATION; DESTRUCTION OF MEDICATION.**—A party may not alter the provision of prescribed psychotropic medication in any way except upon order of the court or advice of a physician.

(a) On the motion of any party or its own motion, the court may order the discontinuation of a medication already prescribed. Such discontinuation must be performed in consultation with a physician in such a manner as to minimize risk to the child.

(b) The child's repeated refusal to take or continue to take a medication shall be treated as a motion to discontinue the medication and shall be set for hearing as soon as possible but within 7 days after knowledge of such repeated refusal.

(c) Upon any discontinuation of a medication, the department shall document the date and reason for the discontinuation and notify all parties. The guardian ad litem must be notified within 24 hours as previously provided herein.

(d) The department shall ensure the destruction of any medication no longer being taken by the prescribed child.

(9) **DEVELOPMENT OF MENTAL HEALTH TREATMENT PLAN.**—Upon the determination that a child needs mental health services, a mental health treatment plan must be developed which lists the particular mental health needs of the child and the services that will be provided to address those needs. If possible, the plan shall be developed in a face-to-face conference with the child, the child's parents, case manager, physician, therapist, legal guardian, guardian ad litem, and any other interested party. The mental health treatment plan shall be incorporated into the case plan as tasks for the department and may be amended under s. 39.6013.

(a) If the mental health treatment plan involves the provision of psychotropic medication, the plan must include:

1. The name of the child, a statement indicating that there is a need to prescribe psychotropic medication based upon a diagnosed condition for which there is an evidence base for the medication that is being prescribed, a statement indicating the compelling governmental interest in prescribing the psychotropic medication, and the name and range of the dosage of the psychotropic medication.

2. A statement indicating that the physician has reviewed all medical information concerning the child which has been provided by the department or community-based care lead agency and briefly listing all information received.

3. A medication profile, including all medications the child is prescribed or will be prescribed, any previously prescribed medications if known, and whether those medications are being added, continued, or discontinued upon implementation of the mental health treatment plan.

4. A statement indicating that the psychotropic medication, at its prescribed dosage, is appropriate for treating the child's diagnosed medical condition, as well as the behaviors and symptoms that the medication, at its prescribed dosage, is expected to address.

5. An explanation of the nature and purpose of the treatment; the recognized side effects, risks, and contraindications of the medication, including procedures for reporting adverse effects; drug-interaction precautions; the possible effects of stopping or not initiating the medication; and how the treatment will be monitored, followed by a statement indicating that this explanation was provided to the child if developmentally appropriate and to the child's caregiver.

6. Documentation addressing whether the psychotropic medication will replace or supplement any other currently prescribed medications or treatments; the length of time the child is expected to be taking the medication; a plan for the discontinuation of any medication if medically appropriate; and any additional medical, mental health, behavioral, counseling, or other services that the prescribing physician recommends as part of a comprehensive treatment plan.

7. A document describing those observable behaviors warranting psychotropic treatment, the means for obtaining reliable frequency data on these same observable behaviors, and the reporting of this data with sufficient frequency to support medication decisions.

(b) The department shall develop and administer procedures to require the caregiver and prescribing physician to report any adverse side effects of the medication to the department or its designee and the guardian *ad litem*. Any adverse side effects must be documented in the mental health treatment plan and medical records for the child.

(10) REVIEW FOR ADMINISTRATION OF PSYCHOTROPIC MEDICATION FOR CHILDREN FROM BIRTH THROUGH 10 YEARS OF AGE IN OUT-OF-HOME CARE.—

(a) Absent a finding of a compelling state interest, a psychotropic medication may not be authorized by the court for any child from birth through 10 years of age who is in out-of-home placement. Based on a finding of a compelling state interest but before a psychotropic medication is authorized by the court for such child, a review of the administration must be obtained from a child psychiatrist who is licensed under chapter 458 or chapter 459. The results of this review must be provided to the child and the parent or legal guardian before final express and informed consent is given.

(b) In advance of a court order, the department may authorize the administration of psychotropic medications to a child from birth through 10 years of age in its custody in the following levels of residential care:

1. Hospital;
2. Crisis stabilization unit or receiving facility;
3. Therapeutic group home; or
4. Statewide inpatient psychiatric program.

These levels of care demonstrate the requirement of a compelling state interest through the extensive admission criteria being met. If the department does so, it must file a motion to seek court authorization for the continued administration of the medication within 3 working days.

(c) If a child receives a one-time dose of a psychotropic medication during a crisis, the department shall provide immediate notice to all parties and to the court of each such emergency use.

(11) CLINICAL TRIALS.—A child in the custody of the department may not participate in a clinical trial that is designed to develop new psychotropic medications or evaluate their application to children.

(12) JUDICIAL REVIEW HEARINGS.—The department shall fully inform the court of the child's medical and behavioral status as part of the social services report prepared for each judicial review hearing held for a child for whom psychotropic medication has been prescribed or provided under this subsection. As a part of the information provided, the department shall furnish copies of all pertinent medical records concerning the child which have been generated since the previous hearing. On its own motion or on good cause shown by any party, including any guardian

ad litem, attorney, or attorney *ad litem* who has been appointed to represent the child or the child's interests, the court may review the status more frequently than required under this subsection.

(13) ADOPTION OF RULES.—The department may adopt rules to ensure that children receive timely access to mental health services, including, but not limited to, clinically appropriate psychotropic medications. These rules must include, but need not be limited to, the process for determining which adjunctive services are needed, the uniform process for facilitating the prescribing physician's ability to obtain the express and informed consent of a child's parent or legal guardian, the procedures for obtaining court authorization for the provision of a psychotropic medication, the frequency of medical monitoring and reporting on the status of the child to the court, how the child's parents will be involved in the treatment-planning process if their parental rights have not been terminated, and how caretakers are to be provided information contained in the physician's signed mental health treatment plan. The rules must also include uniform forms or standardized information to be used on a statewide basis in requesting court authorization for the use of a psychotropic medication and provide for the integration of each child's mental health treatment plan and case plan. The department must begin the formal rulemaking process within 90 days after July 1, 2010.

Section 50. Paragraph (b) of subsection (1) of section 743.0645, Florida Statutes, is amended to read:

743.0645 Other persons who may consent to medical care or treatment of a minor.—

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

(b) "Medical care and treatment" includes ordinary and necessary medical and dental examination and treatment, including blood testing, preventive care including ordinary immunizations, tuberculin testing, and well-child care, but does not include surgery, general anesthesia, provision of psychotropic medications, or other extraordinary procedures for which a separate court order, power of attorney, or informed consent as provided by law is required, except as provided in s. 39.4071 ~~or 39.407(3)~~.

And the title is amended as follows:

Delete line 69 and insert: of Management rules; amending s. 39.407, F.S.; requiring the provision of a comprehensive mental health treatment plan; specifying eligibility; prescribing duties for the Department of Children and Family Services; deleting provisions relating to the provision of psychotropic medications to children in out-of-home care; creating s. 39.4071, F.S.; providing legislative findings and intent; providing definitions; requiring that a guardian *ad litem* be appointed by the court to represent a child in the custody of the Department of Children and Family Services who is prescribed a psychotropic medication; prescribing the duties of the guardian *ad litem*; requiring that the department or lead agency notify the guardian *ad litem* of any change in the status of the child; providing for psychiatric evaluation of the child; requiring that express and informed consent and assent be obtained from a child or the child's parent or guardian; providing requirements for a prescribing physician in obtaining consent and assent; providing for the invalidation of a parent's informed consent; requiring the department to seek informed consent from the legal guardian in certain circumstances; requiring the department to file a motion for the administration of psychotropic medication with the final judgment of termination of parental rights under certain circumstances; requiring that a court authorize the administration of psychotropic medication to a child who is in shelter care or in foster care and for whom informed consent from the parents or a legal guardian has not been obtained; providing requirements for the motion to the court; requiring that any party objecting to the administration of psychotropic medication file its objection within a specified period; authorizing the court to obtain a second opinion regarding the proposed administration; requiring that the court hold a hearing if any party objects to the proposed administration; specifying circumstances under which the department may provide psychotropic medication to a child before court authorization is obtained; requiring that the department seek court authorization for continued administration of the medication; providing for an expedited hearing on such motion under certain circumstances; requiring the department to provide notice to all parties and the court for each emergency use of psychotropic medication under certain conditions; providing for discontinuation, alteration, and destruction of medication; requiring

that a mental health treatment plan be developed for each child or youth who needs mental health services; requiring certain information to be included in a mental health treatment plan; requiring the department to develop and administer procedures to require the caregiver and prescribing physician to report any adverse side effects; requiring documentation of the adverse side effects; prohibiting the prescription of psychotropic medication to certain children who are in out-of-home care absent certain conditions; requiring review by a licensed child psychiatrist before psychotropic medication is administered to certain children who are in out-of-home care under certain conditions; prohibiting authorization for a child in the custody of the department to participate in any clinical trial designed to evaluate the use of psychotropic medication in children; amending s. 743.0645, F.S.; conforming a cross-reference; directing the Division

MOTION

On motion by Senator Storms, by the required two-thirds vote, consideration of the following amendment was allowed:

Senator Storms moved the following amendment:

Amendment 2 (108490) (with title amendment)—Delete lines 1483-1489.

And the title is amended as follows:

Delete lines 76-78 and insert: agency funding; directing the

POINT OF ORDER

Senator Hill raised a point of order that pursuant to Rule 7.1 **Amendment 2 (108490)** was the substance of a bill still in committee.

The President referred the point of order and the amendment to the Committee on Rules.

On motion by Senator Storms, further consideration of **CS for CS for CS for SB 724** as amended with pending **Amendment 2 (108490)** and pending point of order by Senator Hill was deferred.

On motion by Senator Oelrich—

CS for SB 860—A bill to be entitled An act relating to threats; amending s. 836.10, F.S.; revising provisions relating to the sending of or procuring the sending of letters or inscribed communications containing certain threats of death or bodily injury; including electronic communications in such provisions; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 860** was placed on the calendar of Bills on Third Reading.

On motion by Senator Richter—

CS for CS for SB 970—A bill to be entitled An act relating to the practice of dentistry; requiring persons who apply for licensure renewal as a dentist or dental hygienist to furnish certain information to the Department of Health in a dental workforce survey; requiring the Board of Dentistry to issue a nondisciplinary citation and a notice for failure to complete the survey within a specified time; providing notification requirements for the citation; requiring the department to serve as the coordinating body for the purpose of collecting, disseminating, and updating dental workforce data; requiring the department to maintain a database regarding the state's dental workforce; requiring the department to develop strategies to maximize federal and state programs and to work with an advisory body to address matters relating to the state's dental workforce; providing membership of the advisory body; providing for members of the advisory body to serve without compensation; requiring the department to act as a clearinghouse for collecting and disseminating information regarding the dental workforce; requiring the department and the board to adopt rules; providing legislative intent regarding implementation of the act within existing resources; amending s. 499.01, F.S.; authorizing certain business entities to pay for prescription drugs obtained by practitioners licensed under ch. 466, F.S.;

amending s. 499.01212, F.S.; providing that a pedigree paper is not required for a wholesale distribution of prescription drugs within a sealed medical convenience kit under certain conditions; providing an exception; amending s. 624.91, F.S.; revising the membership of the board of directors of the Florida Healthy Kids Corporation to include a member nominated by the Florida Dental Association and appointed by the Governor; providing an effective date.

—was read the second time by title.

MOTION

On motion by Senator Richter, by the required two-thirds vote, consideration of the following amendment was allowed:

Senator Richter moved the following amendment which was adopted:

Amendment 1 (468794) (with title amendment)—Delete lines 203-228.

And the title is amended as follows:

Delete lines 28-32 and insert: under ch. 466, F.S.; amending s.

Pursuant to Rule 4.19, **CS for CS for SB 970** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Richter—

CS for SB 972—A bill to be entitled An act relating to public records; providing an exemption from public-records requirements for information contained in dental workforce surveys submitted by dentists or dental hygienists to the Department of Health as a condition for license renewal; providing exceptions to the exemption; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing a contingent effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 972** was placed on the calendar of Bills on Third Reading.

On motion by Senator Wise—

CS for CS for CS for SB 1298—A bill to be entitled An act relating to supervised visitation and exchange monitoring programs; creating s. 753.06, F.S.; adopting state standards for supervised visitation and exchange monitoring programs; providing for modification; requiring the standards to be published on the website of the Clearinghouse on Supervised Visitation; requiring each program to annually affirm compliance with the standards to the court; creating s. 753.07, F.S.; providing factors for the court or child-placing agency to consider when referring cases for supervised visitation or exchange monitoring; specifying training requirements for persons referring to or providing such services; authorizing supervised visitation programs to alert the court to problems with referred cases; creating s. 753.08, F.S.; authorizing supervised visitation or monitored exchange programs to conduct security background checks of employees and volunteers and criminal records checks through the Department of Law Enforcement; providing standards for such background checks; requiring that an employer furnish a copy of the personnel record for the employee or former employee upon request; requiring that such personnel record contain certain information; requiring that all applicants hired or certified by a program after a specified date undergo a level 2 background screening before being hired or certified; delegating responsibility for certain costs and screening criminal history information; authorizing a supervised visitation program to participate in the Volunteer and Employee Criminal History System in order to obtain criminal history information; providing immunity to employers who provide information for purposes of a background check; providing that certain persons providing services at a supervised visitation or monitored exchange program are presumed to act in good faith and are immune from civil or criminal liability; providing exceptions; creating s. 753.09, F.S.; providing that after a specified date only those supervised visitation programs that adhere to the state standards may receive state funding; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for SB 1298** was placed on the calendar of Bills on Third Reading.

On motion by Senator Jones—

SB 1456—A bill to be entitled An act relating to physician assistants; amending ss. 458.347 and 459.022, F.S.; deleting requirements that physician assistants file with the Department of Health evidence of having obtained certain clinical experience before prescribing or dispensing medication; amending ss. 458.348 and 459.025, F.S.; conforming cross-references; providing an effective date.

—was read the second time by title.

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

MOTION

On motion by Senator Gardiner, the rules were waived and time of recess was extended past 6:00 p.m. until completion of the Special Order Calendar and announcements.

CS for SB 1708—A bill to be entitled An act relating to the unlawful slaughter of horses; providing a short title; amending s. 500.451, F.S.; prohibiting specified acts relating to horsemeat for human consumption; providing penalties; increasing the classification of offenses relating to horsemeat for human consumption; providing for suspension of licenses of certain businesses for offenses relating to horsemeat; providing mandatory minimum penalties; amending s. 828.125, F.S.; revising provisions prohibiting certain acts relating to horses to apply to all horses regardless of breed; providing mandatory minimum penalties; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 1708** to **CS for HB 765**.

Pending further consideration of **CS for SB 1708** as amended, on motion by Senator Crist, by two-thirds vote **CS for HB 765** was withdrawn from the Committees on Criminal Justice; and Criminal and Civil Justice Appropriations.

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

CS for HB 765—A bill to be entitled An act relating to animal protection; providing a short title; amending s. 474.203, F.S.; revising a veterinary licensure exemption pertaining to certain persons practicing temporarily in the state; providing circumstances that render inapplicable a veterinary licensure exemption pertaining to part-time and independent contractors; amending s. 500.451, F.S.; prohibiting specified acts relating to horsemeat for human consumption; providing penalties; increasing the classification of offenses related to horsemeat for human consumption; providing for suspension of licenses of certain businesses for offenses related to horsemeat; providing mandatory minimum penalties; amending s. 828.073, F.S.; revising procedures for law enforcement officers and certain animal cruelty prevention agents to file petitions in custody proceedings involving neglected animals; exempting animal owners from payment of the care provided for their animals during such proceedings under certain circumstances; revising the period within which written notice of such proceedings must be served; deleting a provision requiring publication of notices of such proceedings under certain circumstances; revising provisions relating to remand of neglected animals directly to the seizing officer or agent for disposition; amending s. 828.125, F.S.; revising provisions prohibiting certain acts relating to horses to apply to all horses regardless of breed; providing mandatory minimum penalties for violations involving horses or certain cattle; creating s. 828.28, F.S.; requiring local governments to provide notice prior to licensing deadlines; encouraging local governments to develop online licensing systems; providing effective dates.

—a companion measure, was substituted for **CS for SB 1708** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 765** was placed on the calendar of Bills on Third Reading.

On motion by Senator Oelrich—

CS for SB 1730—A bill to be entitled An act relating to biodiesel fuel; amending s. 206.874, F.S.; exempting biodiesel fuel manufactured by a public or private secondary school from taxation under certain circumstances; specifying the circumstances under which a public or private secondary school that manufactures biodiesel fuel is exempt from certain registration requirements; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1730** was placed on the calendar of Bills on Third Reading.

On motion by Senator Sobel, by two-thirds vote **CS for CS for HB 787** was withdrawn from the Committees on Children, Families, and Elder Affairs; Judiciary; and Criminal and Civil Justice Appropriations.

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

CS for CS for HB 787—A bill to be entitled An act relating to child abduction prevention; providing a short title; amending s. 61.45, F.S.; authorizing additional persons to move to have certain restrictions placed in parenting plans upon showing of a risk that one party may violate the court's parenting plan by removing a child from this state or country or by concealing the child's whereabouts; authorizing courts to impose certain restrictions in parenting plans upon a specified finding; authorizing a court to impose certain restrictions in addition to or in lieu of a requirement that a child's passport be surrendered; authorizing a court to impose specified restrictions upon entry of an order to prevent removal of a child from this state or country; providing additional factors that may be considered in assessing the risk that a party may violate a parenting plan by removing a child from this state or country or by concealing the child's whereabouts; providing that violations may subject a violator to specified penalties or other consequences; providing an effective date.

—a companion measure, was substituted for **CS for SB 1862** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 787** was placed on the calendar of Bills on Third Reading.

On motion by Senator Baker, by two-thirds vote **CS for HB 951** was withdrawn from the Committees on Criminal Justice; Judiciary; and Criminal and Civil Justice Appropriations.

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

CS for HB 951—A bill to be entitled An act relating to public safety; amending s. 790.065, F.S.; requiring certain reports to be submitted in an automated format; deleting provisions relating to automatic deletion of mental health records under specified conditions from the Department of Law Enforcement's database of such records kept for purposes of sale and delivery of firearms and substituting a procedure for petition to obtain judicial relief from firearm disabilities and, upon obtaining such relief, the removal of the individual mental health records from the department's database; amending s. 943.05, F.S.; revising provisions relating to the Criminal Justice Information Program under the Department of Law Enforcement; authorizing agencies to request the retention of certain fingerprints by the department; providing for rulemaking to require employers to keep the agencies informed of any change in the affiliation, employment, or contractual status of each person whose fingerprints are retained in certain circumstances; providing departmental duties upon notification that a federal fingerprint retention program is in effect; amending s. 943.053, F.S.; removing obsolete references relating to the dissemination of criminal justice information; amending s. 943.12, F.S.; requiring the Criminal Justice Standards and Training Commission to adopt rules relating to the maintenance of officers who

engage in those specialized areas found to present a high risk of harm to the officer or the public at large; requiring the commission to adopt rules requiring the demonstration of proficiency in firearms for all law enforcement officers; amending s. 943.131, F.S.; revising provisions relating to exemptions from completing a commission-approved basic recruit training program; amending s. 943.1395, F.S.; revising provisions relating to qualifications for certified law enforcement officers separated from employment for more than a certain period of time; amending s. 943.17, F.S.; deleting a requirement that correctional probation officers pass a specified basic skills examination and assessment instrument before entrance into the basic recruit training program; amending s. 943.32, F.S.; deleting state funding eligibility for a locally funded crime laboratory in Monroe County; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1974** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 951** was placed on the calendar of Bills on Third Reading.

On motion by Senator Dockery—

CS for CS for SB 292—A bill to be entitled An act relating to adverse possession; amending s. 95.18, F.S.; specifying that occupation and maintenance of property can satisfy possession for purposes of gaining title to property via adverse possession without color of title; requiring a person seeking property by adverse possession to use a uniform adverse possession return developed by the Department of Revenue; requiring the property appraiser to notify the owner of record of an adverse possession claim; prescribing what information must be included in the adverse possession return; requiring a person claiming adverse possession to attest to the truthfulness of the information provided in the return under penalty of perjury; granting emergency rulemaking authority to the Department of Revenue; requiring that the property appraiser add certain information related to the adverse possession claim to the parcel information on the tax roll and prescribing conditions for removal of that information; prescribing procedures and requirements for adverse possession claims against a portion of an identified parcel or against property to which the property appraiser has not assigned a parcel number; requiring the property appraiser to include a notation of an adverse possession filing in any searchable property database maintained by the property appraiser; amending s. 197.212, F.S.; excluding property subject to adverse possession claims without color of title from provisions authorizing the tax collector not to send a tax notice for minimum tax bills; creating s. 197.3335, F.S.; requiring the tax collector to determine whether a duplicate tax payment is made by an adverse possessor; providing for priority of tax payments made by an owner of record who is subject to an adverse possession claim; providing for a refund of tax payments under certain conditions; providing for retroactive application of certain provisions governing procedures for administering a claim of adverse possession and establishing tax priority for owners of record; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 292** was placed on the calendar of Bills on Third Reading.

On motion by Senator Baker—

CS for SB 200—A bill to be entitled An act relating to parole interview dates for certain inmates; amending ss. 947.16, 947.174, and 947.1745, F.S.; extending from 5 to 7 years the period between parole interview dates for inmates convicted of violating specified provisions or serving a mandatory minimum sentence under a specified provision; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 200** was placed on the calendar of Bills on Third Reading.

On motion by Senator Haridopolos—

CS for SB 1178—A bill to be entitled An act relating to cost-benefit, return-on-investment, and dynamic scoring techniques; creating s. 216.138, F.S.; authorizing the President of the Senate or the Speaker of the House of Representatives to request special impact sessions of consensus estimating conferences to evaluate proposed legislation based on specified techniques; providing for the information used in the evaluations to be available to the public unless otherwise exempt from disclosure; requiring the Office of Economic and Demographic Research to develop protocols and procedures to be used by the consensus estimating conferences when evaluating proposed legislation; establishing minimum requirements; requiring submission of a report; requiring the use of the protocols and procedures until the approval is affirmatively revoked; amending s. 216.133, F.S.; conforming a cross-reference to changes made by the act; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1178** was placed on the calendar of Bills on Third Reading.

On motion by Senator Ring—

CS for SB 2792—A bill to be entitled An act relating to trust funds; creating the Operating Trust Fund within the Department of Financial Services; providing for the purpose of the trust fund and sources of funds; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2792** was placed on the calendar of Bills on Third Reading.

On motion by Senator Ring—

CS for SB 2794—A bill to be entitled An act relating to trust funds; creating the Administrative Trust Fund within the Executive Office of the Governor; providing for the purpose of the trust fund and sources of funds; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2794** was placed on the calendar of Bills on Third Reading.

On motion by Senator Ring—

SB 2796—A bill to be entitled An act relating to trust funds; creating the Operating Trust Fund within the Executive Office of the Governor; providing for the purpose of the trust fund and sources of funds; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 2796** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 2460** was deferred.

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

CS for CS for CS for SB 724—A bill to be entitled An act relating to a review of the Department of Children and Family Services under the Florida Government Accountability Act; reenacting and amending s. 20.19, F.S., relating to the establishment of the department; changing the name of the Department of Children and Family Services to the Department of Children and Families; revising provisions relating to the establishment and structure of, and services provided by, the department; providing for operating units called circuits that conform to the geographic boundaries of judicial circuits; providing for the establishment of and requirements for membership and participation in community alliances and community partnerships; amending s. 20.04, F.S.;

authorizing the department to establish circuits or regions headed by circuit administrators or region directors and deleting a requirement for statutory enactment for additional divisions or offices in the department; amending s. 20.43, F.S.; revising provisions relating to service area boundaries; amending s. 394.47865, F.S.; deleting obsolete provisions relating to the privatization of South Florida State Hospital; amending s. 394.78, F.S.; deleting an obsolete provision relating to dispute resolution; amending s. 394.9135, F.S.; requiring the transfer of certain sexually violent offenders to the custody of the United States Immigration and Customs Enforcement; requiring that the department put into place a memorandum of understanding for retaining custody of such an offender under certain circumstances; amending s. 402.313, F.S.; revising licensure requirements for family day care homes; amending s. 402.315, F.S.; requiring the county, rather than the department, to bear the costs of licensing family day care homes, under certain circumstances; amending s. 402.40, F.S.; defining the terms “child welfare certification” and “core competency”; requiring that professionals providing child welfare services demonstrate core competency; requiring that the department recognize certain certifications; requiring that certain persons hold active certification; amending s. 409.1671, F.S.; revising provisions relating to lead agencies; requiring the department to annually evaluate each agency; conforming provision to changes made by the act; amending s. 409.1755, F.S.; decreasing the membership of the One Church, One Child of Florida Corporation, to conform to changes made by the act; amending s. 420.621, F.S.; revising the definition of the term “district” to conform to changes made by the act; amending s. 420.622, F.S.; deleting a requirement for the Governor to appoint the executive director of the State Office of Homelessness; conforming a provision; amending ss. 20.195, 39.01, 39.0121, 39.301, 39.302, 39.303, 39.806, 39.828, 49.011, 381.0072, 394.493, 394.4985, 394.67, 394.73, 394.74, 394.75, 394.76, 394.82, 394.9084, 397.821, 402.49, 409.152, 409.1685, 410.0245, 410.603, 410.604, 411.224, 414.24, 415.1113, 420.623, 420.625, 429.35, and 1002.67, F.S.; revising provisions to conform to changes made by the act; correcting cross-references; repealing ss. 39.311, 39.312, 39.313, 39.314, 39.315, 39.316, 39.317, and 39.318, F.S., relating to the Family Builders Program; repealing s. 394.9083, F.S., relating to the Behavioral Health Services Integration Workgroup; repealing s. 402.35, F.S., which provides for department employees to be governed by Department of Management Services rules; directing the Division of Statutory Revision to prepare a reviser’s bill; requiring the Agency for Persons with Disabilities to prepare a plan to perform its own administrative and operational functions separate from the department; directing the department to define legal services associated with dependency proceeding and modify lead agency funding; directing the department to establish a procedure for assisting certain undocumented aliens in returning to their country of origin; directing the department to institute a program for identifying undocumented aliens in mental health institutions who may be appropriate candidates for removal; providing an effective date.

—which was previously considered and amended this day.

POINT OF ORDER DISPOSITION

On motion by Senator Hill, the pending point of order on **Amendment 2 (108490)** by Senator Storms was withdrawn. Pending **Amendment 2 (108490)** was adopted.

MOTION

On motion by Senator Storms, by the required two-thirds vote, consideration of the following amendments were allowed:

Senator Storms moved the following amendments which were adopted:

Amendment 3 (782074) (with title amendment)—Delete lines 845-868.

And the title is amended as follows:

Delete lines 26-32 and insert: provision relating to dispute resolution; amending

Amendment 4 (887826) (with title amendment)—Delete lines 1490-1498.

And the title is amended as follows:

Delete lines 78-81 and insert: in returning to their country of origin; providing

Amendment 5 (528680) (with title amendment)—Between lines 1498 and 1499 insert:

Section 53. *The Children and Youth Cabinet created pursuant to s. 402.56, Florida Statutes, is directed to submit a plan to the Legislature by January 15, 2011, for addressing the inappropriate and excessive prescribing of psychotropic medication for children who are in the custody of the Department of Children and Family Services, who are clients of the Agency for Persons with Disabilities, and who are otherwise on Medicaid.*

(1) *At a minimum, the plan must include:*

(a) *The identification of all agencies and entities, public and private, which are responsible for monitoring the care of children who are being prescribed psychotropic medication;*

(b) *The development of a plan for interagency cooperation in identifying and reporting prescribers; and*

(c) *An analysis of the prescribing practices of Medicaid providers for these populations of children.*

(2) *The Children and Youth Cabinet shall also include suggestions for any legislative changes necessary to implement the plan.*

And the title is amended as follows:

Delete line 81 and insert: may be appropriate candidates for removal; directing the Children and Youth Cabinet to submit a plan to the Legislature addressing the inappropriate and excessive prescribing of psychotropic medication for certain children; providing

Pursuant to Rule 4.19, **CS for CS for CS for SB 724** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Baker, by two-thirds vote **HB 1581** was withdrawn from the Committees on Higher Education; and Higher Education Appropriations.

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

HB 1581—A bill to be entitled An act relating to Florida Atlantic University; authorizing a doctor of medicine degree program at Florida Atlantic University; providing an effective date.

—a companion measure, was substituted for **SB 2460** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 1581** was placed on the calendar of Bills on Third Reading.

MOTIONS

On motion by Senator Fasano, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Thursday, April 22.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Fasano, the Committee on Ethics and Elections was granted permission to meet Thursday, April 22 from 12:00 p.m. until 1:30 p.m.; and the rules were waived and the Special Order Calendar Group was granted permission to meet 15 minutes after recess.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Bennett, by two-thirds vote **CS for SB 1594** was withdrawn from the Committee on Banking and Insurance; and **CS for SB 1742** was withdrawn from the Committee on Transportation.

On motion by Senator Thrasher, by two-thirds vote **CS for SB 1962** was withdrawn from the Committee on Children, Families, and Elder Affairs; and **SB 2318** was withdrawn from the Committee on Judiciary.

On motion by Senator Alexander, by two-thirds vote **SB 1106**, **SB 2236**, **SB 2544**, and **CS for SB 2560** were withdrawn from the Committee on Criminal and Civil Justice Appropriations; **CS for SB 942**, **CS for SB 1128**, **CS for CS for SB 1544**, **CS for SB 1724**, **SB 1976**, **CS for SB 2018**, and **CS for SB 2540** were withdrawn from the Committee on Finance and Tax; **CS for SB 1354** and **SB 1758** were withdrawn from the Committee on General Government Appropriations; and **CS for CS for SB 664**, **SB 838**, **CS for SB 1126**, **CS for SB 1172**, **SB 1228**, **CS for CS for SB 1856**, and **CS for CS for CS for SB 620** were withdrawn from the Policy and Steering Committee on Ways and Means.

On motion by Senator Fasano, by two-thirds vote **SM 96**, **SM 314**, **CS for CS for SB 690**, **CS for SB 1108**, **SM 1328**, **CS for SB 1340**, **SB 1576**, **SB 1664**, **CS for CS for SB 2070**, **CS for CS for SB 2072**, **CS for SB 2350**, **CS for SB 2364**, and **CS for SB 2408** were withdrawn from the Committee on Rules.

MOTIONS

On motion by Senator Fasano, 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 to be considered Thursday, April 22.

REPORTS OF COMMITTEES

The Policy and Steering Committee on Commerce and Industry submits the following bills to be placed on the Special Order Calendar for Wednesday, April 21, 2010: **CS for CS for SB 2044**, **CS for CS for SB 2232**, **CS for SB 2046**, **CS for SB 1660**, **CS for SB 1658**, **CS for CS for SB 2264**, **CS for SB 2230**, **SB 1364**, **SB 2084**, **CS for CS for SB 1736**, **CS for SB 1114**, **CS for CS for CS for SB 2014**, **CS for CS for CS for SB 2330**, **SB 2128**, **SB 304**, **CS for SB 1662**, **SB 2470**, **SB 488**, **CS for SB 768**, **SB 1082**, **CS for CS for SB 320**, **CS for CS for CS for SB 1048**, **SB 1150**, **CS for CS for SB 1152**, **CS for CS for CS for SB 846**.

Respectfully submitted,
Michael S. "Mike" Bennett,
Chair

The Policy and Steering Committee on Energy, Environment, and Land Use submits the following bills to be placed on the Special Order Calendar for Wednesday, April 21, 2010: **CS for CS for SB 282**, **SB 1956**, **CS for SB 2752**, **SB 2226**, **CS for CS for SB 982**, **SB 2646**.

Respectfully submitted,
Mike Haridopolos, Chair

The Policy and Steering Committee on Social Responsibility submits the following bills to be placed on the Special Order Calendar for Wednesday, April 21, 2010: **CS for CS for CS for SB 752**, **CS for SB 2530**, **CS for SB 2580**, **CS for SJR 72**, **SB 92**, **CS for SB 140**, **CS for CS for SB 334**, **CS for SB 336**, **CS for SB 370**, **CS for SB 580**, **CS for CS for CS for SB 694**, **CS for CS for CS for SB 724**, **CS for SB 860**, **CS for CS for SB 970**, **CS for SB 972**, **CS for CS for CS for SB 1298**, **SB 1456**, **CS for SB 1708**, **CS for SB 1730**, **CS for SB 1862**, **CS for CS for SB 1974**, **CS for CS for SB 292**.

Respectfully submitted,
Don Gaetz, Chair

The Policy and Steering Committee on Ways and Means submits the following bills to be placed on the Special Order Calendar for Wednes-

day, April 21, 2010: **CS for SB 200**, **CS for SB 1178**, **CS for SB 2792**, **CS for SB 2794**, **SB 2796**, **SB 2460**.

Respectfully submitted,
JD Alexander, Chair

The Committee on Environmental Preservation and Conservation recommends the following pass: **CS for SB 518**

The bill was referred to the Committee on General Government Appropriations under the original reference.

The Committee on Environmental Preservation and Conservation recommends the following pass: **SM 1168** with 1 amendment

The bill was referred to the Committee on Rules under the original reference.

The Policy and Steering Committee on Ways and Means recommends the following pass: **CS for CS for SB 202**; **SB 340**; **SB 2250**

The bills were placed on the Calendar.

The Committee on Education Pre-K - 12 recommends a committee substitute for the following: **SB 1342**

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

The Committee on Environmental Preservation and Conservation recommends a committee substitute for the following: **SB 1052**

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

The Committee on Judiciary recommends a committee substitute for the following: **SB 290**

The bill with committee substitute attached was referred to the Committee on Criminal and Civil Justice Appropriations under the original reference.

The Committee on Environmental Preservation and Conservation recommends committee substitutes for the following: **SB 1904**; **SB 2256**

The bills with committee substitute attached were referred to the Committee on Finance and Tax under the original reference.

The Committee on Communications, Energy, and Public Utilities recommends a committee substitute for the following: **SB 992**

The Committee on Health Regulation recommends a committee substitute for the following: **CS for CS for SB 382**

The bills with committee substitute attached contained in the foregoing reports were referred to the Committee on General Government Appropriations under the original reference.

The Committee on Ethics and Elections recommends a committee substitute for the following: **SB 1682**

The bill with committee substitute attached was referred to the Committee on Governmental Oversight and Accountability under the original reference.

The Committee on Education Pre-K - 12 recommends a committee substitute for the following: **SB 1580**

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

The Committee on Governmental Oversight and Accountability recommends a committee substitute for the following: SB 198

The Committee on Transportation and Economic Development Appropriations recommends a committee substitute for the following: CS for SB 2500

The bills with committee substitute attached contained in the foregoing reports were referred to the Policy and Steering Committee on Ways and Means under the original reference.

The Policy and Steering Committee on Ways and Means recommends committee substitutes for the following: CS for CS for SB 550; CS for SB 1786

The bills with committee substitute attached were referred to the Committee on Rules under the original reference.

The Committee on Community Affairs recommends committee substitutes for the following: SB 2448; CS for SB 2556

The Committee on General Government Appropriations recommends committee substitutes for the following: CS for SB 1330; CS for SB 1952; CS for CS for SB 2086; CS for SB 2176; CS for SB's 2210 and 1552

The Committee on Judiciary recommends a committee substitute for the following: CS for SB 1056

The Policy and Steering Committee on Ways and Means recommends committee substitutes for the following: CS for CS for SB 212; CS for CS for CS for SB 2000; CS for SB 2166; CS for CS for SB 2322; CS for SB 2434; CS for SB 2450; CS for SB 2746

The Committee on Transportation and Economic Development Appropriations recommends committee substitutes for the following: CS for SB 900; CS for SB 1604; CS for CS for SB 2400

The bills with committee substitute attached were placed on the Calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Governmental Oversight and Accountability; and Senator Baker—

CS for SB 198—A bill to be entitled An act relating to retirement; amending s. 121.0515, F.S.; authorizing certain employees to purchase the retirement credit for past service at a 3 percent Special Risk Class accrual value; providing requirements for calculating the first 2 percent of a member's average monthly compensation for purposes of purchasing past service credit; providing requirements for purchasing past service credit in excess of 2 percent but not to exceed 3 percent of the member's average monthly compensation; providing requirements for calculating the contribution amount; requiring the employer to pay the costs for performing the calculation; requiring the contribution for past service credit to be paid immediately upon notification by the Division of Retirement; providing that past service credit may be purchased by the member or by the employer on behalf of the member; providing a declaration of important state interest; providing an effective date.

By the Policy and Steering Committee on Ways and Means; the Committees on Banking and Insurance; and Criminal Justice; and Senator Oelrich—

CS for CS for CS for SB 212—A bill to be entitled An act relating to claims by law enforcement and correctional officers; amending s. 30.2905, F.S.; providing for interpretation of provisions relating to

workers' compensation benefits for certain services performed by off-duty deputy sheriffs; providing for recovery by sheriffs of increased workers' compensation expenses due to off-duty employment of deputy sheriffs; amending s. 112.18, F.S.; providing conditions under which a law enforcement officer, correctional officer, or correctional probation officer who suffers from a specified medical condition and has materially departed from the prescribed treatment for that condition shall lose a specified presumption for workers' compensation claims made on or after a specified date; defining the term "prescribed course of treatment"; providing for independent medical examinations in certain situations; providing that only claims made before leaving employment are eligible for a specified presumption; providing an effective date.

By the Committee on Judiciary; and Senators Fasano and Baker—

CS for SB 290—A bill to be entitled An act relating to offenses against unborn children; providing a short title; amending s. 782.071, F.S.; defining the term "unborn child" for purposes of vehicular homicide; revising terminology to refer to "unborn child" rather than "viable fetus"; providing legislative intent; amending s. 782.09, F.S.; revising terminology; providing that certain offenses relating to the killing of an unborn child by injury to the mother do not require specified knowledge or intent; amending ss. 316.193, 435.03, 435.04, and 921.0022, F.S.; conforming terminology; providing an effective date.

By the Committees on Health Regulation; Community Affairs; and Agriculture; and Senator Dean—

CS for CS for CS for SB 382—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 369.20, F.S.; requiring the Fish and Wildlife Conservation Commission to enter into an agreement with the Department of Environmental Protection relating to the uniform application of pesticides to the waters of the state; revising exemptions from water pollution permits; amending s. 373.1391, F.S.; requiring that the agricultural use of land present at the time of fee simple acquisition be given priority regarding the management of the land; amending s. 403.088, F.S.; requiring a permit for applying pesticide to the waters of the state; requiring the Department of Environmental Protection to enter into agreements with the Department of Agriculture and Consumer Services and the Fish and Wildlife Conservation Commission relating to the uniform application of pesticides to the waters of the state; providing a temporary deviation from the acute toxicity provisions provided by rule for pesticide application under certain circumstances; amending s. 403.9336, F.S.; revising a reference to the Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes; amending s. 487.163, F.S.; requiring the Department of Agriculture and Consumer Services to enter into an agreement with the Department of Environmental Protection relating to the uniform application of pesticides to the waters of the state; amending s. 493.6102, F.S.; specifying that provisions regulating security officers do not apply to certain law enforcement, correctional, and probation officers performing off-duty activities; amending s. 493.6105, F.S.; revising the application requirements and procedures for certain private investigative, private security, recovery agent, and firearm licenses; specifying application requirements for firearms instructor licenses; amending s. 493.6106, F.S.; revising citizenship requirements and documentation for certain private investigative, private security, and recovery agent licenses; prohibiting the licensure of applicants for a statewide firearm license or firearms instructor license who are prohibited from purchasing or possessing firearms; requiring that private investigative, security, and recovery agencies notify the Department of Agriculture and Consumer Services of changes to their branch office locations; amending s. 493.6107, F.S.; requiring the department to accept certain methods of payment for certain fees; amending s. 493.6108, F.S.; revising requirements for criminal history checks of license applicants whose fingerprints are not legible; requiring the investigation of the mental and emotional fitness of applicants for firearms instructor licenses; amending s. 493.6111, F.S.; requiring a security officer school or recovery agent school to obtain the department's approval for use of a fictitious name; specifying that a licensee may not conduct business under more than one fictitious name; amending s. 493.6113, F.S.; revising application renewal procedures and requirements; amending s.

493.6115, F.S.; conforming cross-references; amending s. 493.6118, F.S.; authorizing disciplinary action against statewide firearm licensees and firearms instructor licensees who are prohibited from purchasing or possessing firearms; amending s. 493.6121, F.S.; deleting provisions for the department's access to certain criminal history records provided to licensed gun dealers, manufacturers, and exporters; amending s. 493.6202, F.S.; requiring the department to accept certain methods of payment for certain fees; amending s. 493.6203, F.S.; prohibiting body-guard services from being credited toward certain license requirements; revising the training requirements for private investigator intern license applicants; requiring the automatic suspension of an intern's license under certain circumstances; providing an exception; amending s. 493.6302, F.S.; requiring the department to accept certain methods of payment for certain fees; amending s. 493.6303, F.S.; revising the training requirements for security officer license applicants; amending s. 493.6304, F.S.; revising application requirements and procedures for security officer school licenses; amending s. 493.6401, F.S.; revising terminology for recovery agent schools and training facilities; amending s. 493.6402, F.S.; revising terminology for recovery agent schools and training facilities; requiring the department to accept certain methods of payment for certain fees; amending s. 493.6406, F.S.; revising terminology; requiring recovery agent school and instructor licenses; providing license application requirements and procedures; amending s. 500.033, F.S.; revising the membership of the Florida Food Safety and Food Defense Advisory Council; amending ss. 501.605 and 501.607, F.S.; revising application requirements for commercial telephone seller and salesperson licenses; amending s. 501.913, F.S.; specifying the sample size required for antifreeze registration application; amending s. 525.01, F.S.; revising requirements for petroleum fuel affidavits; amending s. 525.09, F.S.; imposing an inspection fee on certain alternative fuels containing alcohol; amending s. 526.50, F.S.; defining terms applicable to regulation of the sale of brake fluid; amending s. 526.51, F.S.; revising application requirements for brake fluid permits; amending s. 526.52, F.S.; revising requirements for printed statements on brake fluid containers; amending s. 526.53, F.S.; revising requirements and procedures for brake fluid stop-sale orders; authorizing businesses to dispose of unregistered brake fluid under certain circumstances; amending s. 527.0201, F.S.; revising requirements for liquefied petroleum gas qualifying examinations; increasing continuing education requirements for certain liquefied petroleum gas qualifiers; amending s. 527.12, F.S.; providing for the issuance of certain stop orders; amending ss. 559.805 and 559.928, F.S.; deleting social security numbers as a listing requirement on registration affidavits for independent agents of sellers of business opportunities; amending s. 570.0725, F.S.; revising provisions for public information about food banks and similar food recovery programs; authorizing the department to adopt rules; amending ss. 570.53 and 570.54, F.S.; conforming cross-references; amending s. 570.55, F.S.; revising requirements for identifying sellers or handlers of tropical or subtropical fruit or vegetables; amending s. 570.902, F.S.; conforming terminology to the repeal by the act of provisions establishing the Florida Agricultural Museum; amending s. 570.903, F.S.; revising provisions for direct-support organizations for certain agricultural programs to conform to the repeal by the act of provisions establishing the Florida Agricultural Museum; deleting provisions for a direct-support organization for the Florida State Collection of Arthropods; amending s. 573.118, F.S.; requiring the department to maintain records of marketing orders; requiring an audit at the request of an advisory council; requiring that the advisory council receive a copy of the audit within a specified time; amending s. 581.011, F.S.; deleting terminology relating to the Florida State Collection of Arthropods; revising the term "nursery" for purposes of plant industry regulations; amending s. 581.211, F.S.; increasing the maximum fine for violations of plant industry regulations; amending s. 583.13, F.S.; deleting a prohibition on the sale of poultry without displaying the poultry grade; amending s. 585.61, F.S.; designating the animal disease diagnostic laboratory complex in Osceola County; amending s. 590.125, F.S.; revising terminology for open burning authorizations; specifying purposes of certified prescribed burning; requiring the authorization of the Division of Forestry for certified pile burning; providing pile burning requirements; limiting the liability of property owners or agents engaged in pile burning; providing for the certification of pile burners; providing penalties for violations by certified pile burners; requiring rules; authorizing the division to adopt rules regulating certified pile burning; revising notice requirements for wild-

fire hazard reduction treatments; providing for approval of local government open burning authorization programs; providing program requirements; authorizing the division to close local government programs under certain circumstances; providing penalties for violations of local government open burning requirements; amending s. 590.14, F.S.; authorizing fines for violations of any division rule; providing penalties for certain violations; providing legislative intent; amending s. 599.004, F.S.; revising standards that a winery must meet to qualify as a certified Florida Farm Winery; amending s. 604.15, F.S.; revising the term "agricultural products" to make tropical foliage exempt from regulation under provisions relating to dealers in agricultural products; defining the term "responsible position"; amending s. 604.19, F.S.; revising requirements for late fees on agricultural products dealer applications; amending s. 604.25, F.S.; revising conditions under which the department may deny, refuse to renew, suspend, or revoke agricultural products dealer licenses; deleting a provision prohibiting certain persons from holding a responsible position with a licensee; amending s. 616.242, F.S.; authorizing the issuance of stop-operation orders for amusement rides under certain circumstances; amending s. 624.4095, F.S.; prohibiting certain gross written premiums for federal multiple-peril crop insurance from being included in certain insurer calculations; amending s. 686.201, F.S.; exempting contracts to which a seller of travel is a party from provisions governing certain contracts involving commissions; amending s. 790.06, F.S.; authorizing a concealed firearm license applicant to submit fingerprints administered by the Division of Licensing; repealing ss. 570.071 and 570.901, F.S., relating to the Florida Agricultural Exposition and the Florida Agricultural Museum; creating s. 828.126, F.S.; providing a definition for the term "sexual activities" as it involves animals; prohibiting persons from engaging in sexual activities with animals; providing penalties; providing that such prohibition does not apply to normal and ordinary animal husbandry practices, conformation judging practices, or accepted veterinary medical practices; requiring that the department and representatives of the state pest control industry prepare a report for the President of the Senate, the Speaker of the House of Representatives, and the chairpersons of specified legislative committees by a certain date; requiring that the report include recommendations for changes in the law to provide for disciplinary action against licensees of the pest control industry under certain circumstances; providing that the report may also address additional issues of concern to members of the industry; providing an effective date.

By the Policy and Steering Committee on Ways and Means; the Committees on Governmental Oversight and Accountability; and Environmental Preservation and Conservation; and Senator Constantine—

CS for CS for CS for SB 550—A bill to be entitled An act relating to environmental protection; creating part VII of ch. 373, F.S., relating to water supply policy, planning, production, and funding; providing a declaration of policy; providing for the general powers and duties of water management district governing boards; requiring the Department of Environmental Protection to develop the Florida water supply plan; providing components of the plan; requiring water management district governing boards to develop water supply plans for their respective regions; providing components of district water supply plans; providing legislative findings and intent with respect to water resource development and water supply development; requiring water management districts to fund and implement water resource development; specifying water supply development projects that are eligible to receive priority consideration for state or water management district funding assistance; encouraging cooperation in the development of water supplies; providing for alternative water supply development; encouraging municipalities, counties, and special districts to create regional water supply authorities; establishing the primary roles of the water management districts in alternative water supply development; establishing the primary roles of local governments, regional water supply authorities, special districts, and publicly owned and privately owned water utilities in alternative water supply development; requiring the water management districts to detail the specific allocations to be used for alternative water supply development in their annual budget submission; requiring that the water management districts include the amount needed to implement the water supply development projects in each annual budget; establishing general funding criteria for funding assistance to the state or

water management districts; establishing economic incentives for alternative water supply development; providing a funding formula for the distribution of state funds to the water management districts for alternative water supply development; requiring that funding assistance for alternative water supply development be limited to a percentage of the total capital costs of an approved project; establishing a selection process and criteria; providing for cost recovery from the Public Service Commission; requiring a water management district governing board to conduct water supply planning for each region identified in the district water supply plan; providing procedures and requirements with respect to regional water supply plans; providing for joint development of a specified water supply development component of a regional water supply plan within the boundaries of the Southwest Florida Water Management District; providing that approval of a regional water supply plan is not subject to the rulemaking requirements of the Administrative Procedure Act; requiring the department to submit annual reports on the status of regional water supply planning in each district; providing for construction with respect to the water supply development component of a regional water supply plan; requiring water management districts to present to certain entities the relevant portions of a regional water supply plan; requiring certain entities to provide written notification to water management districts as to the implementation of water supply project options; requiring water management districts to notify local governments of the need for alternative water supply projects; requiring water management districts to assist local governments in the development and future revision of local government comprehensive plan elements or public facilities reports related to water resource issues; providing for the creation of regional water supply authorities; providing purpose of such authorities; specifying considerations with respect to the creation of a proposed authority; specifying authority of a regional water supply authority; providing authority of specified entities to convey title, dedicate land, or grant land-use rights to a regional water supply authority for specified purposes; providing preferential rights of counties and municipalities to purchase water from regional water supply authorities; providing an exemption for specified water supply authorities from consideration of certain factors and submissions; providing applicability of such exemptions; authorizing the West Coast Regional Water Supply Authority and its member governments to reconstitute the authority's governance and rename the authority under a voluntary interlocal agreement; providing compliance requirements with respect to the interlocal agreement; providing for supersession of conflicting general or special laws; providing requirements with respect to annual budgets; specifying the annual millage for the authority; authorizing the authority to request the governing board of the district to levy ad valorem taxes within the boundaries of the authority to finance authority functions; providing requirements and procedures with respect to the collection of such taxes; amending ss. 120.52, 163.3167, 163.3177, 163.3191, 189.404, 189.4155, 189.4156, and 367.021, F.S.; conforming cross-references and removing obsolete provisions; amending ss. 373.036, 373.0363, 373.0421, 373.0695, 373.223, 373.2234, 373.229, 373.236, 373.536, 373.59, 378.212, 378.404, 403.0891, 403.890, 403.891, and 682.02, F.S.; conforming cross-references and removing obsolete provisions; renumbering s. 373.71, F.S.; relating to the Apalachicola-Chattahoochee-Flint River Basin Compact, to clarify retention of the section in part VI of ch. 373, F.S.; repealing s. 373.0361, F.S., relating to regional water supply planning; repealing s. 373.0391, F.S., relating to technical assistance to local governments; repealing s. 373.0831, F.S., relating to water resource and water supply development; repealing s. 373.196, F.S., relating to alternative water supply development; repealing s. 373.1961, F.S., relating to water production and related powers and duties of water management districts; repealing s. 373.1962, F.S., relating to regional water supply authorities; repealing s. 373.1963, F.S., relating to assistance to the West Coast Regional Water Supply Authority; amending s. 373.1961, F.S.; adding a high-water recharge criterion to the ranking criteria for water projects; amending s. 373.019, F.S.; redefining the term "alternative water supply" to include conservation projects; amending s. 373.414, F.S.; adding limestone extraction operations to activities in surface waters and wetlands that require mitigation; amending s. 378.901, F.S.; allowing life-of-the-mine permits for limestone extraction operations; providing authority for local governments to impose different permit restrictions; creating s. 373.4131, F.S.; providing legislative findings; providing definitions; directing the Department of Environmental Protection, along with the water man-

agement districts, to create a statewide uniform stormwater management rule; providing requirements for rule creation; exempting agriculture from the rule; amending s. 373.41492, F.S.; updating mitigation fees for the Miami-Dade Lake Belt Mitigation Plan; amending s. 403.031, F.S.; modifying the definition of "pollution" to include excess nutrients; providing definitions for "first magnitude spring" and "second magnitude spring"; amending s. 403.061, F.S.; directing the Department of Environmental Protection to limit nutrients in water bodies; creating s. 403.0675, F.S.; directing the Department of Environmental Protection to establish and implement numeric nutrient criteria that comply with the United States Environmental Protection Agency's requirements; providing legislative findings; providing requirements for development of the numeric nutrient criteria; amending s. 215.619, F.S.; authorizing the issuance of bonds to be used to finance the management of sewage facilities in the Florida Keys Area of Critical State Concern; amending s. 380.0552, F.S.; revising legislative intent relating to the designation of the Florida Keys as an area of critical state concern; revising the procedures for removing the designation; providing for administrative review of such removal rather than judicial review; authorizing the Administration Commission to adopt rules or revise existing rules; revising the principles guiding development; revising compliance requirements for reviewing comprehensive plan amendments; amending s. 381.0065, F.S.; providing additional legislative intent; providing additional requirements for onsite sewage treatment and disposal systems in Monroe County; directing the Department of Health to create and administer a statewide septic tank evaluation program; providing procedures and criteria for the evaluation program; prohibiting the land application of septage after January 1, 2016; creating s. 381.00656, F.S.; providing for a low-income grant program for septic tank maintenance and replacement; amending s. 381.0066, F.S.; authorizing the Department of Health to collect an evaluation report fee; requiring such fees to be revenue neutral; amending s. 403.086, F.S.; requiring the Department of Environmental Protection to submit a report on the effects of reclaimed water use; clarifying reuse requirements for domestic wastewater facilities that discharge through ocean outfalls; clarifying reuse requirements for domestic wastewater facilities that divert wastewater from facilities discharging through ocean outfalls; providing legislative findings and discharge requirements for wastewater facilities in Monroe County; repealing sections 4, 5, and 6 of chapter 99-395, Laws of Florida, as amended, relating to sewage treatment in the Florida Keys; amending s. 403.1835, F.S.; conforming terms to changes made to the Florida Water Pollution Control Financing Corporation; amending s. 403.1837, F.S.; expanding the purview of the corporation to include loans made from the drinking water state revolving loan fund; providing conforming changes; amending s. 403.8532, F.S.; providing definitions for the terms "bonds" and "corporation"; providing conforming changes; authorizing the Department of Environmental Protection to adopt certain rules; amending s. 403.8533, F.S.; revising the purposes for the Drinking Water Revolving Loan Trust Fund; providing that the trust fund is exempt from the termination provisions of the State Constitution; amending s. 369.317, F.S.; clarifying mitigation offsets in the Wekiva Study Area; creating s. 373.631, F.S.; providing legislative intent to utilize State University System academic bodies to provide regular science-based policy recommendations to the Legislature; directing that the University of Florida Water Institute be the lead academic body; amending s. 553.77, F.S.; directing the Florida Building Commission to recommend products that result in water conservation; amending s. 215.47, F.S.; authorizing the State Board of Administration to make investments in alternative water supply and water resource development projects; amending s. 373.129, F.S.; requiring the water management districts to submit to alternative dispute resolution in conflicts with other governmental entities; amending s. 403.707, F.S.; requiring liners for new landfills and expansions of existing landfills not yet permitted that will accept construction and demolition debris; amending s. 298.66, F.S.; clarifying penalties for people who damage drainage works constructed or maintained by a water management district; amending s. 212.055, F.S.; allowing counties designated as an area of critical state concern to levy a one-cent sales surtax for stormwater and wastewater management; requiring approval of the surtax by voter referendum; providing legislative intent that there are no substantive changes in the reorganization ch. 373, F.S.; providing legislative intent that substantive changes affecting repealed sections of law relating to the reorganization

of ch. 373, F.S., shall be given full force and effect; providing an effective date.

By the Committees on Transportation and Economic Development Appropriations; and Ethics and Elections; and Senator Thrasher—

CS for CS for SB 900—A bill to be entitled An act relating to voting; amending s. 97.021, F.S.; defining the term “absent uniformed services voter”; revising the definition of the term “overseas voter”; amending s. 98.0981, F.S., relating to statewide voter information; conforming a cross-reference; amending s. 101.56075, F.S.; extending the deadline by which persons with disabilities will be required to vote on voter interface devices that meet certain requirements; amending s. 101.62, F.S.; requiring the supervisor of elections to notify the absent uniformed services voter and overseas voter of the free access system for determining absentee ballot status; providing a timeframe for an absentee ballot to be sent to each absent uniformed services voter and overseas voter; providing acceptable formats for requesting an absentee ballot; modifying circumstances under which the Department of State is authorized to prescribe rules for a ballot to be sent to absent uniformed services voters and overseas voters; amending s. 101.694, F.S.; conforming timeframes for sending an absentee ballot upon receipt of a federal postcard application to those prescribed in s. 101.62, F.S.; deleting the requirement for a federal postcard application request to be effective through two regularly scheduled general elections pursuant to changes in federal law; amending s. 101.6952, F.S.; revising responsibilities of the supervisor of elections when an absent uniformed services voter’s or overseas voter’s request for an absentee ballot includes an e-mail address; requiring the supervisor to record the e-mail address in the absentee ballot record and, via e-mail, confirm that the request was received, inform the voter of the estimated date the absentee ballot will be sent, and notify the voter when the voted absentee ballot is received; amending s. 379.352, F.S., relating to recreational licenses and permits; conforming cross-references; providing effective dates.

By the Committee on Communications, Energy, and Public Utilities; and Senator Diaz de la Portilla—

CS for SB 992—A bill to be entitled An act relating to renewable energy; amending s. 288.9602, F.S.; deleting references to cities and counties for purposes of legislative findings; amending s. 288.9603, F.S.; revising definitions; amending s. 288.9604, F.S.; deleting obsolete provisions relating to the creation of the Florida Development Finance Corporation; amending s. 288.9605, F.S.; authorizing the corporation to issue notes or other evidence of indebtedness for the purpose of financing any capital projects that promote economic development within the state; authorizing the corporation to acquire real property and any improvements to that real property; authorizing the corporation to accept money from the state, county, or any other public agency; amending s. 288.9606, F.S.; making conforming changes and deleting obsolete provisions; authorizing the corporation to approve a guaranty of debt service payments for bonds or other indebtedness used to finance any capital project that promotes economic development within the state; providing limitations on such guaranties; authorizing the corporation to use the guaranty program in conjunction with any federal guaranty programs described in s. 406 of the American Recovery and Reinvestment Act of 2009; making conforming changes and deleting obsolete provisions; amending ss. 288.9607 and 288.9608, F.S.; renaming the Revenue Bond Guaranty Reserve Account as the “Energy, Technology, and Economic Development Guaranty Fund”; providing duties of the Florida Development Finance Corporation with respect to the guaranty of debt service payments for bonds or other indebtedness used to finance capital projects; limiting the percentage of the total aggregate principal amount which may be guaranteed by the fund; deleting obsolete provisions; providing for the deposit of general revenue into the fund; amending ss. 288.9609 and 288.9610, F.S., relating to requirements for bond investments and reports by the corporation; making conforming changes; amending s. 366.02, F.S.; revising the definition of the term “public utility” to exclude a developer of certain solar energy generation facilities; amending s. 366.91, F.S.; providing legislative intent and findings; revising definitions; deleting a requirement that each public utility continuously offer a purchase contract to all producers of renewable energy; requiring that each public utility purchase renewable energy from producers that meet specified criteria; establishing by statute

the amount that is to be paid to such renewable energy producers as avoided cost; amending s. 366.92, F.S.; deleting provisions requiring that the Public Service Commission adopt rules for a renewable portfolio standard; requiring that the commission provide for full cost recovery for certain renewable energy projects; requiring the commission to approve certain renewable energy projects; providing exemptions from determination-of-need requirements; providing that certain legislative determinations constitute a public need and necessity and fulfill certain determination-of-need requirements; requiring that the commission adopt rules; creating s. 366.921, F.S.; providing legislative findings; requiring that a petition filed by a provider for approval of a facility producing a Florida renewable energy resource comply with certain criteria; specifying the criteria to be considered by the commission in approving a petition for such facility; requiring that the commission’s final order approving a facility include authorization for annual cost recovery; amending s. 403.503, F.S.; redefining the term “electrical power plant” for purposes of the Florida Electrical Power Plant Siting Act to exclude solar electrical or hydroelectric generating facilities; providing that any competitively procured purchased power agreement for solar power which is voluntarily executed by an investor-owned utility by a specified date is presumed prudently incurred and the costs exceeding the utility’s full avoided costs for the purchased power shall be recoverable as an environmental compliance cost if certain conditions are met; requiring that the commission immediately consider and approve such agreements; providing an effective date.

By the Committee on Environmental Preservation and Conservation; and Senator Gaetz—

CS for SB 1052—A bill to be entitled An act relating to solid waste disposal; amending s. 403.708, F.S.; authorizing the disposal of yard trash at a Class I landfill if the landfill has a system for collecting landfill gas and arranging for the reuse of the gas and has obtained a minor permit modification; providing an effective date.

By the Committees on Judiciary; and Community Affairs; and Senator Baker—

CS for CS for SB 1056—A bill to be entitled An act relating to the Local Government Prompt Payment Act; amending s. 218.72, F.S.; revising definitions; amending s. 218.735, F.S.; revising provisions relating to the timely payment for purchases of construction services; providing that a payment request or invoice that is not rejected within a certain time after an overdue notice is sent is deemed accepted; requiring a local governmental entity to identify in a construction contract the agent or employee or facility or office to which a contractor may submit its payment request or invoice; requiring that an ordinance providing dispute resolution procedures applicable to a construction contract be referenced in the contract; requiring construction contracts to specify a date for the delivery of a list of items required to render complete, satisfactory, and acceptable the construction services purchased by a local governmental entity; providing for the extension of the contract if the list of items remaining to complete is not timely provided to the contractor; specifying the time for paying any remaining undisputed contract amount; amending s. 218.76, F.S.; revising provisions relating to the resolution of disputes concerning an improper payment request or invoice; providing that a local governmental entity waives its objection in a payment dispute if it fails to commence the dispute resolution procedure within a certain time and after receiving notice from the contractor; providing an effective date.

By the Committees on General Government Appropriations; and Regulated Industries; and Senators Fasano and Altman—

CS for CS for SB 1330—A bill to be entitled An act relating to the Department of Business and Professional Regulation; amending s. 20.165, F.S.; assigning certain programs to regulation by the department’s Division of Professions; amending ss. 215.37 and 455.017, F.S.; specifying that the department is responsible for the regulation of certain professions; amending s. 322.142, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to issue reproductions of driver’s licenses to the Department Business and Professional Regulation pursuant to an interagency agreement for a specified purpose; amending s. 455.02, F.S.; authorizing the temporary professional licensure of the spouses of active duty members of the United States Armed Forces

under certain circumstances; providing application requirements; requiring criminal history checks and fees; creating s. 455.2122, F.S.; authorizing distance learning courses to satisfy certain licensing education requirements for community association managers and real estate brokers and sales associates; prohibiting requirements for centralized examinations to complete such education requirements; amending s. 455.2123, F.S.; authorizing distance learning courses to satisfy certain continuing education requirements for community association managers, home inspectors, mold assessors and remediators, and real estate brokers, sales associates, and appraisers; prohibiting requirements for centralized examinations to complete such education requirements; amending s. 455.213, F.S.; requiring a licensee to surrender his or her license under certain circumstances; amending s. 455.217, F.S.; revising the departmental unit responsible for administration of certain examinations; limiting an applicant's review of failed examination questions; amending s. 455.2175, F.S.; prohibiting an examinee whose examination materials are confiscated from taking another examination under certain circumstances; repealing s. 455.2226, F.S., relating to continuing education courses on HIV and AIDS required for licensees and certificateholders under the Florida Funeral, Cemetery, and Consumer Services Act; amending s. 455.227, F.S.; revising grounds for the discipline of professional licensees; providing penalties; amending s. 455.228, F.S.; revising terminology for cease and desist notices; amending s. 455.275, F.S.; providing for the service of administrative complaints on certain licensees and publication of certain notices; amending s. 468.83, F.S.; creating the home inspection services licensing program within the department; amending s. 468.8311, F.S.; revising the definition of the term "home inspection services" for purposes of provisions regulating home inspectors; amending s. 468.8312, F.S.; deleting limits on fees for certificates of authorization to conform to changes made by the act; amending s. 468.8313, F.S.; requiring home inspector license applicants to satisfy certain examination requirements before application for licensure; requiring criminal history checks and fees; amending s. 468.8318, F.S.; deleting requirements for certificates of authorization for corporations or partnerships offering home inspection services; amending s. 468.8319, F.S.; prohibiting certain acts relating to home inspection services; delaying implementation of certain prohibited acts; providing penalties; exempting from punishment certain unlicensed activity occurring before a specified date; amending s. 468.832, F.S.; providing an additional ground for discipline of licensed home inspectors; amending s. 468.8324, F.S.; extending the time for licensure of home inspectors under certain grandfather provisions; revising the licensing criteria for such provisions; authorizing the department to investigate the validity of home inspection reports submitted for licensure under the grandfather provisions; providing penalties for the submission of false reports; creating s. 468.8325, F.S.; requiring the department to adopt rules; amending s. 468.84, F.S.; creating the mold-related services licensing program within the department; amending s. 468.8412, F.S.; deleting limits on fees for certificates of authorization to conform to changes made by the act; amending s. 468.8413, F.S.; requiring mold assessor and mold remediator license applicants to satisfy certain examination requirements before application for licensure; revising the educational requirements for licensure as a mold assessor or mold remediator; requiring criminal history checks and fees; amending s. 468.8414, F.S.; specifying that certain insurance coverage is required for licensure by endorsement; amending s. 468.8418, F.S.; deleting requirements for certificates of authorization for corporations or partnerships offering mold-related services; amending s. 468.8419, F.S.; prohibiting certain acts relating to mold assessment and remediation; delaying implementation of certain prohibited acts; providing penalties; exempting from punishment certain unlicensed activity occurring before a specified date; amending s. 468.842, F.S.; providing an additional ground for the discipline of licensed mold assessors and mold remediators; amending s. 468.8421, F.S.; revising insurance coverage requirements for mold assessors; amending s. 468.8423, F.S.; extending the time for licensure of mold assessors and mold remediators under certain grandfather provisions; revising the licensing criteria for such provisions; authorizing the department to investigate the validity of mold assessments and remediation invoices submitted for licensure under the grandfather provisions; providing penalties for the submission of false assessments or invoices; creating s. 468.8424, F.S.; requiring the department to adopt rules; amending s. 474.203, F.S.; revising certain exemptions from regulation of veterinary medical practice; amending s. 475.02, F.S.; authorizing certain members of the Florida Real Estate Commission to offer, conduct, and teach courses prescribed or approved by the commission or the department; amending s. 475.175, F.S.; revising the application and fingerprint requirements for real estate bro-

kers and sales associate licenses; deleting a requirement that license applicants provide fingerprints in an electronic format; amending s. 475.613, F.S.; revising qualifications of members of the Florida Real Estate Appraisal Board; authorizing certain board members to offer, conduct, and teach courses prescribed or approved by the board or the department; amending s. 477.019, F.S.; deleting time limits for cosmetology license applicants to take the licensure examination; conforming a cross-reference; amending s. 509.211, F.S.; assigning responsibility for the regulation of carbon monoxide hazards in certain public lodging establishments to the Division of State Fire Marshal of the Department of Financial Services; creating s. 548.076, F.S.; authorizing the Department of Business and Professional Regulation to issue and enforce notices to cease and desist from violations of provisions regulating pugilistic exhibitions; providing penalties; amending s. 561.17, F.S.; revising application requirements for alcoholic beverage licenses; reenacting ss. 468.436(2)(a), 468.832(1)(a), 468.842(1)(a), 471.033(1)(a), 473.323(1)(a), 475.25(1)(a), 475.624(1), 476.204(1)(h), 477.029(1)(h), 481.225(1)(a), and 481.325(1)(a), F.S., relating to disciplinary proceedings for community association managers, home inspectors, mold assessors, mold remediators, engineers, certified public accountants, real estate brokers and sales associates, real estate appraisers, barbers, cosmetologists, architects, and landscape architects, to incorporate the amendment made to s. 455.227, F.S., in references thereto; reenacting s. 468.8314(2), F.S., relating to the licensure of home inspectors, to incorporate the amendment made to s. 468.832, F.S., in a reference thereto; providing an effective date.

By the Committee on Education Pre-K - 12; and Senator Smith—

CS for SB 1342—A bill to be entitled An act relating to career and education planning; amending s. 1003.4156, F.S.; revising the general requirements for middle grades promotion to require that a course in career and education planning explore the National Career Clusters; providing an effective date.

By the Committee on Education Pre-K - 12; and Senator Wise—

CS for SB 1580—A bill to be entitled An act relating to public education; creating s. 1003.4505, F.S.; prohibiting district school boards, administrative personnel, and instructional personnel from taking affirmative action that infringes or waives the rights or freedoms afforded by the First Amendment to the United States Constitution in the absence of express written consent; providing an effective date.

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

CS for CS for SB 1604—A bill to be entitled An act relating to penalties for violation of traffic laws; amending s. 318.14, F.S.; providing for a person charged with a noncriminal traffic infraction to make periodic payments when paying civil penalties and fees; providing for certain persons cited for specified offenses to submit proof of compliance to a designated official; providing alternative citation disposition procedures for the offense of operating a motor vehicle with a license that has been suspended for failure to pay certain financial obligations; amending s. 318.15, F.S.; providing for suspension of a driver's license for failure to enter into or comply with the terms of a penalty payment plan; providing for reinstatement of the suspended license; amending s. 322.0261, F.S.; requiring the Department of Highway Safety and Motor Vehicles to identify persons who have committed violations of specific statutes and requiring such persons to complete a driver improvement course; requiring the department to send a notice to such persons; amending s. 322.331, F.S.; providing for the removal of the designation as a habitual traffic offender upon proof of compliance with certain statutory provisions; amending s. 322.34, F.S.; authorizing certain persons cited for specified offenses to enter a plea of nolo contendere and submit proof of compliance to the clerk of the court, a designated official, or an authorized operator of a traffic violations bureau; providing an effective date.

By the Committee on Ethics and Elections; and Senator Dean—

CS for SB 1682—A bill to be entitled An act relating to elections; amending s. 97.021, F.S.; defining the term "absent uniformed services voter"; revising the definition of the term "overseas voter"; amending s.

98.0981, F.S., relating to statewide voter information; conforming a cross-reference; amending s. 101.62, F.S.; requiring the supervisor of elections to notify the absent uniformed services voter and overseas voter of the free access system for determining absentee ballot status; providing a timeframe for an absentee ballot to be sent to each absent uniformed services voter and overseas voter; providing acceptable formats for requesting an absentee ballot; modifying circumstances under which the Department of State is authorized to prescribe rules for a ballot to be sent to absent uniformed services voters and overseas voters; amending s. 101.694, F.S.; conforming timeframes for sending an absentee ballot upon receipt of a federal postcard application to those prescribed in s. 101.62, F.S.; deleting the requirement for a federal postcard application request to be effective through two regularly scheduled general elections pursuant to changes in federal law; amending s. 101.6952, F.S.; revising responsibilities of the supervisor of elections when an absent uniformed services voter's or overseas voter's request for an absentee ballot includes an e-mail address; requiring the supervisor to record the e-mail address in the absentee ballot record and, via e-mail, confirm that the request was received, inform the voter of the estimated date the absentee ballot will be sent, and notify the voter when the voted absentee ballot is received; amending s. 379.352, F.S., relating to recreational licenses and permits; conforming cross-references; providing effective dates.

By the Policy and Steering Committee on Ways and Means; the Committee on Higher Education; and Senators Oelrich and Lynn—

CS for CS for SB 1786—A bill to be entitled An act relating to postsecondary education; amending s. 110.181, F.S.; conforming a cross-reference to changes made by the act; amending ss. 112.19 and 112.191, F.S.; requiring the Board of Governors of the State University System to adopt regulations rather than rules to implement certain educational benefits; amending s. 120.81, F.S.; providing that state universities are not required to file certain documents with the Administrative Procedures Committee; amending s. 282.0041, F.S.; revising definitions relating to information technology services to conform to changes made by the act; amending s. 282.703, F.S.; revising provisions relating to the participation of state universities in the SUNCOM Network; amending s. 282.706, F.S.; revising provisions relating to the use of the SUNCOM Network by state university libraries; amending s. 287.064, F.S.; conforming a cross-reference to changes made by the act; amending s. 1000.05, F.S.; requiring the Board of Governors to adopt regulations rather than rules relating to discrimination; amending s. 1001.705, F.S.; revising provisions relating to responsibility for the State University System under the State Constitution; deleting legislative findings and intent; providing the constitutional duties of the Board of Governors; providing the constitutional duties of the Legislature; deleting a duty relating to the participation of state universities in the SUNCOM Network; amending s. 1001.706, F.S.; revising powers and duties of the Board of Governors; providing that the Board of Governors has the authority to regulate the State University System and may adopt a regulation development procedure for the board and university boards of trustees to use in implementing their constitutional duties and responsibilities; authorizing the Board of Governors or its designee to adopt regulations; providing requirements for the regulation development procedure; providing requirements for judicial review of certain challenges; revising the Board of Governors' powers and duties relating to accountability and personnel; providing legislative intent that the Board of Governors align the missions of universities with certain factors; providing requirements for a mission alignment and strategic plan; affording opportunities to certain universities; amending s. 1001.72, F.S.; providing that the board of trustees is the university's contracting agent; creating s. 1004.015, F.S.; creating the Higher Education Coordinating Council; providing for membership; providing guiding principles for council recommendations to the Legislature, State Board of Education, and Board of Governors; amending s. 1004.03, F.S.; revising provisions relating to review and approval of new programs at state universities by the Board of Governors; requiring an annual report of the review of proposed new programs; eliminating the requirement that certain programs be approved by the Legislature; amending s. 1004.07, F.S.; requiring the Board of Governors to adopt regulations rather than rules relating to student withdrawal from courses due to military service; amending s. 1006.54, F.S.; requiring university boards of trustees to adopt regulations rather than rules relating to documents distributed to libraries; amending s. 1006.60, F.S.; revising provisions relating to state university codes of conduct to authorize the adoption of regulations ra-

ther than rules; amending s. 1006.65, F.S.; requiring the Board of Governors to adopt regulations rather than rules relating to safety issues in courses offered by state universities; amending ss. 1007.264 and 1007.265, F.S.; requiring the Board of Governors to adopt regulations rather than rules relating to admission and graduation requirements for students with disabilities; amending s. 1009.24, F.S.; reorganizing certain provisions of law relating to state university student fees; authorizing the Board of Governors to approve flexible tuition policies requested by a university board of trustees; providing that certain fees be based on reasonable costs of services and used for certain purposes; authorizing the Board of Governors to approve a proposal from a university board of trustees to establish a new student fee, increase the cap for an existing fee, or implement flexible tuition policies; providing guidelines for review of proposals; requiring an annual report; prohibiting certain fees from exceeding a specified amount, being included in certain scholarship awards, and being used for certain purposes; requiring a fee committee to make recommendations relating to a new fee; providing restrictions on fee increases; requiring the Board of Governors to adopt regulations; amending s. 1009.26, F.S.; requiring the Board of Governors to adopt regulations rather than rules relating to fee waivers; amending s. 1010.04, F.S.; providing that the Board of Governors shall adopt regulations rather than rules for purchases and leases; amending s. 1010.62, F.S.; defining the term "auxiliary enterprise" for purposes of revenue bonds and debt; amending s. 1011.43, F.S.; requiring university boards of trustees to adopt regulations rather than rules for administration of certain scholarships and loans; amending s. 1011.90, F.S.; revising provisions relating to management information maintained by the Board of Governors; amending s. 1013.02, F.S.; requiring the Board of Governors to adopt regulations rather than rules to implement provisions of law relating to educational facilities; amending s. 1013.10, F.S.; providing for university board of trustee regulations for the use of educational buildings and grounds; amending ss. 1013.12 and 1013.28, F.S.; requiring the Board of Governors to adopt regulations rather than rules relating to firesafety inspections and disposal of real property; amending s. 1013.30, F.S.; requiring the Board of Governors to adopt regulations rather than rules relating to university campus master plans; amending s. 1013.31, F.S.; requiring the Board of Governors to adopt regulations rather than rules for determining facility space needs; amending s. 1013.47, F.S.; requiring the Board of Governors to adopt regulations rather than rules relating to building standards; amending s. 1013.74, F.S.; authorizing the Board of Governors to adopt regulations rather than rules relating to authorization for fixed capital outlay projects; repealing s. 1001.74, F.S., relating to powers and duties of university boards of trustees; repealing s. 1004.21, F.S., relating to general provisions for state universities; repealing s. 1004.22(13), F.S., relating to rulemaking by a university board of trustees with respect to divisions of sponsored research; repealing s. 1004.38, F.S., relating to the master of science program in speech-language pathology at Florida International University; repealing s. 1004.381, F.S., relating to the bachelor of science nursing degree program at the University of West Florida; repealing s. 1004.3811, F.S., relating to the master of science degree programs in nursing and social work at the University of West Florida; repealing s. 1004.382, F.S., relating to the master's in social work program at Florida Atlantic University; repealing s. 1004.383, F.S., relating to a chiropractic medicine degree program at Florida State University; repealing s. 1004.386, F.S., relating to a bachelor of science degree program in long-term care administration at Florida Gulf Coast University; repealing s. 1004.64, F.S., relating to the School of Engineering at Florida Gulf Coast University and specified bachelor's degrees; providing legislative intent for the repeal of certain sections; requiring each state university to identify and submit to the Board of Governors a list of certain rules that have been superseded by regulations; providing for submission of such rules and certain rules of the Board of Governors to the Department of State; authorizing the Department of State to remove rules from the Florida Administrative Code; providing an effective date.

By the Committee on Environmental Preservation and Conservation; and Senator Lawson—

CS for SB 1904—A bill to be entitled An act relating to saltwater products licenses; amending s. 379.361, F.S.; providing that specified residents are exempt from the annual fee for a saltwater products license; providing an effective date.

By the Committees on General Government Appropriations; and Environmental Preservation and Conservation; and Senator Detert—

CS for CS for SB 1952—A bill to be entitled An act relating to water management districts; amending s. 373.1961, F.S.; authorizing water management districts to use certain moneys in the Water Protection and Sustainability Program Trust Fund for water resource development projects; amending s. 373.0693, F.S.; revising provisions relating to the membership of basin boards; specifying the terms of service for basin board members designated by district governing board chairs; providing that basin board members designated by district governing board chairs are voting members and counted for quorum purposes; providing for designated district governing board members to serve as basin board chairs and co-chairs; providing an effective date.

By the Policy and Steering Committee on Ways and Means; the Committees on Transportation and Economic Development Appropriations; Environmental Preservation and Conservation; and Commerce; and Senator Ring—

CS for CS for CS for CS for SB 2000—A bill to be entitled An act relating to seaports; creating s. 373.4133, F.S.; providing legislative findings; providing for port conceptual permits; providing which ports may apply for a port conceptual permit; authorizing a private entity that has adjacent property to apply for a permit; specifying the length of time for which permit may be issued; providing that a permit is a conceptual certification of compliance with state water quality standards and a conceptual determination of consistency with the state coastal zone management program; providing for permit applications and application requirements; requiring the Department of Environmental Protection to effect a certain balance between the benefits of the facility and the environment; providing that a permit provides certain assurances with respect to construction permits if certain requirements are met; providing for advance mitigation; providing that approval of certain submerged lands authorization by the Board of Trustees of the Internal Improvement Trust Fund constitutes the delegation of authority to the department for final agency action; providing an exception; providing procedures for the approval or denial of an application; providing for administrative challenges; authorizing the department and the board to issue certain permits and authorizations before certain actions are taken under the Endangered Species Act; authorizing certain alternative stormwater treatment and design criteria; providing requirements for proposing such criteria; authorizing the department and the board to adopt rules; providing for implementation; amending s. 311.07, F.S.; revising matching-fund requirements for projects to rehabilitate wharves, docks, berths, bulkheads, or similar structures; amending s. 311.09, F.S.; requiring the Department of Transportation to include certain projects' funding allocations in its legislative budget request and to submit specified work program amendments within a certain time-frame; providing for the transfer of unexpended budget between seaport projects; amending s. 403.061, F.S.; removing the requirement to enter into a memorandum of agreement with the Florida Ports Council from the authority granted to the Department of Environmental Protection to provide supplemental permitting processes for the issuance of certain permits; amending s. 403.813, F.S.; revising requirements relating to maintenance dredging at seaports; expanding the parameters for mixing zones and return-water discharges; prohibiting mixing zones from entering wetland communities; increasing the time allowance for maintenance dredging following a storm event; amending ss. 161.055 and 253.002, F.S.; conforming provisions to changes made by the act; authorizing seaports to enter into public-private agreements for port-related public infrastructure projects; providing effective dates.

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

CS for CS for CS for SB 2086—A bill to be entitled An act relating to consumer debt collection; creating s. 559.5556, F.S.; requiring a consumer debt collection agency to maintain records; amending s. 559.565, F.S.; increasing the administrative fine imposed against an out-of-state consumer debt collector that fails to register as required; revising provisions relating to authorized activities of the Attorney General; amending s. 559.715, F.S.; revising requirements for providing written notice of the assignment of debt; amending s. 559.72, F.S.; revising prohibited acts with respect to consumer debt collection; revising provisions governing violations of communication procedures; amending s.

559.725, F.S.; revising provisions relating to consumer complaints about a consumer collection agency; authorizing the Attorney General to take action against a person for violations involving debt collection; creating s. 669.726, F.S.; providing for the issuance of subpoenas by the Office of Financial Regulation; creating s. 559.727, F.S.; authorizing the office to issue cease and desist orders; amending s. 559.730, F.S.; revising provisions relating to administrative remedies; increasing the maximum penalty; authorizing the Financial Services Commission to adopt rules relating to penalty guidelines; amending s. 559.77, F.S., relating to civil remedies; conforming provisions to federal law; providing an effective date.

By the Policy and Steering Committee on Ways and Means; the Committee on Community Affairs; and Senator Altman—

CS for CS for SB 2166—A bill to be entitled An act relating to uniform traffic control; providing a short title; amending s. 316.003, F.S.; defining the term "traffic infraction detector"; creating s. 316.0076, F.S.; preempting to the state the use of cameras to enforce traffic laws; clarifying the inapplicability of ch. 493, F.S., to laws governing the use of cameras as provided by the act; amending s. 316.008, F.S.; authorizing a county or municipality to use traffic infraction detectors; creating s. 316.0083, F.S.; creating the Mark Wandall Traffic Safety Program; authorizing the Department of Highway Safety and Motor Vehicles, a county, or a municipality to use a traffic infraction detector to identify a motor vehicle that fails to stop at a traffic control signal steady red light; requiring that notification be sent to the registered owner of the motor vehicle involved in the violation; providing requirements for the notification; requiring that the department, county, or municipality remit payment weekly to the State Treasury of penalties collected through the use of a traffic infraction detector; specifying the amount of penalties and the required distribution; prohibiting a person from receiving a commission from any revenue collected from violations detected through the use of a traffic infraction detector; requiring issuance of a traffic citation if the driver fails to pay the penalty within a specified period following issuance of the notification; specifying circumstances under which a driver may be exempt from paying the citation; providing penalties for submission of a false affidavit; providing that certain evidence is admissible for enforcement; providing that the act does not preclude the issuance of citations by law enforcement officers; requiring reports from participating municipalities and counties to the department; requiring the department to make reports to the Governor and Legislature; providing that the required reports be terminated after a specified date; amending s. 316.0745, F.S.; requiring that traffic infraction detectors meet certain specifications; creating s. 316.07465, F.S.; requiring that traffic infraction detectors meet specifications established by the Department of Transportation; providing that a traffic infraction detector acquired by purchase, lease, or other arrangement under an agreement entered into by a county or municipality on or before a specified date is not required to meet the established specifications until a specified date; creating s. 316.0776, F.S.; providing for the placement and installation of detectors on certain roads; requiring that if the state, a county, or a municipality installs a traffic infraction detector at an intersection, the state, county, or municipality shall notify the public that a traffic infraction device may be in use at that intersection; requiring that such signage meet the specifications for uniform signals and devices adopted by the Department of Transportation; amending s. 316.640, F.S.; requiring the Department of Transportation to develop training and qualification standards for traffic infraction enforcement officers; authorizing counties and municipalities to use independent contractors as traffic infraction enforcement officers; amending s. 316.650, F.S.; requiring a traffic enforcement agency to provide to the court a replica of the citation data by electronic transmission for citations issued pursuant to the act; amending s. 318.14, F.S.; providing an exception from provisions requiring a person cited for an infraction for failing to stop at a traffic control signal steady red light to sign and accept a citation indicating a promise to appear; amending s. 318.18, F.S.; increasing certain fines; providing for penalties for infractions enforced by a traffic infraction enforcement officer; providing for distribution of fines; allowing the clerk of court to dismiss certain cases upon receiving documentation that the uniform traffic citation was issued in error; creating s. 321.50, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to use traffic infraction detectors; amending s. 322.27, F.S.; prohibiting the assessment of points against a person's driver's license for infractions enforced by a traffic infraction enforcement officer; providing that such

violations may not be used for purposes of setting motor vehicle insurance rates; providing for severability; providing an effective date.

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

CS for CS for SB 2176—A bill to be entitled An act relating to insurance; creating s. 624.46223, F.S.; prohibiting an association, fund, or pool created for the purpose of forming or managing a risk management mechanism or providing self-insurance for a public entity from requiring its members to give more than 45 days' notice of the member's intention to withdraw from the association, fund, or pool; amending s. 627.062, F.S.; exempting certain categories or types of insurance and types of commercial lines risks from certain rate requirements; requiring that insurers or rating organizations establish and use rates, rating schedules, or rating manuals allowing for a reasonable rate of return on certain insurance and risks; requiring that an insurer notify the Office of Insurance Regulation of any changes to rates for certain insurance and risks; requiring that such notice contain certain information; requiring that an insurer maintain certain information; providing that such information is subject to examination by the office; requiring that the office consider certain rate factors and standards when examining such information for the purpose of determining whether the rate is excessive, inadequate, or unfairly discriminatory; requiring that a rating organization provide notice to the office of any changes to loss cost for certain types of insurance within a specified period after such change; providing requirements for such notification; requiring that a rating organization maintain certain information; providing that such information is subject to examination by the office; requiring that specified rate factors and standards be used in such examination; authorizing the office, when reviewing a rate, to require that an insurer provide certain information at the insurer's expense; amending s. 627.0651, F.S.; exempting commercial motor vehicle insurance from certain motor vehicle insurance rate requirements; prohibiting certain insurance rates from being excessive, inadequate, or unfairly discriminatory; requiring that insurers or rating organizations establish and use rates, rating schedules, or rating manuals allowing for a reasonable rate of return on certain insurance and risks; requiring that an insurer notify the office of any changes to rates for certain insurance and risks; requiring that such notice contain certain information; requiring that an insurer maintain certain information; providing that such information is subject to examination by the office; requiring that the office consider certain rate factors and standards when examining such information for the purpose of determining whether the rate is excessive, inadequate, or unfairly discriminatory; requiring that a rating organization provide notice to the office of any changes to loss cost for certain types of insurance within a specified period after such change; providing requirements for such notification; requiring that a rating organization maintain certain information; providing that such information is subject to examination by the office; requiring that specified rate factors and standards be used in such examination; authorizing the office, when reviewing a rate, to require that an insurer provide certain information at the insurer's expense; providing an effective date.

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

CS for CS for SB's 2210 and 1552—A bill to be entitled An act relating to the regulation of real estate appraisers and appraisal management companies; amending s. 475.611, F.S.; providing definitions; amending s. 475.613, F.S.; increasing the number of members on the Florida Real Estate Appraisal Board; amending s. 475.614, F.S.; requiring the Florida Real Estate Appraisal Board to adopt certain rules; amending s. 475.6147, F.S.; requiring application, registration, and renewal fees for appraisal management companies; creating s. 475.6235, F.S.; requiring appraisal management companies to register with the Department of Business and Professional Regulation; specifying application requirements and procedures; requiring the fingerprinting and criminal history records checks of, and providing qualifications for, certain persons who control appraisal management companies; requiring nonresident appraisal management companies to consent to commencement of actions in this state; requiring the department to adopt rules relating to the renewal of registrations; amending s. 475.624, F.S.; conforming provisions to changes made by the act; creating s. 475.6245, F.S.; providing for the discipline of appraisal management companies by

the board; amending s. 475.626, F.S.; providing penalties; conforming provisions to changes made by the act; amending s. 475.629, F.S.; revising requirements for the retention of appraisal records; requiring appraisal management companies to follow such requirements; providing for the appropriation of nonrecurring and recurring funds from the Administrative Trust Fund and one full-time equivalent position and associated salary rate to the Department of Business and Professional Regulation; providing an effective date.

By the Committee on Environmental Preservation and Conservation; and Senator Baker—

CS for SB 2256—A bill to be entitled An act relating to state parks; creating s. 258.0145, F.S.; providing discounts on annual passes for members and veterans of the United States Armed Forces and reserve forces and for surviving spouses of certain veterans; amending s. 258.004, F.S.; providing additional duties of the Division of Recreation and Parks of the Department of Environmental Protection; providing an effective date.

By the Policy and Steering Committee on Ways and Means; the Committees on Finance and Tax; and Community Affairs; and Senator Bennett—

CS for CS for CS for SB 2322—A bill to be entitled An act relating to qualifying improvements to real property; creating s. 163.08, F.S.; providing legislative findings and intent; providing definitions; authorizing a local government to levy non-ad valorem assessments to fund certain improvements; authorizing a property owner to apply for funding and enter into a financing agreement with a local government to finance certain improvements; authorizing a local government to collect moneys for such purposes through non-ad valorem assessments; providing collection requirements; authorizing local governments to enter into partnerships with other local governments to provide and finance certain improvements; authorizing a qualifying improvement program to be administered by a for-profit entity or not-for-profit organization under certain circumstances; authorizing a local government to incur debt payable from revenues received from the improved property; providing a financing restriction for local governments; requiring a financial agreement to be recorded in a county's public records within 5 days after execution of the agreement; specifying responsibilities for local governments before entering into financing agreements; requiring qualifying improvements to be affixed to a building or facility on the property and be performed by a properly certified or registered contractor; excluding certain projects from financing agreement coverage; limiting the amount of the non-ad valorem assessment to a percentage of the just value of the property; providing exceptions; specifying information to be provided to property owners before entering into financing agreements; prohibiting acceleration of a mortgage under certain circumstances; providing assessment disclosure requirements; specifying unenforceability of certain agreement provisions; providing for the act to be construed as preserving a local government's home rule authority; providing an effective date.

By the Committees on Transportation and Economic Development Appropriations; Finance and Tax; and Transportation; and Senator Gardiner—

CS for CS for CS for SB 2400—A bill to be entitled An act relating to motor vehicles; amending s. 261.03, F.S.; redefining the term "ROV" to include vehicles of an increased width and weight; amending s. 316.003, F.S.; defining the term "tri-vehicle"; amending s. 316.066, F.S.; authorizing crash reports to be provided to law enforcement agencies and county traffic operations; amending s. 316.0741, F.S.; providing that certain tri-vehicles are hybrid vehicles; amending s. 316.159, F.S.; requiring that drivers of certain commercial motor vehicles slow before crossing a railroad grade; amending s. 316.193, F.S.; revising qualifications for an immobilization agency to immobilize vehicles in a judicial circuit; requiring the immobilization agency to conduct a state criminal history check on certain employees; redefining the term "immobilization agency" or "immobilization agencies"; amending s. 316.2065, F.S.; requiring bicycles to be ridden in the lane marked for bicycle use except under specified circumstances; amending s. 316.2085, F.S.; authorizing the license tag on a motorcycle or moped to be affixed and displayed perpendicularly relative to the ground under certain circumstances; amending s. 316.2952, F.S.; authorizing a person to attach a global po-

sitioning system device to the windshield of a motor vehicle; amending s. 316.29545, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to exempt persons having medical conditions that require a limited exposure to light from certain prohibitions against using sunscreening material on the windows of a motor vehicle; directing the Department of Highway Safety and Motor Vehicles to exempt vehicles that are owned or leased by private investigative agencies from certain prohibitions against using suncreening material on the windows of a motor vehicle; authorizing the Department of Highway Safety and Motor Vehicles to adopt rules; amending s. 316.605, F.S.; conforming the prohibition on the vertical display of a license tag to changes made by the act; amending s. 316.646, F.S.; directing the Department of Highway Safety and Motor Vehicles to suspend the registration and driver's license of a person convicted of failure to maintain required security on a motor vehicle; amending s. 317.0003, F.S.; redefining the term "ROV" to include vehicles of an increased width and weight; amending s. 318.14, F.S.; providing procedures for disposition of a citation for violating a specified learner's driver's license restriction; removing an erroneous reference; removing a requirement that a person who commits a non-criminal traffic infraction be cited to appear before an official; requiring a person who commits a traffic violation requiring a hearing or a criminal traffic violation to sign and accept a citation indicating a promise to appear for a hearing; requiring an officer to certify the delivery of a citation to the person cited; providing penalties; providing for certain persons cited for specified offenses to provide proof of compliance to a designated official; providing alternative citation disposition procedures for the offense of operating a motor vehicle with a license that has been suspended for failure to pay certain financial obligations or failure to comply with specified education requirements; amending s. 318.18, F.S.; adding a designated school crossing to the locations at which exceeding the posted speed limit will double the fine otherwise provided by law; amending s. 319.28, F.S.; requiring a lienholder who repossesses a motor vehicle in this state to apply for a certificate of repossession or certificate of title; amending s. 319.30, F.S.; defining the term "independent entity"; providing procedures for an independent entity that stores a damaged or dismantled motor vehicle for an insurance company to notify the owner when the vehicle is available for pick up or to apply for a certificate of destruction or a certificate of title if the vehicle is not claimed within a certain period; amending s. 320.02, F.S.; requiring the application forms for motor vehicle registration and renewal of registration to include language permitting the applicant to make a voluntary contribution to the League Against Cancer/La Liga Contra el Cancer; amending s. 320.03, F.S.; preempting to the state jurisdiction over a statewide electronic filing system for titling and registering vehicles, vessels, and mobile homes; providing requirements for the system; providing requirements for such filing system agents to participate in the system; providing for the appointment of agents; providing for the adoption of rules; providing for certain program standards to remain in effect until such rules are adopted; providing for fees; extending the time for certain private providers of the system to comply with certain financial arrangements; amending s. 320.05, F.S.; exempting the provision of certain registrations through a specific electronic filing system from certain fees charged by a tax collector; amending s. 320.071, F.S.; revising the period during which the owner of an apportionable motor vehicle may file an application for renewal of registration; amending s. 320.08, F.S.; establishing license taxes for tri-vehicles; revising the amount of the annual license tax for the operation of an ancient or antique motorcycle; amending s. 45 of chapter 2008-176, Laws of Florida; delaying the expiration of the moratorium on the issuance of new specialty license plates by the Department of Highway Safety and Motor Vehicles; amending s. 320.08053, F.S.; removing provisions requiring that an organization seeking authorization to establish a new specialty license plate submit a sample survey of motor vehicle owners to the department; requiring that the department establish a method to issue vouchers allowing the presale of a specialty license plate; requiring that an organization that is approved to issue a specialty license plate record with the department a minimum number of voucher sales in order to proceed with the development of the plate; providing for the purchaser of a voucher to receive a refund or use the voucher to purchase of another license plate if the specialty plate is deauthorized; amending ss. 320.08056 and 320.08058, F.S.; conforming provisions to changes made by the act; creating the Hispanic Achievers license plate, the Children First license plate, and the Veterans of Foreign Wars 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 clarification for certain organizations exempt from the moratorium; prohibiting the Department of Highway Safety and Motor Vehicles from establishing

any new voluntary contribution checkoffs on the motor vehicle registration form or the driver's license application form between a specified period; providing an exception; amending s. 320.0807, F.S.; revising provisions governing the special license plates issued to federal and state legislators; amending s. 320.084, F.S.; providing for a biennial registration renewal period for disabled veteran license plates; amending s. 321.03, F.S.; providing that it is unlawful to possess or color or cause to be colored a motor vehicle or motorcycle of the same or similar color as those prescribed for the Florida Highway Patrol unless specifically authorized by the Florida Highway Patrol; amending s. 321.05, F.S.; providing that officers of the Florida Highway Patrol have the same arrest and other authority as that provided for certain other state law enforcement officers; amending s. 322.01, F.S.; defining the term "tri-vehicle" and excluding such vehicles from the definition of "motorcycle"; amending s. 322.08, F.S.; requiring the application form for an original, renewal, or replacement driver's license or identification card to include language permitting the applicant to make voluntary contributions for certain purposes; requiring such forms to include language permitting the applicant to make a voluntary contribution to the League Against Cancer/La Liga Contra el Cancer; providing for distribution of funds collected from such contributions; providing that such contributions are not considered income of a revenue nature; amending s. 322.121, F.S.; revising legislative intent for reexamination of licensed drivers upon renewal of the driver's license; removing a requirement that each licensee must pass a reexamination at the time of license renewal; amending s. 322.18, F.S.; authorizing a licensed physician at a federally established veterans hospital to administer a vision test for purposes of renewing a driver's license; correcting a cross-reference; amending s. 322.2615, F.S.; revising requirements for information an officer must submit to the department after suspending a driver's license for certain DUI offenses; removing a requirement that the officer submit a copy of a crash report; authorizing the officer to submit such report; amending s. 322.34, F.S.; providing that if a person does not hold a commercial driver's license and is cited for an offense of knowingly driving while his or her license is suspended, revoked, or canceled, he or she may, in lieu of payment of a fine or court appearance, elect to enter a plea of nolo contendere and provide proof of compliance to the clerk of the court, designated official, or authorized operator of a traffic violations bureau; limiting a driver's option to elect such a remedy; amending s. 322.61, F.S.; revising the period of disqualification from operating a commercial motor vehicle for a violation of an out-of-service order; amending s. 488.06, F.S.; specifying additional circumstances under which the department may suspend or revoke a license or certificate of a driving school; providing effective dates.

By the Policy and Steering Committee on Ways and Means; the Committee on Health Regulation; and Senator Gardiner—

CS for CS for SB 2434—A bill to be entitled An act relating to health care; amending s. 112.0455, F.S., relating to the Drug-Free Workplace Act; deleting an obsolete provision; amending s. 318.21, F.S.; revising distribution of funds from civil penalties imposed for traffic infractions by county courts; amending s. 381.00315, F.S.; directing the Department of Health to accept funds from counties, municipalities, and certain other entities for the purchase of certain products made available under a contract of the United States Department of Health and Human Services for the manufacture and delivery of such products in response to a public health emergency; amending s. 381.0072, F.S.; limiting Department of Health food service inspections in nursing homes; requiring the department to coordinate inspections with the Agency for Health Care Administration; amending s. 381.06014, F.S.; defining the term "volunteer donor"; requiring that certain blood establishments disclose specified information on the Internet; repealing s. 383.325, F.S., relating to confidentiality of inspection reports of licensed birth center facilities; amending s. 395.002, F.S.; revising and deleting definitions applicable to regulation of hospitals and other licensed facilities; conforming a cross-reference; amending s. 395.003, F.S.; deleting an obsolete provision; conforming a cross-reference; amending s. 395.0193, F.S.; requiring a licensed facility to report certain peer review information and final disciplinary actions to the Division of Medical Quality Assurance of the Department of Health rather than the Division of Health Quality Assurance of the Agency for Health Care Administration; amending s. 395.1023, F.S.; providing for the Department of Children and Family Services rather than the Department of Health to perform certain functions with respect to child protection cases; requiring certain hospitals to notify the Department of Children and Family Services of

compliance; amending s. 395.1041, F.S., relating to hospital emergency services and care; deleting obsolete provisions; repealing s. 395.1046, F.S., relating to complaint investigation procedures; amending s. 395.1055, F.S.; requiring licensed facility beds to conform to standards specified by the Agency for Health Care Administration, the Florida Building Code, and the Florida Fire Prevention Code; amending s. 395.10972, F.S.; revising a reference to the Florida Society of Healthcare Risk Management to conform to the current designation; amending s. 395.2050, F.S.; revising a reference to the federal Health Care Financing Administration to conform to the current designation; amending s. 395.3036, F.S.; correcting a reference; repealing s. 395.3037, F.S., relating to redundant definitions; amending ss. 154.11, 394.741, 395.3038, 400.925, 400.9935, 408.05, 440.13, 627.645, 627.668, 627.669, 627.736, 641.495, and 766.1015, F.S.; revising references to the Joint Commission on Accreditation of Healthcare Organizations, the Commission on Accreditation of Rehabilitation Facilities, and the Council on Accreditation to conform to their current designations; amending s. 395.602, F.S.; revising the definition of the term "rural hospital" to delete an obsolete provision; amending s. 400.021, F.S.; revising the definition of the term "geriatric outpatient clinic"; amending s. 400.0255, F.S.; correcting an obsolete cross-reference to administrative rules; amending s. 400.063, F.S.; deleting an obsolete provision; amending ss. 400.071 and 400.0712, F.S.; revising applicability of general licensure requirements under part II of ch. 408, F.S., to applications for nursing home licensure; revising provisions governing inactive licenses; amending s. 400.111, F.S.; providing for disclosure of controlling interest of a nursing home facility upon request by the Agency for Health Care Administration; amending s. 400.1183, F.S.; revising grievance record maintenance and reporting requirements for nursing homes; amending s. 400.141, F.S.; providing criteria for the provision of respite services by nursing homes; requiring a written plan of care; requiring a contract for services; requiring resident release to caregivers to be designated in writing; providing an exemption to the application of discharge planning rules; providing for residents' rights; providing for use of personal medications; providing terms of respite stay; providing for communication of patient information; requiring a physician order for care and proof of a physical examination; providing for services for respite patients and duties of facilities with respect to such patients; conforming a cross-reference; requiring facilities to maintain clinical records that meet specified standards; providing a fine relating to an admissions moratorium; deleting requirement for facilities to submit certain information related to management companies to the agency; deleting a requirement for facilities to notify the agency of certain bankruptcy filings to conform to changes made by the act; amending s. 400.142, F.S.; deleting language relating to agency adoption of rules; amending 400.147, F.S.; revising reporting requirements for licensed nursing home facilities relating to adverse incidents; repealing s. 400.148, F.S., relating to the Medicaid "Up-or-Out" Quality of Care Contract Management Program; amending s. 400.162, F.S., requiring nursing homes to provide a resident property statement annually and upon request; amending s. 400.179, F.S.; revising requirements for nursing home lease bond alternative fees; deleting an obsolete provision; amending s. 400.19, F.S.; revising inspection requirements; repealing s. 400.195, F.S., relating to agency reporting requirements; amending s. 400.23, F.S.; deleting an obsolete provision; correcting a reference; directing the agency to adopt rules for minimum staffing standards in nursing homes that serve persons under 21 years of age; providing minimum staffing standards; amending s. 400.275, F.S.; revising agency duties with regard to training nursing home surveyor teams; revising requirements for team members; amending s. 400.484, F.S.; revising the schedule of home health agency inspection violations; amending s. 400.606, F.S.; revising the content requirements of the plan accompanying an initial or change-of-ownership application for licensure of a hospice; revising requirements relating to certificates of need for certain hospice facilities; amending s. 400.607, F.S.; revising grounds for agency action against a hospice; amending s. 400.915, F.S.; correcting an obsolete cross-reference to administrative rules; amending s. 400.931, F.S.; deleting a requirement that an applicant for a home medical equipment provider license submit a surety bond to the agency; amending s. 400.932, F.S.; revising grounds for the imposition of administrative penalties for certain violations by an employee of a home medical equipment provider; amending s. 400.967, F.S.; revising the schedule of inspection violations for intermediate care facilities for the developmentally disabled; providing a penalty for certain violations; amending s. 400.9905, F.S.; providing that part X of ch. 400, F.S., the Health Care Clinic Act, does not apply to an entity owned by a corporation with a specified amount of annual sales of health care services under certain circumstances or to an entity owned or controlled by

a publicly traded entity with a specified amount of annual revenues; amending s. 400.991, F.S.; conforming terminology; revising application requirements relating to documentation of financial ability to operate a mobile clinic; amending s. 408.034, F.S.; revising agency authority relating to licensing of intermediate care facilities for the developmentally disabled; amending s. 408.036, F.S.; deleting an exemption from certain certificate-of-need review requirements for a hospice or a hospice inpatient facility; amending s. 408.043, F.S.; revising requirements for certain freestanding inpatient hospice care facilities to obtain a certificate of need; amending s. 408.061, F.S.; revising health care facility data reporting requirements; amending s. 408.10, F.S.; removing agency authority to investigate certain consumer complaints; amending s. 408.802, F.S.; removing applicability of part II of ch. 408, F.S., relating to general licensure requirements, to private review agents; amending s. 408.804, F.S.; providing penalties for altering, defacing, or falsifying a license certificate issued by the agency or displaying such an altered, defaced, or falsified certificate; amending s. 408.806, F.S.; revising agency responsibilities for notification of licensees of impending expiration of a license; requiring payment of a late fee for a license application to be considered complete under certain circumstances; amending s. 408.810, F.S.; revising provisions relating to information required for licensure; requiring proof of submission of notice to a mortgagor or landlord regarding provision of services requiring licensure; requiring disclosure of information by a controlling interest of certain court actions relating to financial instability within a specified time period; amending s. 408.813, F.S.; authorizing the agency to impose fines for unclassified violations of part II of ch. 408, F.S.; amending s. 408.815, F.S.; authorizing the agency to extend a license expiration date under certain circumstances; amending s. 409.221, F.S.; deleting a reporting requirement relating to the consumer-directed care program; amending s. 409.91196, F.S.; conforming a cross-reference; amending s. 409.912, F.S.; revising procedures for implementation of a Medicaid prescribed-drug spending-control program; amending s. 429.07, F.S.; deleting the requirement for an assisted living facility to obtain an additional license in order to provide limited nursing services; deleting the requirement for the agency to conduct quarterly monitoring visits of facilities that hold a license to provide extended congregate care services; deleting the requirement for the department to report annually on the status of and recommendations related to extended congregate care; deleting the requirement for the agency to conduct monitoring visits at least twice a year to facilities providing limited nursing services; increasing the licensure fees and the maximum fee required for the standard license; increasing the licensure fees for the extended congregate care license; eliminating the license fee for the limited nursing services license; transferring from another provision of law the requirement that a biennial survey of an assisted living facility include specific actions to determine whether the facility is adequately protecting residents' rights; providing that an assisted living facility that has a class I or class II violation is subject to monitoring visits; requiring a registered nurse to participate in certain monitoring visits; amending s. 429.11, F.S.; revising licensure application requirements for assisted living facilities to eliminate provisional licenses; amending s. 429.12, F.S.; revising notification requirements for the sale or transfer of ownership of an assisted living facility; amending s. 429.14, F.S.; removing a ground for the imposition of an administrative penalty; clarifying provisions relating to a facility's request for a hearing under certain circumstances; authorizing the agency to provide certain information relating to the licensure status of assisted living facilities electronically or through the agency's Internet website; amending s. 429.17, F.S.; deleting provisions relating to the limited nursing services license; revising agency responsibilities regarding the issuance of conditional licenses; amending s. 429.19, F.S.; clarifying that a monitoring fee may be assessed in addition to an administrative fine; amending s. 429.23, F.S.; deleting reporting requirements for assisted living facilities relating to liability claims; amending s. 429.255, F.S.; eliminating provisions authorizing the use of volunteers to provide certain health-care-related services in assisted living facilities; authorizing assisted living facilities to provide limited nursing services; requiring an assisted living facility to be responsible for certain recordkeeping and staff to be trained to monitor residents receiving certain health-care-related services; amending s. 429.28, F.S.; deleting a requirement for a biennial survey of an assisted living facility, to conform to changes made by the act; amending s. 429.35, F.S.; authorizing the agency to provide certain information relating to the inspections of assisted living facilities electronically or through the agency's Internet website; amending s. 429.41, F.S., relating to rulemaking; conforming provisions to changes made by the act; amending s. 429.53, F.S.; revising provisions relating to consultation by the agency; revising a definition; amending s. 429.54, F.S.;

requiring licensed assisted living facilities to electronically report certain data semiannually to the agency in accordance with rules adopted by the department; amending s. 429.71, F.S.; revising schedule of inspection violations for adult family-care homes; amending s. 429.911, F.S.; deleting a ground for agency action against an adult day care center; amending s. 429.915, F.S.; revising agency responsibilities regarding the issuance of conditional licenses; amending s. 483.201, F.S.; providing for disciplinary action against clinical laboratories failing to disclose specified information on the Internet; providing a maximum annual administrative fine that may be imposed annually against certain clinical laboratories for failure to comply with such disclosure requirement; amending s. 483.294, F.S.; revising frequency of agency inspections of multiphasic health testing centers; amending s. 499.003, F.S.; revising the definition of the term "health care entity" to clarify that a blood establishment may be a health care entity and engage in certain activities; removing a requirement that certain prescription drug purchasers maintain a separate inventory of certain prescription drugs; amending s. 499.005, F.S.; clarifying provisions prohibiting the unauthorized wholesale distribution of a prescription drug that was purchased by a hospital or other health care entity, to conform to changes made by the act; amending s. 499.01, F.S.; exempting certain blood establishments from the requirements to be permitted as a prescription drug manufacturer and register products; requiring that certain blood establishments obtain a restricted prescription drug distributor permit under specified conditions; limiting the prescription drugs that a blood establishment may distribute with the restricted prescription drug distributor permit; authorizing the Department of Health to adopt rules; amending s. 499.01212, F.S.; exempting prescription drugs contained in sealed medical convenience kits from the pedigree paper requirements under specified circumstances; amending s. 633.081, F.S.; limiting Fire Marshal inspections of nursing homes to once a year; providing for additional inspections based on complaints and violations identified in the course of orientation or training activities; amending s. 766.202, F.S.; adding persons licensed under part XIV of ch. 468, F.S., to the definition of "health care provider"; amending ss. 394.4787, 400.0239, 408.07, 430.80, and 651.118, F.S.; conforming terminology and cross-references; revising a reference; providing an effective date.

By the Policy and Steering Committee on Ways and Means; the Committee on Community Affairs; and Senator Bennett—

CS for CS for SB 2450—A bill to be entitled An act relating to property tax; amending s. 193.092, F.S.; creating an exception from the assessment of back taxes on property that was not assessed by a property appraiser; providing an effective date.

By the Committees on Transportation and Economic Development Appropriations; and Commerce; and Senator Altman—

CS for CS for SB 2500—A bill to be entitled An act relating to space and aerospace infrastructure; providing a short title; amending s. 288.1088, F.S.; providing legislative findings; authorizing the use of a specified amount of resources for projects to retain or create high-technology jobs directly associated with developing a more diverse aerospace economy in the state; authorizing Enterprise Florida, Inc., to waive eligibility criteria for projects receiving funds from the Quick Action Closing Fund which would mitigate the impact of the conclusion of the space shuttle program; revising authorized uses of specified Space Florida appropriations; providing an effective date.

By the Policy and Steering Committee on Ways and Means; the Committee on Education Pre-K - 12; and Senator Gardiner—

CS for CS for SB 2746—A bill to be entitled An act relating to education programs for children with disabilities; amending s. 1002.39, F.S.; revising provisions relating to the John M. McKay Scholarships for Students with Disabilities Program; authorizing students who receive certain services under the Voluntary Prekindergarten Education Program to receive a John M. McKay Scholarship; authorizing the Commissioner of Education to deny, suspend, or revoke a private school's participation in the scholarship program if the owner or operator of such school has operated an educational institution in this state or another in a manner contrary to the health, safety, or welfare of the public; providing factors for the commissioner to consider in making a determination; providing a definition for the term "owner or operator"; conforming

cross-references; amending s. 1002.51, F.S.; providing definitions for the terms "disability" and "specialized instructional services provider" for purposes of the Voluntary Prekindergarten Education Program; amending s. 1002.53, F.S.; providing that a parent may enroll his or her child in a specialized instructional services program for children who have disabilities if the child is eligible for the Voluntary Prekindergarten Education Program; creating s. 1002.66, F.S.; establishing specialized instructional services for children with disabilities; providing eligibility criteria for such services; requiring that such services be delivered in accordance with certain standards; requiring that the Department of Education approve specialized instructional service providers; authorizing the expenditure of funds for specialized instructional services; amending s. 1002.71, F.S.; revising provisions for the funding of a child receiving specialized instructional services to conform to changes made by the act; amending s. 1002.73, F.S.; requiring that the Department of Education adopt procedures for approving specialized instructional services providers; amending s. 1002.75, F.S.; requiring that the Agency for Workforce Innovation adopt procedures for enrolling children in and determining the eligibility of children for the Voluntary Prekindergarten Education Program and paying specialized instructional services providers; providing an effective date.

REFERENCE CHANGES PURSUANT TO RULE 4.7(2)

By the Committees on Military Affairs and Domestic Security; and Community Affairs; and Senator Bennett—

CS for CS for SB 648—A bill to be entitled An act relating to building safety; amending s. 196.031, F.S.; specifying an additional condition that constitutes an abandonment of homestead property for purposes of a homestead exemption; amending s. 399.02, F.S.; authorizing the Division of Hotels and Restaurants of the Department of Business and Professional Regulation to have access to places in which a conveyance and equipment are located; authorizing the division to grant variances from certain rules for undue hardship; prohibiting the enforcement of Phase II Firefighters' Service on certain elevators for a specified period; amending s. 399.15, F.S.; providing an alternative method to allow access to regional emergency elevators; providing for a uniform lock box; providing for a master key; providing the Division of State Fire Marshal with enforcement authority; directing the Department of Financial Services to select the provider of the uniform lock box; creating s. 455.2122, F.S.; authorizing distance learning courses as an alternative to classroom instruction for certain licenses; prohibiting the department or regulatory board from requiring centralized licensing examinations for certain licenses; amending s. 455.2123, F.S.; authorizing distance learning courses as an alternative to classroom instruction for certain licenses; prohibiting the department or a regulatory board from requiring centralized licensing examinations for certain licenses; amending s. 468.631, F.S.; revising the amount of a surcharge on certain building permits; requiring the unit of government collecting the surcharge to remit the funds to the Department of Business and Professional Regulation; requiring the unit of government collecting the surcharge to retain a portion of the funds to fund certain activities of building departments; requiring that the remaining funds from the surcharge be used to fund the Florida Homeowners' Construction Recovery Fund and the Florida Building Code Administrators and Inspectors Board; reducing the amount of information that must be reported to the Department of Business and Professional Regulation by a unit of government responsible for collecting certain permit fees; amending s. 468.83, F.S.; providing for the creation of the home inspection services licensing program within the Department of Business and Professional Regulation; amending s. 468.8311, F.S.; revising the term "home inspection services"; amending s. 468.8312, F.S.; deleting a fee provision for certain certificates of authorization; amending s. 468.8313, F.S.; revising examination requirements for licensure as a home inspector; providing fingerprinting requirements and procedures for license applications; providing that the applicant is responsible for certain costs; amending s. 468.8318, F.S.; revising requirements and procedures for certification of corporations and partnerships offering home inspection services to the public; deleting provisions relating to required certificates of authorization; amending s. 468.8319, F.S.; delaying the enforcement of a prohibition against performing certain activities by a person who is not licensed as a home inspector; revising certain prohibitions with respect to providers of home inspection services; amending s. 468.832, F.S.; providing an additional ground for taking certain disciplinary actions;

amending s. 468.8324, F.S.; specifying additional requirements for licensure as a home inspector; creating s. 468.8325, F.S.; requiring the department to adopt rules to administer part XV of ch. 468, F.S., relating to home inspectors; amending s. 468.84, F.S.; providing for the creation of the mold-related services licensing program within the Department of Business and Professional Regulation; amending s. 468.8412, F.S.; deleting a fee provision for certain biennial certificates of authorization renewal; amending s. 468.8413, F.S.; revising examination requirements and procedures for licensure as a mold assessor or mold remediator; providing fingerprinting requirements and procedures for license applications; providing that the applicant is responsible for certain costs; amending s. 468.8414, F.S.; specifying an additional applicant qualification criterion for licensure by endorsement; amending s. 468.8418, F.S.; revising requirements and procedures for certification of corporations and partnerships offering mold assessment or mold remediation services to the public; deleting provisions relating to required certificates of authorization; amending s. 468.8419, F.S.; delaying the enforcement of a prohibition against performing certain activities by a person who is not licensed as a mold assessor; amending s. 468.842, F.S.; providing an additional ground for taking certain disciplinary actions; amending s. 468.8421, F.S.; specifying an insurance coverage requirement for mold assessors; amending s. 468.8423, F.S.; specifying additional requirements for licensure as a mold assessor or mold remediator; creating s. 468.8424, F.S.; requiring the Department of Business and Professional Regulation to adopt rules to administer part XVI of ch. 468, F.S., relating to mold-related services; amending s. 489.103, F.S.; conforming a cross-reference; amending s. 489.5335, F.S.; deleting certain core curriculum requirements that a person holding a journeyman license in the electrical trade must satisfy in order to work in more than one county or municipality; amending s. 553.37, F.S.; authorizing manufacturers to pay inspection fees directly to the provider of inspection services; providing requirements for rules of the Department of Business and Professional Regulation regarding the schedule of fees; authorizing the department to enter into contracts for the performance of certain administrative duties; revising inspection requirements for certain custom manufactured buildings; amending s. 553.375, F.S.; revising the requirement for recertification of manufactured buildings prior to relocation; amending s. 553.512, F.S.; requiring the Florida Building Commission to establish by rule a fee for certain waiver requests; amending s. 553.721, F.S.; revising the amount of a surcharge on certain building permits; requiring the unit of government collecting the surcharge to electronically remit the funds to the Department of Community Affairs; requiring the unit of government collecting the surcharge to retain a portion of the funds to fund certain activities of building departments; requiring the remaining funds from the surcharge to be used to fund the Florida Building Commission and the Department of Community Affairs; amending s. 553.73, F.S.; conforming cross-references; authorizing counties and municipalities to adopt by ordinance administrative or technical amendments to the Florida Building Code for certain flood-related purposes; specifying requirements and procedures; revising foundation code adoption requirements; authorizing the Florida Building Commission to approve amendments relating to equivalency of standards; exempting certain mausoleums from the requirements of the Florida Building Code; exempting certain temporary housing provided by the Department of Corrections from the requirements of the Florida Building Code; restricting the code, code enforcement agencies, and local governments from imposing requirements on certain mechanical equipment on roofs; requiring that the Florida Building Code contain certain requirements regarding illumination in classroom units; requiring that classroom units be designed to provide and maintain an average of 40 foot-candles of light at each desktop; requiring that public educational facilities consider using light-emitting diode lighting before considering other lighting sources; amending s. 553.74, F.S.; specifying absence of impermissible conflicts of interest for certain committee or workgroup members while representing clients under certain circumstances; specifying certain prohibited activities for such members; amending s. 553.76, F.S.; authorizing the Florida Building Commission to adopt rules related to consensus-based decisionmaking; amending s. 553.775, F.S.; conforming a cross-reference; authorizing the commission to charge a fee for filing certain requests and for nonbinding interpretations; limiting fees for nonbinding interpretations; amending s. 553.79, F.S.; requiring certain inspection services to be performed under the alternative process for plan review and inspection or by a local governmental entity; reenacting s. 553.80(1), F.S., relating to the enforcement of the Florida Building Code, to incorporate the amendments made to s. 553.79, F.S., in a reference thereto; amending s. 553.80, F.S.; specifying nonapplicability of certain exemptions from the Florida

Building Code granted by certain enforcement entities under certain circumstances; revising requirements for review of facility plans and construction surveyed for certain hospitals and health care facilities; amending s. 553.841, F.S.; deleting provisions requiring that the Department of Community Affairs maintain, update, develop, or cause to be developed a core curriculum for persons who enforce the Florida Building Code; amending s. 553.842, F.S.; authorizing rules requiring the payment of product evaluation fees directly to the administrator of the product evaluation and approval system; specifying the use of such fees; authorizing the Florida Building Commission to provide by rule for editorial revisions to certain approvals and charge certain fees; providing requirements for the approval of applications for state approval of a product; providing for certain approved products to be immediately added to the list of state-approved products; requiring that the commission's oversight committee review approved products; revising the list of approved evaluation entities; deleting obsolete provisions governing evaluation entities; amending s. 553.844, F.S.; providing an exemption from the requirements regarding protections for certain exposed mechanical equipment or appliances; providing for future expiration; amending s. 553.885, F.S.; revising requirements for carbon monoxide alarms; providing an exception for buildings undergoing alterations or repairs; defining the term "addition" as it relates to the requirement of a carbon monoxide alarm; amending s. 553.9061, F.S.; revising the energy-efficiency performance options and elements identified by the commission for purposes of meeting certain goals; amending s. 553.909, F.S.; revising a compliance criterion for certain swimming pool pumps or water heaters; revising requirements for residential swimming pool pumps and pump motors; amending s. 553.912, F.S.; providing requirements for replacement air-conditioning systems; amending s. 627.711, F.S.; revising provisions relating to a uniform mitigation verification inspection form for factoring discounts for wind insurance; providing that such form is valid if signed by a home inspector who has completed a specified number of hours of mitigation training; amending s. 633.021, F.S.; providing additional definitions for fire equipment dealers; revising the definition of the term "preengineered systems"; amending s. 633.0215, F.S.; providing guidelines for the State Fire Marshal to apply when issuing an expedited declaratory statement; requiring that the State Fire Marshal issue an expedited declaratory statement under certain circumstances; providing requirements for a petition requesting an expedited declaratory statement; exempting certain condominiums from installing manual fire alarm systems; amending s. 633.0245, F.S.; conforming cross-references; amending s. 633.025, F.S.; providing that property owners are not required to install fire sprinklers in residential properties based on the use of that property as a rental property or any change in or reclassification of the property's primary use to a rental property; amending s. 633.026, F.S.; providing legislative intent; revising the authority of the State Fire Marshal to contract with and refer interpretive issues to certain entities; providing for the establishment of the Fire Code Interpretation Committee; providing for the membership of the committee and requirements for membership; requiring that nonbinding interpretations of the Florida Fire Prevention Code be issued within a specified period after a request is received; providing for the waiver of such requirement under certain conditions; requiring that the Division of State Fire Marshal charge a fee for nonbinding interpretations; providing that fees may be paid directly to a contract provider; providing requirements for requesting a nonbinding interpretation; requiring that the Division of State Fire Marshal develop a form for submitting a petition for a nonbinding interpretation; providing for a formal interpretation by the State Fire Marshal; requiring that an interpretation of the Florida Fire Prevention Code be published on the division's website and in the Florida Administrative Weekly; amending s. 626.061, F.S.; authorizing certain fire equipment dealer licensees to maintain inactive license status under certain circumstances; providing requirements; providing for a renewal fee; revising certain continuing education requirements; revising an applicant licensure qualification requirement; amending s. 633.081, F.S.; requiring that the State Fire Marshal inspect a building when the State Fire Marshal, rather than the Department of Financial Services, has cause to believe a violation has occurred; providing exceptions for requirements that certain firesafety inspections be conducted by firesafety inspectors; requiring that the Division of State Fire Marshal and the Florida Building Code Administrators and Inspectors Board enter into a reciprocity agreement for purposes of recertifying building code inspectors, plan inspectors, building code administrators, and firesafety inspectors; requiring that the State Fire Marshal develop by rule an advanced training and certification program for firesafety inspectors who have fire code management responsibilities; requiring that the program be con-

sistent with certain standards and establish minimum training, education, and experience levels for such firesafety inspectors; amending s. 633.082, F.S.; authorizing alternative inspection procedures for certain fire hydrants; requiring periodic testing or operation of certain equipment; prohibiting an agency having jurisdiction from requiring the removal of a nonmandatory sprinkler system; amending s. 633.352, F.S.; providing an exception to requirements for recertification as a firefighter; amending s. 633.521, F.S.; revising requirements for certification as a fire protection system contractor; revising the prerequisites for taking the certification examination; authorizing the State Fire Marshal to accept more than one source of professional certification; revising legislative intent; amending s. 633.524, F.S.; authorizing the State Fire Marshal to enter into contracts for examination services; providing for the direct payment of examination fees to contract providers; amending s. 633.537, F.S.; revising the continuing education requirements for certain permitholders; amending s. 633.72, F.S.; revising the terms of service for members of the Fire Code Advisory Council; repealing s. 718.113(6), F.S., relating to requirements for 5-year inspections of certain condominium improvements; directing the Florida Building Commission to conform provisions of the Florida Building Code with revisions made by the act relating to the operation of elevators; requiring the Department of Management Services to consider the energy efficiency of buildings owned or operated by a state agency; requiring the Department of Management Services to lease buildings and facilities having high-efficiency lighting and consider energy efficiency when leasing buildings when feasible; requiring the Department of Management Services to adopt rules requiring state agencies to install high-efficiency lamps when replacing an existing lamp or installing a new lamp in a building owned by a state agency; providing effective dates.

—was referred to the Policy and Steering Committee on Ways and Means.

By the Committees on Criminal Justice; and Regulated Industries; and Senator Jones—

CS for CS for SB 674—A bill to be entitled An act relating to the state lottery; amending s. 24.105, F.S.; authorizing the use of player-activated machines that have additional functionality; amending s. 24.111, F.S.; adding limited liability companies to the list of potential vendors that the Department of the Lottery must investigate; providing that the Department of the Lottery may lease all instant ticket vending machines; prohibiting the department from entering into a contract for a major procurement if a managing member of the vendor has been convicted of a felony; removing a duplicative provision; amending s. 24.113, F.S.; removing a provision limiting the percentage of the same type of minority retailer that the Department of the Lottery may contract with to 35 percent; amending s. 24.114, F.S.; providing a penalty for failure by a retailer to remit funds as required; providing an effective date.

—was placed on the Calendar.

By the Committee on Criminal Justice; and Senators Gelber, Smith, Ring, Hill, Storms, Wilson, Villalobos, Bullard, Crist, and Dockery—

CS for SB 734—A bill to be entitled An act relating to public corruption; creating s. 775.0876, F.S.; providing for the reclassification of criminal offenses committed “under color of law”; providing an exception; providing an effective date.

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

By the Policy and Steering Committee on Ways and Means; the Committee on Higher Education; and Senators Oelrich and Lynn—

CS for CS for SB 1786—A bill to be entitled An act relating to postsecondary education; amending s. 110.181, F.S.; conforming a cross-reference to changes made by the act; amending ss. 112.19 and 112.191, F.S.; requiring the Board of Governors of the State University System to adopt regulations rather than rules to implement certain educational benefits; amending s. 120.81, F.S.; providing that state universities are not required to file certain documents with the Administrative Procedures Committee; amending s. 282.0041, F.S.; revising definitions relating to information technology services to conform to changes made by

the act; amending s. 282.703, F.S.; revising provisions relating to the participation of state universities in the SUNCOM Network; amending s. 282.706, F.S.; revising provisions relating to the use of the SUNCOM Network by state university libraries; amending s. 287.064, F.S.; conforming a cross-reference to changes made by the act; amending s. 1000.05, F.S.; requiring the Board of Governors to adopt regulations rather than rules relating to discrimination; amending s. 1001.705, F.S.; revising provisions relating to responsibility for the State University System under the State Constitution; deleting legislative findings and intent; providing the constitutional duties of the Board of Governors; providing the constitutional duties of the Legislature; deleting a duty relating to the participation of state universities in the SUNCOM Network; amending s. 1001.706, F.S.; revising powers and duties of the Board of Governors; providing that the Board of Governors has the authority to regulate the State University System and may adopt a regulation development procedure for the board and university boards of trustees to use in implementing their constitutional duties and responsibilities; authorizing the Board of Governors or its designee to adopt regulations; providing requirements for the regulation development procedure; providing requirements for judicial review of certain challenges; revising the Board of Governors’ powers and duties relating to accountability and personnel; providing legislative intent that the Board of Governors align the missions of universities with certain factors; providing requirements for a mission alignment and strategic plan; affording opportunities to certain universities; amending s. 1001.72, F.S.; providing that the board of trustees is the university’s contracting agent; creating s. 1004.015, F.S.; creating the Higher Education Coordinating Council; providing for membership; providing guiding principles for council recommendations to the Legislature, State Board of Education, and Board of Governors; amending s. 1004.03, F.S.; revising provisions relating to review and approval of new programs at state universities by the Board of Governors; requiring an annual report of the review of proposed new programs; eliminating the requirement that certain programs be approved by the Legislature; amending s. 1004.07, F.S.; requiring the Board of Governors to adopt regulations rather than rules relating to student withdrawal from courses due to military service; amending s. 1006.54, F.S.; requiring university boards of trustees to adopt regulations rather than rules relating to documents distributed to libraries; amending s. 1006.60, F.S.; revising provisions relating to state university codes of conduct to authorize the adoption of regulations rather than rules; amending s. 1006.65, F.S.; requiring the Board of Governors to adopt regulations rather than rules relating to safety issues in courses offered by state universities; amending ss. 1007.264 and 1007.265, F.S.; requiring the Board of Governors to adopt regulations rather than rules relating to admission and graduation requirements for students with disabilities; amending s. 1009.24, F.S.; reorganizing certain provisions of law relating to state university student fees; authorizing the Board of Governors to approve flexible tuition policies requested by a university board of trustees; providing that certain fees be based on reasonable costs of services and used for certain purposes; authorizing the Board of Governors to approve a proposal from a university board of trustees to establish a new student fee, increase the cap for an existing fee, or implement flexible tuition policies; providing guidelines for review of proposals; requiring an annual report; prohibiting certain fees from exceeding a specified amount, being included in certain scholarship awards, and being used for certain purposes; requiring a fee committee to make recommendations relating to a new fee; providing restrictions on fee increases; requiring the Board of Governors to adopt regulations; amending s. 1009.26, F.S.; requiring the Board of Governors to adopt regulations rather than rules relating to fee waivers; amending s. 1010.04, F.S.; providing that the Board of Governors shall adopt regulations rather than rules for purchases and leases; amending s. 1010.62, F.S.; defining the term “auxiliary enterprise” for purposes of revenue bonds and debt; amending s. 1011.43, F.S.; requiring university boards of trustees to adopt regulations rather than rules for administration of certain scholarships and loans; amending s. 1011.90, F.S.; revising provisions relating to management information maintained by the Board of Governors; amending s. 1013.02, F.S.; requiring the Board of Governors to adopt regulations rather than rules to implement provisions of law relating to educational facilities; amending s. 1013.10, F.S.; providing for university board of trustee regulations for the use of educational buildings and grounds; amending ss. 1013.12 and 1013.28, F.S.; requiring the Board of Governors to adopt regulations rather than rules relating to firesafety inspections and disposal of real property; amending s. 1013.30, F.S.; requiring the Board of Governors to adopt regulations rather than rules relating to university campus master plans; amending s. 1013.31, F.S.; requiring the Board of Governors to

adopt regulations rather than rules for determining facility space needs; amending s. 1013.47, F.S.; requiring the Board of Governors to adopt regulations rather than rules relating to building standards; amending s. 1013.74, F.S.; authorizing the Board of Governors to adopt regulations rather than rules relating to authorization for fixed capital outlay projects; repealing s. 1001.74, F.S., relating to powers and duties of university boards of trustees; repealing s. 1004.21, F.S., relating to general provisions for state universities; repealing s. 1004.22(13), F.S., relating to rulemaking by a university board of trustees with respect to divisions of sponsored research; repealing s. 1004.38, F.S., relating to the master of science program in speech-language pathology at Florida International University; repealing s. 1004.381, F.S., relating to the bachelor of science nursing degree program at the University of West Florida; repealing s. 1004.3811, F.S., relating to the master of science degree programs in nursing and social work at the University of West Florida; repealing s. 1004.382, F.S., relating to the master's in social work program at Florida Atlantic University; repealing s. 1004.383, F.S., relating to a chiropractic medicine degree program at Florida State University; repealing s. 1004.386, F.S., relating to a bachelor of science degree program in long-term care administration at Florida Gulf Coast University; repealing s. 1004.64, F.S., relating to the School of Engineering at Florida Gulf Coast University and specified bachelor's degrees; providing legislative intent for the repeal of certain sections; requiring each state university to identify and submit to the Board of Governors a list of certain rules that have been superseded by regulations; providing for submission of such rules and certain rules of the Board of Governors to the Department of State; authorizing the Department of State to remove rules from the Florida Administrative Code; providing an effective date.

—was placed on the Calendar.

By the Committees on Higher Education Appropriations; and Education Pre-K - 12; and Senator Wise—

CS for CS for SB 2102—A bill to be entitled An act relating to postsecondary education; amending s. 501.0117, F.S.; providing that a convenience fee imposed upon a student or family paying tuition, fees, and other student account charges by credit card to an institution that is eligible to participate in the William L. Boyd, IV, Florida Resident Access Grant Program is not considered to be a surcharge under certain circumstances; amending s. 1004.26, F.S.; prohibiting a cause of action against a state university for the actions or decisions of a state university student government; amending s. 1009.26, F.S.; authorizing state universities and community colleges to waive tuition and fees for certain public school teachers for certain courses; requiring that the State Board of Education adopt a rule that prescribes the process for the approval of courses by the Department of Education; providing an effective date.

—was placed on the Calendar.

By the Committees on Children, Families, and Elder Affairs; and Education Pre-K - 12; and Senators Gardiner, Fasano, Dean, Storms, and Sobel—

CS for CS for SB 2118—A bill to be entitled An act relating to individuals with developmental disabilities; amending s. 393.067, F.S.; revising the application procedures for the licensing of certain facilities that serve individuals with developmental disabilities; amending s. 393.13, F.S.; providing that persons with developmental disabilities have the right to be free from abuse, including sexual abuse, neglect, and exploitation; amending s. 402.305, F.S.; requiring minimum training for child care personnel to include the identification and care of children with developmental disabilities; creating s. 1003.573, F.S.; requiring that each school prepare an incident report within a specified period after each occasion of student restraint or seclusion; specifying the contents of such report; requiring that each school notify a student's parent or guardian if manual physical restraint or seclusion is used; requiring certain reporting and monitoring; requiring that each school district develop and revise policies and procedures governing the incident reports, data collection, and the monitoring and reporting of such data; prohibiting certain restraints and seclusion; amending s. 1004.55, F.S.; requiring regional autism centers to provide certain support for serving children with developmental disabilities; creating s. 1012.582, F.S.; requiring the Department of Education to incorporate course curricula relating to developmental disabilities into existing requirements for the continuing education or inservice training of instructional per-

sonnel; requiring the Commissioner of Education to make recommendations to the department relating to developmental disabilities awareness instruction and methods for teaching students with developmental disabilities; authorizing the State Board of Education to adopt rules; providing an effective date.

—was placed on the Calendar.

By the Committee on Reapportionment; and Senators Haridopolos, Siplin, and Lawson—

CS for SJR 2288—A joint resolution proposing the creation of Section 20 of Article III of the State Constitution to provide standards for establishing legislative and congressional district boundaries.

—was referred to the Committee on Ethics and Elections.

By the Committees on Governmental Oversight and Accountability; and Commerce; and Senators Constantine and Crist—

CS for CS for SB 2606—A bill to be entitled An act relating to Space Florida; creating s. 331.3081, F.S.; revising provisions governing the board of directors of Space Florida; terminating the existing board and replacing it with a new board meeting the requirements of the act; providing for membership; providing for appointment of certain voting members by the Governor, subject to confirmation by the Senate; providing for designation of a chair; providing for appointment of nonvoting members by the President of the Senate and the Speaker of the House of Representatives; providing for terms of the members and organization of the board; providing for reappointment or removal of members; providing for meetings and actions of the board; providing for reimbursement of expenses incurred by members and staff of the board; requiring members to file disclosure of financial interests; repealing s. 331.308, F.S., relating to the board of directors of Space Florida; providing an effective date.

—was placed on the Calendar.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

EXECUTIVE APPOINTMENTS SUBJECT TO CONFIRMATION BY THE SENATE:

The Secretary of State has certified that pursuant to the provisions of section 114.05, Florida Statutes, certificates subject to confirmation by the Senate have been prepared for the following:

<i>Office and Appointment</i>	<i>For Term Ending</i>
Public Employees Relations Commission Appointee: Varn, Jessica Enciso, Tallahassee	01/01/2014
Board of Trustees, Florida State University Appointee: Brooks, Derrick D., Tampa	01/06/2011
Board of Trustees, University of Florida Appointee: Brown, C. David II, Windermere	01/06/2015

Referred to the Committee on Ethics and Elections.

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 HB 91, CS for HB 109, CS for HB 341, HB 661, CS for CS for HB 747, CS for CS for HB 787, CS for HB 951, CS for HB 1493, HB 1581, CS for HB 7165, HB 7193; has passed as amended CS for CS for HB 131, CS for HB 765, CS for CS for HB 885, CS for CS for HB 1005, CS for CS for HB 1337; has passed by the required constitutional two-thirds vote of the members present HB 7087, HB 7113, HB 7115, HB

7167; and has adopted CS for HM 227 and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

By Elder & Family Services Policy Committee and Representative(s) Wood—

CS for HB 91—A bill to be entitled An act relating to adult protective services; amending s. 415.101, F.S.; revising legislative intent with respect to adult protective services; providing for care and protection of all vulnerable adults; amending s. 415.102, F.S.; defining the term "activities of daily living"; revising the definition of the term "vulnerable adult"; conforming a cross-reference; amending s. 415.103, F.S.; providing for certain suspected abuse cases to be transferred to the local county sheriff's office; amending s. 415.1051, F.S.; providing for the Department of Children and Family Services to file a petition to determine incapacity and guardianship under certain circumstances; amending s. 322.142, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to provide copies of drivers' license files to the Department of Children and Family Services to conduct protective investigations; amending ss. 435.04, 943.0585, and 943.059, F.S.; conforming cross-references; providing an effective date.

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

By Finance & Tax Council and Representative(s) Jenne, Hudson—

CS for HB 109—A bill to be entitled An act relating to the excise tax on documents; amending s. 201.02, F.S.; excluding certain unpaid indebtedness from the taxable consideration for short sales of real property; defining the term "short sale"; providing an effective date.

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

By State Universities & Private Colleges Policy Committee and Representative(s) Coley, Ambler, Burgin, Cruz, Culp, Hooper, Stargel, Tobia—

CS for HB 341—A bill to be entitled An act relating to the H. Lee Moffitt Cancer Center and Research Institute; amending s. 1004.43, F.S.; revising provisions relating to the establishment of the institute and specifying primary responsibilities of the institute; conforming provisions relating to the agreement by the Board of Governors and the not-for-profit corporation for the use of facilities on the campus of the University of South Florida; specifying that the not-for-profit corporation and its not-for-profit subsidiaries shall conclusively act as instrumentalities of the state for purposes of sovereign immunity; authorizing the use of land, facilities, and personnel for teaching and research programs conducted by state universities; revising provisions relating to the control and sharing of certain income; providing an effective date.

—was referred to the Committees on Higher Education; Health Regulation; and Judiciary; and the Policy and Steering Committee on Ways and Means.

By Representative(s) Nelson—

HB 661—A bill to be entitled An act relating to minimum surplus requirements for mortgage guaranty insurers; amending s. 635.042, F.S.; authorizing the Commissioner of Insurance Regulation to permit a temporary exception to certain requirements under certain circumstances; revising authority of the Office of Insurance Regulation to take action against a noncomplying insurer under certain circumstances; providing an effective date.

—was referred to the Committees on Banking and Insurance; Finance and Tax; and General Government Appropriations.

By Education Policy Council, PreK-12 Policy Committee and Representative(s) Thompson, N., Jones, Kreegel, Renuart, Van Zant—

CS for CS for HB 747—A bill to be entitled An act relating to the treatment of diabetes; amending s. 385.203, F.S.; revising the Diabetes Advisory Council membership; amending s. 1002.20, F.S.; prohibiting school districts from restricting the assignment of diabetic students to certain schools for certain reasons; authorizing a student to manage diabetes while at school, at school-sponsored activities, or in transit to or from school or school-sponsored activities with written authorization from the parent and physician; requiring the State Board of Education to adopt rules; providing for indemnification of specified employees, volunteers, and entities; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; Health Regulation; and Education Pre-K - 12 Appropriations.

By Policy Council, Public Safety & Domestic Security Policy Committee and Representative(s) Rouson, Ambler, Evers, Heller, Schwartz—

CS for CS for HB 787—A bill to be entitled An act relating to child abduction prevention; providing a short title; amending s. 61.45, F.S.; authorizing additional persons to move to have certain restrictions placed in parenting plans upon showing of a risk that one party may violate the court's parenting plan by removing a child from this state or country or by concealing the child's whereabouts; authorizing courts to impose certain restrictions in parenting plans upon a specified finding; authorizing a court to impose certain restrictions in addition to or in lieu of a requirement that a child's passport be surrendered; authorizing a court to impose specified restrictions upon entry of an order to prevent removal of a child from this state or country; providing additional factors that may be considered in assessing the risk that a party may violate a parenting plan by removing a child from this state or country or by concealing the child's whereabouts; providing that violations may subject a violator to specified penalties or other consequences; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Judiciary; and Criminal and Civil Justice Appropriations.

By Criminal & Civil Justice Appropriations Committee and Representative(s) Snyder, Abruzzo—

CS for HB 951—A bill to be entitled An act relating to public safety; amending s. 790.065, F.S.; requiring certain reports to be submitted in an automated format; deleting provisions relating to automatic deletion of mental health records under specified conditions from the Department of Law Enforcement's database of such records kept for purposes of sale and delivery of firearms and substituting a procedure for petition to obtain judicial relief from firearm disabilities and, upon obtaining such relief, the removal of the individual mental health records from the department's database; amending s. 943.05, F.S.; revising provisions relating to the Criminal Justice Information Program under the Department of Law Enforcement; authorizing agencies to request the retention of certain fingerprints by the department; providing for rulemaking to require employers to keep the agencies informed of any change in the affiliation, employment, or contractual status of each person whose fingerprints are retained in certain circumstances; providing departmental duties upon notification that a federal fingerprint retention program is in effect; amending s. 943.053, F.S.; removing obsolete references relating to the dissemination of criminal justice information; amending s. 943.12, F.S.; requiring the Criminal Justice Standards and Training Commission to adopt rules relating to the maintenance of officers who engage in those specialized areas found to present a high risk of harm to the officer or the public at large; requiring the commission to adopt rules requiring the demonstration of proficiency in firearms for all law enforcement officers; amending s. 943.131, F.S.; revising provisions relating to exemptions from completing a commission-approved basic recruit training program; amending s. 943.1395, F.S.; revising provisions relating to qualifications for certified law enforcement officers separated from employment for more than a certain period of time; amending s. 943.17, F.S.; deleting a requirement that correctional probation officers pass a specified basic skills examination and assessment instrument before entrance into the basic recruit training program; amending s. 943.32, F.S.; deleting state funding eligibility for a locally funded crime laboratory in Monroe County; providing an effective date.

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

By Public Safety & Domestic Security Policy Committee and Representative(s) Cruz, Ambler—

CS for HB 1493—A bill to be entitled An act relating to career offenders; amending s. 775.261, F.S.; providing that it is a first-degree misdemeanor for a person to perform specified acts with the intent to assist a career offender in eluding a law enforcement agency that is seeking to find the career offender to question the career offender about, or to arrest the career offender for, his or her noncompliance; providing criminal penalties; providing an effective date.

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

By Representative(s) Hasner, Patterson, Rader, Sachs—

HB 1581—A bill to be entitled An act relating to Florida Atlantic University; authorizing a doctor of medicine degree program at Florida Atlantic University; providing an effective date.

—was referred to the Committees on Higher Education; and Higher Education Appropriations.

By Economic Development & Community Affairs Policy Council, Governmental Affairs Policy Committee and Representative(s) Roberson, K.—

CS for HB 7165—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; repealing s. 741.3165(3), F.S.; removing the scheduled repeal of an exemption from public records requirements for specified identifying information in records created by a domestic violence fatality review team and an exemption from public meetings requirements for specified meetings of a domestic violence fatality review team; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; and Governmental Oversight and Accountability.

By Governmental Affairs Policy Committee and Representative(s) Braynon—

HB 7193—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 1002.72, F.S., which provides an exemption from public records requirements for records of children in the Voluntary Prekindergarten Education Program; making editorial changes; reorganizing the section; removing the scheduled repeal of the exemption; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; and Governmental Oversight and Accountability.

By Economic Development & Community Affairs Policy Council, Governmental Affairs Policy Committee and Representative(s) Adams, Ambler, Murzin, Stargel, Williams, T.—

CS for CS for HB 131—A bill to be entitled An act relating to absent uniformed services and overseas voters; amending s. 97.021, F.S.; defining the term "absent uniformed services voter"; revising the definition of the term "overseas voter"; amending s. 98.0981, F.S., relating to statewide voter information; conforming a cross-reference; amending s. 101.62, F.S.; requiring the supervisor of elections to notify the absent uniformed services voter and overseas voter of the free access system for determining absentee ballot status; providing a timeframe for an absentee ballot to be sent to each absent uniformed services voter and overseas voter; providing acceptable formats for requesting an absentee ballot; modifying circumstances under which the department is authorized to prescribe rules for a ballot to be sent to absent uniformed services voters and overseas voters; amending s. 101.694, F.S.; conforming timeframes for sending an absentee ballot upon receipt of federal postcard application to those prescribed in s. 101.62, F.S.; deleting

the requirement for a federal postcard application request to be effective through two regularly scheduled general elections pursuant to changes in federal law; amending s. 101.6952, F.S.; revising responsibilities of the supervisor of elections when an absent uniformed services voter's or overseas voter's request for an absentee ballot includes an e-mail address; requiring the supervisor to record the e-mail address in the absentee ballot record and, via e-mail, confirm that the request was received, inform the voter of the estimated date the absentee ballot will be sent, and notify the voter when the voted absentee ballot is received; amending s. 379.352, F.S., relating to recreational licenses and permits; conforming cross-references; providing effective dates.

—was referred to the Committees on Ethics and Elections; and Transportation and Economic Development Appropriations.

By Agriculture & Natural Resources Policy Committee and Representative(s) Garcia, Abruzzo, Pafford, Rehwinkel Vasilinda, Robaina—

CS for HB 765—A bill to be entitled An act relating to animal protection; providing a short title; amending s. 474.203, F.S.; revising a veterinary licensure exemption pertaining to certain persons practicing temporarily in the state; providing circumstances that render inapplicable a veterinary licensure exemption pertaining to part-time and independent contractors; amending s. 500.451, F.S.; prohibiting specified acts relating to horsemeat for human consumption; providing penalties; increasing the classification of offenses related to horsemeat for human consumption; providing for suspension of licenses of certain businesses for offenses related to horsemeat; providing mandatory minimum penalties; amending s. 828.073, F.S.; revising procedures for law enforcement officers and certain animal cruelty prevention agents to file petitions in custody proceedings involving neglected animals; exempting animal owners from payment of the care provided for their animals during such proceedings under certain circumstances; revising the period within which written notice of such proceedings must be served; deleting a provision requiring publication of notices of such proceedings under certain circumstances; revising provisions relating to remand of neglected animals directly to the seizing officer or agent for disposition; amending s. 828.125, F.S.; revising provisions prohibiting certain acts relating to horses to apply to all horses regardless of breed; providing mandatory minimum penalties for violations involving horses or certain cattle; creating s. 828.28, F.S.; requiring local governments to provide notice prior to licensing deadlines; encouraging local governments to develop online licensing systems; providing effective dates.

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

By Rules & Calendar Council, General Government Policy Council and Representative(s) Tobia, Plakon—

CS for CS for HB 885—A bill to be entitled An act relating to life insurance; amending s. 626.2815, F.S.; exempting certain life insurance agents from certain continuing education requirements under certain circumstances; providing an attestation requirement; creating s. 627.4605, F.S.; specifying nonapplication of a required notice to a current insurer of a policy replacement under certain circumstances; amending s. 627.464, F.S.; providing a limitation on the resale of certain annuities to third parties; amending s. 627.552, F.S.; prohibiting the creating or permitting of certain classes of employees for group health insurance policy purposes; preserving an employer's authority to require certain plan participation as a condition of employment; amending s. 627.5575, F.S.; revising the limitation on the amount of insurance for spouses of dependent children of employees of members under a group life insurance policy; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Commerce.

By Criminal & Civil Justice Policy Council, Public Safety & Domestic Security Policy Committee and Representative(s) Holder—

CS for CS for HB 1005—A bill to be entitled An act relating to corrections; amending s. 384.34, F.S.; revising criminal penalties pertaining to sexually transmissible diseases; amending s. 775.0877, F.S.;

removing a provision authorizing a court to require an offender convicted of criminal transmission of HIV to serve a term of criminal quarantine community control; amending s. 796.08, F.S., relating to criminal transmission of HIV; conforming a cross-reference; creating s. 800.09, F.S.; defining terms; providing that a person who is detained in a state or private correctional facility may not commit lewd or lascivious exhibition in the presence of an employee who the detainee knows or reasonably should know is an employee; providing criminal penalties; amending s. 921.187, F.S.; removing a reference to criminal quarantine community control to conform to changes made by the act; amending s. 940.061, F.S.; requiring that the Department of Corrections send to the Parole Commission by electronic means a monthly list of the names of inmates released from incarceration and offenders terminated from supervision who may be eligible for restoration of civil rights; repealing s. 944.293, F.S., relating to initiation of the restoration of an inmate's civil rights; amending s. 944.35, F.S.; including employees of private correctional facilities within a statute prohibiting employees from committing certain sexual misconduct with inmates; providing criminal penalties; amending s. 944.605, F.S.; authorizing the Department of Corrections to electronically submit certain information to the sheriff of the county in which the inmate plans to reside and to the chief of police of the municipality where the inmate plans to reside; amending ss. 944.804 and 944.8041, F.S.; requiring the department to establish and operate certain geriatric facilities or dorms at prison institutions; removing provisions requiring the operation of a specified facility; amending s. 945.41, F.S.; deleting a prohibition against the placement of youthful offenders at certain institutions for mental health treatment; amending s. 945.42, F.S.; deleting references to an inmate's refusal of voluntary placement for purposes of determining the inmate's need for care and treatment; amending s. 945.43, F.S.; clarifying that an inmate is placed in, rather than admitted to, a mental health treatment facility; requiring that a petition for placement be filed in the county in which an inmate is located; authorizing the department to transport the inmate to the location of the hearing on such a placement under certain circumstances; amending s. 945.46, F.S.; providing procedures for the transport of inmates who are mentally ill and who are scheduled to be released from confinement; creating s. 946.42, F.S.; authorizing the department to use inmate labor on private property under certain circumstances; defining terms; repealing s. 948.001(3), F.S., relating to the definition of the term "criminal quarantine community control," to conform to changes made by the act; amending s. 948.03, F.S.; providing additional conditions of probation to be applied to a defendant; deleting certain requirements for possession of a weapon other than a firearm; requiring that a digitized photograph of an offender be part of the offender's record; authorizing the department to display such photographs on its website for a specified period; providing exceptions; amending s. 948.09, F.S.; conforming a cross-reference; amending ss. 948.101 and 948.11, F.S.; deleting provisions related to criminal quarantine community control; amending s. 951.26, F.S.; authorizing each local public safety coordinating council to develop a comprehensive local reentry plan for offenders reentering the community; providing plan requirements; providing an effective date.

—was referred to the Committees on Criminal Justice; Children, Families, and Elder Affairs; Judiciary; and Criminal and Civil Justice Appropriations.

By Health Care Appropriations Committee, State Universities & Private Colleges Policy Committee and Representative(s) Grimsley, Williams, A.—

CS for CS for HB 1337—A bill to be entitled An act relating to nursing; amending s. 456.014, F.S.; authorizing the disclosure of certain confidential information required of nursing license applicants to certain persons; amending s. 464.003, F.S.; providing and revising definitions; amending s. 464.008, F.S.; revising requirements for graduation from certain nursing education programs for nursing license applicants seeking to take the licensing examination; amending s. 464.015, F.S.; revising restrictions on nursing graduates who may use certain titles and abbreviations; amending s. 464.019, F.S.; revising requirements for the approval of nursing education programs by the Board of Nursing, including application requirements and procedures for the review and approval or denial of applications; revising requirements for the approval of nursing education programs meeting certain requirements before a specified date; providing for retroactive application; revising requirements for the submission of annual reports by approved programs; revising requirements for the information published on the

board's Internet website; revising accountability requirements for an approved program's graduate passage rates on a certain licensing examination; revising procedures for placing programs on, and removing such programs, from probationary status; requiring termination of programs under certain circumstances; requiring certain representatives of programs that fail to submit annual reports to appear before the board; requiring the Department of Health to disclose certain confidential information about a program's graduates to the program director under certain circumstances; requiring program directors to maintain the confidentiality of such information; providing penalties for unlawful disclosure of confidential information; revising requirements for the closure of programs; revising the board's authority to adopt rules; exempting accredited programs from specified requirements; providing requirements for an accredited program that ceases to be accredited; conforming provisions; deleting obsolete provisions; revising requirements for the Florida Center for Nursing's evaluation of the board's implementation of certain accountability provisions; providing for the performance of certain duties of the Florida Center for Nursing by the Office of Program Policy Analysis and Government Accountability under certain circumstances; conforming cross-references; amending s. 464.022, F.S.; conforming provisions; amending ss. 458.348, 459.025, 464.012, and 960.28, F.S.; conforming cross-references; providing an effective date.

—was referred to the Committees on Health Regulation; Higher Education; Governmental Oversight and Accountability; and Health and Human Services Appropriations.

By Governmental Affairs Policy Committee and Representative(s) Holder, Burgin—

HB 7087—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 119.071, F.S., which provides an exemption from public records requirements for identification and location information of current or former guardians ad litem and the spouses and children of guardians ad litem; expanding the public records exemption to include the names and locations of schools or day care facilities attended by the children of current or former guardians ad litem; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

—was referred to the Committees on Judiciary; and Governmental Oversight and Accountability.

By Governmental Affairs Policy Committee and Representative(s) McBurney—

HB 7113—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 383.412, F.S., which provides an exemption from public records requirements for information held or obtained by the State Child Abuse Death Review Committee or any local committee and an exemption from public meetings requirements for specified meetings of the committee or a local committee; defining the term "local committee"; reorganizing provisions; requiring any portion of a closed meeting to be recorded; providing a public records exemption for the recording of the closed meeting; providing a penalty; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

—was referred to the Committees on Health Regulation; and Governmental Oversight and Accountability.

By Governmental Affairs Policy Committee and Representative(s) Ambler—

HB 7115—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 390.01116, F.S., which provides an exemption from public records requirements for information that could identify a minor which is contained in a record relating to a minor's petition to waive notice requirements when terminating a pregnancy; repealing s. 2, ch. 2005-104, Laws of Florida, which provides for repeal of the exemption; making editorial changes; expanding the exemption to include such information held by the office of criminal conflict and civil regional counsel or the Justice Adminis-

trative Commission; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

—was referred to the Committees on Judiciary; and Governmental Oversight and Accountability.

By Governmental Affairs Policy Committee and Representative(s) Mayfield—

HB 7167—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 1005.38, F.S., which provides an exemption from public records requirements for investigatory records held by the Commission for Independent Education and an exemption from public meetings requirements for a probable cause panel wherein exempt information is discussed; reorganizing the exemption; requiring a recording for any portion of a closed meeting of a probable cause panel; providing a public records exemption for the recording of a closed meeting of a probable cause panel and the minutes and findings of the meeting; providing for limited duration of the exemption; providing for future legislative review and repeal of the exemptions; providing a statement of public necessity; providing an effective date.

—was referred to the Committees on Higher Education; and Governmental Oversight and Accountability.

By Economic Development & Community Affairs Policy Council and Representative(s) Adams, Ambler, Mayfield, Murzin, Plakon, Renuart, Workman—

CS for HM 227—A memorial to the Congress of the United States, urging Congress to preserve the authority of the Governor to retain command and control of the Florida National Guard and to reject any changes to federal law which would restrict or diminish the authority of the Governor to activate the Florida National Guard in response to a domestic crisis, disaster, or other emergency.

—was referred to the Committees on Military Affairs and Domestic Security.

RETURNING MESSAGES — FINAL ACTION

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 464; adopted SM 944 and SM 1896.

Robert L. "Bob" Ward, Clerk

The bills contained in the foregoing messages were ordered enrolled.

ENROLLING REPORTS

CS for CS for SB 350, CS for SB 622, CS for SB 2060 and CS for SB 2440 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 21, 2010.

R. Philip Twogood, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journals of April 16 and April 20 were corrected and approved.

CO-INTRODUCERS

Senators Crist—CS for SB 300, SB 808, CS for SB 1068, CS for SB 1096, CS for SB 1844, CS for CS for SB 2606, SB 2750; Gaetz—CS for SB 708, SM 1328; Lynn—CS for SB 704, CS for CS for SB 1412

RECESS

On motion by Senator Fasano, the Senate recessed at 6:22 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Thursday, April 22 or upon call of the President.