



# Journal of the Senate

Number 21—Regular Session

Friday, April 23, 2010

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## CALL TO ORDER

The Senate was called to order by President Atwater at 9:58 a.m. A quorum present—35:

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

Excused: Senator Rich; Senator Thrasher until 2:33 p.m.; and Senator Haridopolos until 3:26 p.m.

## PRAYER

The following prayer was offered by Rev. Laughton D. Thomas, Rector, St. Michael and All Angels Episcopal Church, Tallahassee:

Almighty God, we thank you for these Senators of the State of Florida, and their commitment to the service of all the citizens of this great state. Over the past two months, they have worked and struggled with issues which could affect our lives in many different ways. Many days and nights have been spent away from their families, and their other occupations. In the next week, many more issues and bills face their decisive work and final conclusions.

We pray that your wisdom and spirit may sustain their work. May personal, business, or partisan prejudice be put aside for the best for all citizens, no matter what their economic, ethnic, religious or racial status

may be. We know that the state financial situation is an area of great tension, but may our greatest asset, our children, not be sacrificed to balance the budget. May all of our Senators realize that their position in life is at this point well established, but without an excellent education, the future is grim for upcoming generations. Continue to open the hearts and minds of these, our Senators, to strive for excellence. May your blessings be upon them always. In your name, we pray. Amen.

## PLEDGE

Senate Pages Savanna Marie Miller of Sarasota; Matthew “Matt” Tyson of Chiefland; Victor Dennis Chrispin, Jr. of Jacksonville, grandson of Valerie Chrispin, Legislative Assistant to Senator Hill; and Raymond Huston 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. Sameh Atalla of Sebring, father of Erica Atalla in the Senate Majority Office, sponsored by Senator Diaz de la Portilla, as doctor of the day. Dr. Atalla’s specialty is General/Vascular Surgery.

## MATTERS ON RECONSIDERATION

The motion by Senator Aronberg that the Senate reconsider the vote by which—

**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. 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, 39.001, 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 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 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 Children and Youth Cabinet to submit a plan to the Legislature addressing the inappropriate and excessive prescribing of psychotropic medication for certain children; providing an effective date.

—passed as amended April 22 was taken up and the motion was adopted.

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

**Amendment 1 (788284) (with title amendment)**—Delete lines 324-350.

And the title is amended as follows:

Delete line 49 and insert: provision; amending ss. 20.195, 39.01,

Senators Sobel and Wilson offered the following amendment which was moved by Senator Sobel and failed to receive the required two-thirds vote:

**Amendment 2 (701526) (with title amendment)**—Delete lines 1504-2286.

And the title is amended as follows:

Delete lines 63-129 and insert: of Management rules; directing the Division

On motion by Senator Aronberg, **CS for CS for CS for SB 724** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

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

Nays—1

Sobel

Vote after roll call:

Yea—Alexander, Joyner

**BILLS ON THIRD READING**

Consideration of **CS for CS for SB 8, CS for SB 2230** and **CS for CS for SB 1736** was deferred.

**SENATOR FASANO PRESIDING**

**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 third time by title.

On motion by Senator Baker, **CS for SB 200** was passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Alexander

On motion by Senator Gaetz, by two-thirds vote **CS for CS for HB 509** was withdrawn from the Committees on Health Regulation; Community Affairs; and Health and Human Services Appropriations.

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

**CS for CS for HB 509**—A bill to be entitled An act relating to blood establishments; amending s. 381.06014, F.S.; prohibiting a local government from restricting access to or use of public facilities or infrastructure for the collection of blood or blood components from volunteer donors based on certain criteria; prohibiting blood establishments from determining the price of blood or blood components based on certain criteria; amending s. 499.003, F.S.; revising the definition of the term “wholesale distribution” to exclude certain drugs and products distributed by blood establishments; amending s. 499.01, F.S.; excluding certain blood establishments from the requirement to obtain a prescription drug manufacturer permit; providing an effective date.

—a companion measure, was substituted for **CS for SB 1818** and read the second time by title.

#### MOTION

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

Senator Gaetz moved the following amendment which was adopted:

**Amendment 1 (728886) (with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Section 381.06014, Florida Statutes, is amended to read:

381.06014 Blood establishments.—

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

(a) “Blood establishment” means any person, entity, or organization, operating within the state, which examines an individual for the purpose of blood donation or which collects, processes, stores, tests, or distributes blood or blood components collected from the human body for the purpose of transfusion, for any other medical purpose, or for the production of any biological product.

(b) “Volunteer donor” means a person who does not receive remuneration, other than an incentive, for a blood donation intended for transfusion, and the product container of the donation from the person qualifies for labeling with the statement “volunteer donor” under 21 C.F.R. 606.121.

(2) Any blood establishment operating in the state may not conduct any activity defined in subsection (1) unless that blood establishment is operated in a manner consistent with the provisions of Title 21 parts 211 and 600-640, Code of Federal Regulations.

(3) Any blood establishment determined to be operating in the state in a manner not consistent with the provisions of Title 21 parts 211 and 600-640, Code of Federal Regulations, and in a manner that constitutes a danger to the health or well-being of donors or recipients as evidenced by the federal Food and Drug Administration’s inspection reports and the revocation of the blood establishment’s license or registration shall be in violation of this chapter and shall immediately cease all operations in the state.

(4) The operation of a blood establishment in a manner not consistent with the provisions of Title 21 parts 211 and 600-640, Code of Federal Regulations, and in a manner that constitutes a danger to the health or well-being of blood donors or recipients as evidenced by the federal Food and Drug Administration’s inspection process is declared a nuisance and inimical to the public health, welfare, and safety. The Agency for Health Care Administration or any state attorney may bring

an action for an injunction to restrain such operations or enjoin the future operation of the blood establishment.

(5) A local government may not restrict the access to or use of any public facility or infrastructure for the collection of blood or blood components from volunteer donors based on whether the blood establishment is operating as a for-profit organization or not-for-profit organization.

(6) In determining the service fee of blood or blood components received from volunteer donors and sold to hospitals or other health care providers, a blood establishment may not base the service fee of the blood or blood component solely on whether the purchasing entity is a for-profit organization or not-for-profit organization.

(7) A blood establishment that collects blood or blood components from volunteer donors must disclose on the Internet information to educate and inform donors and the public about the blood establishment’s activities. A hospital that collects blood or blood components from volunteer donors for its own use or for health care providers that are part of its business entity is exempt from the disclosure requirements in this subsection. The information required to be disclosed under this subsection may be cumulative for all blood establishments within a business entity. Disciplinary action against the blood establishment’s clinical laboratory license may be taken as provided in s. 483.201 for a blood establishment that is required to disclose but fails to disclose on its website all of the following information:

(a) A description of the steps involved in collecting, processing, and distributing volunteer donations, presented in a manner appropriate for the donating public.

(b) By March 1 of each year, the number of units of blood components, identified by component, that were:

1. Produced by the blood establishment during the preceding calendar year;
2. Obtained from other sources during the preceding calendar year;
3. Distributed during the preceding year to health care providers located outside this state. However, if the blood establishment collects donations in a county outside this state, distributions to health care providers in that county shall be excluded. Such information shall be aggregated by health care providers located within the United States and its territories or outside the United States and its territories; and
4. Distributed to entities that are not health care providers during the preceding year. Such information shall be aggregated by purchasers located within the United States and its territories or outside the United States and its territories;

For purposes of this paragraph, the components that must be reported include whole blood, red blood cells, leukoreduced red blood cells, fresh frozen plasma or the equivalent, recovered plasma, platelets, and cryoprecipitated antihemophilic factor.

(c) The blood establishment’s conflict-of-interest policy, policy concerning related-party transactions, whistleblower policy, and policy for determining executive compensation. If a change to any of these documents occurs, the revised document must be available on the blood establishment’s website by the following March 1.

(d)1. The most recent 3 years of the Return of Organization Exempt from Income Tax, Internal Revenue Service Form 990, if the business entity for the blood establishment is eligible to file such return. The Form 990 must be available on the blood establishment’s website within 30 calendar days after filing it with the Internal Revenue Service; or

2. If the business entity for the blood establishment is not eligible to file the Form 990 return, a balance sheet, income statement, statement of changes in cash flow, and the expression of an opinion thereon by an independent certified public accountant who audited or reviewed such financial statements. Such documents must be available on the blood establishment’s website within 120 days after the end of the blood establishment’s fiscal year and must remain on the blood establishment’s website for at least 36 months.

Section 2. Subsection (11) is added to section 483.201, Florida Statutes, to read:

483.201 Grounds for disciplinary action against clinical laboratories.—In addition to the requirements of part II of chapter 408, the following acts constitute grounds for which a disciplinary action specified in s. 483.221 may be taken against a clinical laboratory:

(11) *A blood establishment that collects blood or blood components from volunteer donors failing to disclose information concerning its activities as required by s. 381.06014. Each day of violation constitutes a separate violation and each separate violation is subject to a separate fine. If multiple licensed establishments operated by a single business entity fail to meet such disclosure requirements, the agency may assess fines against only one of the business entity's clinical laboratory licenses. The total administrative fine may not exceed \$10,000 for each annual reporting period.*

Section 3. Subsection (23) of section 499.003, Florida Statutes, is amended to read:

499.003 Definitions of terms used in this part.—As used in this part, the term:

(23) “Health care entity” means a closed pharmacy or any person, organization, or business entity that provides diagnostic, medical, surgical, or dental treatment or care, or chronic or rehabilitative care, but does not include any wholesale distributor or retail pharmacy licensed under state law to deal in prescription drugs. *However, a blood establishment may be a health care entity and engage in the wholesale distribution of prescription drugs under s. 499.01(2)(g)1.c.*

Section 4. Subsection (21) of section 499.005, Florida Statutes, is amended to read:

499.005 Prohibited acts.—It is unlawful for a person to perform or cause the performance of any of the following acts in this state:

(21) The wholesale distribution of any prescription drug that was:

(a) Purchased by a public or private hospital or other health care entity, *except as authorized in s. 499.01(2)(g)1.c.;* or

(b) Donated or supplied at a reduced price to a charitable organization.

Section 5. Paragraphs (a) and (g) of subsection (2) of section 499.01, Florida Statutes, are amended to read:

499.01 Permits.—

(2) The following permits are established:

(a) *Prescription drug manufacturer permit.*—A prescription drug manufacturer permit is required for any person that is a manufacturer of a prescription drug and that manufactures or distributes such prescription drugs in this state.

1. A person that operates an establishment permitted as a prescription drug manufacturer may engage in wholesale distribution of prescription drugs manufactured at that establishment and must comply with all of the provisions of this part, except s. 499.01212, and the rules adopted under this part, except s. 499.01212, that apply to a wholesale distributor.

2. A prescription drug manufacturer must comply with all appropriate state and federal good manufacturing practices.

3. *A blood establishment as defined in s. 381.06014, operating in a manner consistent with the provisions of Title 21 C.F.R. Parts 211 and 600-640, and manufacturing only the prescription drugs described in s. 499.003(53)(d) is not required to be permitted as a prescription drug manufacturer under this paragraph or register products under s. 499.015.*

(g) *Restricted prescription drug distributor permit.*—

1. A restricted prescription drug distributor permit is required for:

a. Any person that engages in the distribution of a prescription drug, which distribution is not considered “wholesale distribution” under s. 499.003(53)(a).

b. ~~Any~~ <sup>A</sup> person who engages in the receipt or distribution of a prescription drug in this state for the purpose of processing its return or its destruction ~~must obtain a permit as a restricted prescription drug distributor~~ if such person is not the person initiating the return, the prescription drug wholesale supplier of the person initiating the return, or the manufacturer of the drug.

c. *A blood establishment located in this state that collects blood and blood components only from volunteer donors as defined in s. 381.06014 or pursuant to an authorized practitioner's order for medical treatment or therapy and engages in the wholesale distribution of a prescription drug not described in s. 499.003(53)(d) to a health care entity. The health care entity receiving a prescription drug distributed under this sub-subparagraph must be licensed as a closed pharmacy or provide health care services at that establishment. The blood establishment must operate in accordance with s. 381.06014 and may distribute only:*

(I) *Prescription drugs indicated for a bleeding or clotting disorder or anemia;*

(II) *Blood-collection containers approved under s. 505 of the federal act;*

(III) *Drugs that are blood derivatives, or a recombinant or synthetic form of a blood derivative; or*

(IV) *Prescription drugs identified in rules adopted by the department that are essential to services performed or provided by blood establishments and authorized for distribution by blood establishments under federal law,*

*as long as all of the health care services provided by the blood establishment are related to its activities as a registered blood establishment or the health care services consist of collecting, processing, storing, or administering human hematopoietic stem cells or progenitor cells or performing diagnostic testing of specimens if such specimens are tested together with specimens undergoing routine donor testing.*

2. Storage, handling, and recordkeeping of these distributions by a person permitted as a restricted prescription drug distributor must comply with the requirements for wholesale distributors under s. 499.0121, but not those set forth in s. 499.01212 if the distribution occurs pursuant to sub-subparagraph 1.a. or sub-subparagraph 1.b.

3. A person who applies for a permit as a restricted prescription drug distributor, or for the renewal of such a permit, must provide to the department the information required under s. 499.012.

4. The department may adopt rules regarding the distribution of prescription drugs by hospitals, health care entities, charitable organizations, or other persons not involved in wholesale distribution, *and blood establishments;* which rules are necessary for the protection of the public health, safety, and welfare. *The department may adopt rules related to the transportation, storage, and recordkeeping of prescription drugs which are essential to services performed or provided by a blood establishment, including requirements for the use of prescription drugs in mobile blood-collection vehicles.*

Section 6. This act shall take effect July 1, 2010.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to blood establishments; amending s. 381.06014, F.S.; defining the term “volunteer donor”; prohibiting local governments from restricting access to public facilities or infrastructure for certain activities based on whether a blood establishment is operating as a for-profit organization or not-for-profit organization; prohibiting a blood establishment from considering whether certain customers are operating as a for-profit organization or not-for-profit organization when determining service fees for selling blood or blood components; requiring that certain blood establishments disclose specified information on the Internet; 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. 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; 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; providing an effective date.

On motion by Senator Gaetz, by two-thirds vote **CS for CS for HB 509** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Alexander

Consideration of **CS for SB 400** was deferred.

**CS for CS for SB 434**—A bill to be entitled An act relating to suicide prevention education; amending s. 14.20195, F.S.; deleting references to inactive organizations represented by members of the Suicide Prevention Coordinating Council and replacing with active organizations; amending s. 1006.07, F.S.; requiring that district school boards provide access to suicide prevention educational resources to all instructional and administrative personnel as part of the school district professional development system; providing an effective date.

—was read the third time by title.

On motion by Senator Sobel, **CS for CS for SB 434** was passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Alexander

**SB 808**—A bill to be entitled An act relating to murder; amending s. 782.04, F.S.; providing that murder in the first degree includes the unlawful killing of a human being which resulted from the unlawful distribution of methadone by a person aged 18 or older when such drug is proven to be the proximate cause of the death of the user; providing penalties; reenacting ss. 775.0823(1) and (2), 782.065(1), 921.0022(3)(i), and 947.146(3)(i), F.S., relating to violent offenses committed against law enforcement officers, correctional officers, state attorneys, assistant state attorneys, justices, or judges, murder of law enforcement officer, the Criminal Punishment Code offense severity ranking chart, and the Control Release Authority, respectively, to incorporate the amendment to s. 782.04, F.S., in references thereto; providing an effective date.

—was read the third time by title.

On motion by Senator Oelrich, **SB 808** was passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Alexander

**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 read the third time by title.

On motion by Senator Storms, **CS for HB 7165** was passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Alexander, Dean

Yea to Nay—Dockery, Joyner

**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 read the third time by title.

On motion by Senator Gaetz, **HB 7113** was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Alexander

Yea to Nay—Dockery, Joyner

**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 lo-

cated; 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 read the third time by title.

On motion by Senator Dockery, **CS for CS for HB 1005** was passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Alexander

**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 read the third time by title.

On motion by Senator Storms, **CS for HB 341** was passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Dean	Gelber
Altman	Detert	Hill
Aronberg	Diaz de la Portilla	Jones
Baker	Dockery	Joyner
Bennett	Fasano	Justice
Bullard	Gaetz	Lawson
Constantine	Garcia	Lynn
Crist	Gardiner	Negron

Oelrich	Siplin	Villalobos
Peaden	Smith	Wilson
Richter	Sobel	Wise
Ring	Storms	

Nays—None

Vote after roll call:

Yea—Alexander

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**CS for CS for SB 1050**—A bill to be entitled An act relating to the sale of ephedrine or related compounds; amending s. 893.1495, F.S.; providing a definition; prohibiting obtaining or delivering to an individual in a retail sale any nonprescription compound, mixture, or preparation containing ephedrine or related compounds in excess of specified amounts; revising provisions relating to retail display of products containing ephedrine or related compounds; revising provisions relating to the training of retail employees; requiring a purchaser of a nonprescription compound, mixture, or preparation containing any detectable quantity of ephedrine or related compounds to meet specified requirements; requiring the use of an electronic recordkeeping mechanism approved by the Department of Law Enforcement for such transactions to record specified information; providing exemptions from the electronic recordkeeping requirement; revising provisions concerning local ordinances or regulations; providing exemptions for certain entities; prohibiting any retailer or entity that collects information on behalf of a retailer from accessing or using the information, except for law enforcement purposes or to facilitate a product recall for public health and safety; providing limited civil immunity for the release of information to law enforcement officers; conforming provisions governing criminal penalties for violations; requiring the Department of Law Enforcement to adopt rules; providing an effective date.

—was read the third time by title.

On motion by Senator Baker, **CS for CS for SB 1050** was passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Alexander

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**HB 521**—A bill to be entitled An act relating to the Interstate Compact on Educational Opportunity for Military Children; repealing s. 5 of ch. 2008-225, Laws of Florida; abrogating the future repeal of ss. 1000.36, 1000.37, 1000.38, and 1000.39, F.S., relating to the compact; amending s. 1000.36, F.S.; deleting provisions relating to the disclosure of information and records and the closure of meetings by the Interstate Commission on Educational Opportunity for Military Children; providing for future legislative review and repeal of the compact; providing an effective date.

—was read the third time by title.

On motion by Senator Storms, **HB 521** was passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Alexander, Justice

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**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 Administrative 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 read the third time by title.

On motion by Senator Joyner, **HB 7115** was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Alexander, Negron

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**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 read the third time by title.

On motion by Senator Joyner, **HB 7087** was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Alexander

Consideration of **CS for SB 2262** was deferred.

**CS for SB 318 and CS for SB 572**—A bill to be entitled An act relating to wildlife regulation; amending s. 379.231, F.S.; prohibiting the import or release of nonnative animals in this state unless authorized by the Fish and Wildlife Commission; conforming a cross-reference to changes made by the act; amending s. 379.372, F.S.; prohibiting persons or entities from keeping, possessing, importing, selling, bartering, trading, or breeding certain reptiles in this state; providing exceptions; providing that such prohibitions do not apply to specified zoological facilities; amending s. 379.374, F.S.; providing bonding requirements for the possession of certain wildlife; amending s. 379.3761, F.S.; requiring that any person or entity wishing to keep wildlife in captivity or sell specified species of wildlife obtain a permit from the commission; amending s. 379.401, F.S.; removing a provision classifying the importation of nonindigenous species a Level Three violation; amending s. 479.4015, F.S.; classifying violations relating to the importation, sale, introduction, and release of certain types of nonnative wildlife into this state; requiring the imposition of minimum fines for certain violations; authorizing the commission to impose specified civil penalties for certain violations of state law; limiting the amount of such penalties; authorizing the commission to consider certain factors when determining the amount of such penalty; requiring that the proceeds from the payment of such penalties be deposited into the State Game Trust Fund and used for specified purposes; requiring that the commission submit a report containing certain information to the President of the Senate and the Speaker of the House of Representatives on or before a specified deadline; requiring that the commission annually evaluate the placement of additional species on the list of reptiles of concern beginning by a specified date; amending ss. 379.101, 379.244, 379.26, 379.304, 379.361, 379.363, and 379.3762, F.S.; revising terminology to conform to changes made by the act; providing an effective date.

—was read the third time by title.

On motion by Senator Sobel, **CS for SB 318 and CS for SB 572** was passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Detert	Jones
Altman	Diaz de la Portilla	Joyner
Aronberg	Dockery	Justice
Baker	Fasano	Lawson
Bennett	Gaetz	Lynn
Bullard	Garcia	Negron
Constantine	Gardiner	Oelrich
Crist	Gelber	Peaden
Dean	Hill	Richter

Ring	Sobel	Wilson
Siplin	Storms	Wise
Smith	Villalobos	

Nays—None

Vote after roll call:

Yea—Alexander

**CS for SB 400**—A bill to be entitled An act relating to programs to prevent violence; amending ss. 794.056, 938.08, and 938.085, F.S.; requiring that an additional or increased court cost or surcharge be assessed against a defendant who pleads guilty or nolo contendere to, or is found guilty of, regardless of adjudication, certain specified criminal offenses; providing for proceeds of the additional court cost or surcharge to be deposited into the Rape Crisis Program Trust Fund or the Domestic Violence Trust Fund; reenacting s. 20.435(21)(a), F.S., relating to the Rape Crisis Program Trust Fund, to incorporate the amendments made to s. 794.056, F.S., in a reference thereto; reenacting s. 794.055(3)(b), F.S., relating to access to services for victims of sexual battery, to incorporate the amendments made to s. 938.085, F.S., in a reference thereto; providing an effective date.

—was read the third time by title.

On motion by Senator Gaetz, **CS for SB 400** was passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Mr. President, Alexander, Wise

**THE PRESIDENT PRESIDING**

**RECOGNITION OF PRESIDENT PRO TEMPORE**

**REMARKS**

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

**Senator Gaetz:** Thank you for the opportunity to say something about our President Pro Tempore, Mike Fasano. There are so very many things all of us would want to say about Senator Fasano, but we can't because he's in the room—and he's going to be here two more years.

What I can say is that our President Pro Tem, with his sixteen years of legislative experience, has taken it upon himself to advise, counsel, and mentor incoming senators. When I was elected in the class of 2006, Senator Fasano called me to his office and said, "Don, the Senate is like a fraternity. You're like a pledge. And I'm the pledgemaster. So come to me with any questions, any problems." "Gee, Senator, that's really nice. I hate to bother you with something this trivial but I just got here and I was wondering, Where are the freshmen supposed to park?" "Kleman Plaza," he said. "Bottom level. Northwest corner." That's where I parked for the first month until he found me a spot under the Capitol for three

hundred dollars a month. He explained to me why the Senate was rarely in session on Fridays, so that Jeremy Ring and I would have Friday morning free to pick up Senator Fasano's laundry and Friday afternoon we could wash his car. But of course all of that is behind the Class of 2006 now that Joe Negron is here. Remember Joe, Fasano's secrets to Senate success: light starch on the shirts, no water spots on the chrome.

There's much more to Mike Fasano than his sense of humor. Although he did say just the other day, "Gaetz, if it weren't for term limits, you'd always be a freshman." Mike Fasano is the nudge who reminds us about "the little guys and gals" as he calls them, the seniors, the people who dig deep to pay insurance premiums and taxes, the people who play by the rules and expect the rules to be fair, the people Mike Fasano has devoted his public life to championing, the people who are in turn fiercely devoted to him.

Mike Fasano is the conscience of the Senate. I can tell you from experience that the last thing you want is to be halfway through explaining your amendment or making your argument and look over and see Senator Fasano shaking his head and beginning to rise with a question. No one starts earlier. Mike Fasano and Steve Wise turn the lights on in the Capitol every morning. No one is better prepared. No one is stronger in debate. No one is more loyal to his friends. With the possible exception of Senator Villalobos, no one has a greater mastery of the rules of the Senate. No one takes better care of his district than Senator Fasano. Even the bike paths in Pasco County have 8 lanes.

It makes perfect sense that President Atwater's first appointment was Mike Fasano as President Pro Tempore. It was exactly the right decision. Mike Fasano is trusted by all of us. He has served all of us. He has helped our President be successful. He brings honor to the Senate. He is the only person I know who can skewer me to the wall in debate, then say, "God Bless You" and sincerely mean both.

I rise in tribute to my friend, my mentor, my pledgemaster, the President Pro Tempore of the Florida Senate, the Honorable Mike Fasano.

**Senator Garcia:** Thank you, Mr. President, and thank you members. Senator Fasano, when I first saw you walk onto the floor of the House 16 years ago, I looked at you and said, "What is this?" Throughout the years, you've championed some of the most difficult issues that this Legislature has dealt with. You have led with dignity and honor, and you have found ways to follow our then leader, Daniel Webster. You followed in his footsteps in doing what's right for the people of Florida. That was always the motto and creed that I've seen you follow: do what's right for the people of Florida and what's right for the consumers. I remember those debates in the Insurance Committee. When I chaired it, to my left, in that committee, was always the champion of the people fighting for the consumer, the folks that had to pay the bills. There was one man that was always standing up for those folks.

Senator Fasano, if you really think about your history here, you are a true gentleman, a man of honor, a man of dignity, a man of value and principles that brings greatness to this institution. What people don't know, the ones that don't know you well enough or close enough, you are one of the funniest members in this chamber. You usually have these short sly remarks that you make to yourself. If any one really listens, they are really funny.

You are a protector of consumers. You, sir, are a leader of leaders. I thank you. As I rose this morning thinking of what I would say, I am someone who cares a lot for you; someone who has seen your fight throughout many years in doing what's right as a public servant. Many people that come to this chamber, come as a politician or as a Senator. You, sir, come as a public servant.

The Governor sent a personal letter to you, as you are homaged here today. Congratulations, and thank you, for serving the people of Florida in the way that you do.

**Senator Wise:** Thank you, Mr. President. Sixteen years ago he ended up being in the House and we shared an office together. Not only did we share an office together, but we shared a house together, along with Senator Webster and Representative Fuller. We had more people, and you know the reason was because we divided it up. I found out I was paying his share. I didn't know how he did that. Let me tell you something about having shared all these years with him. You've seen the Odd Couple, well, he was Felix. Everything was perfect in his room. Fuller

and I looked like somebody went through our room. I mean it was just unbelievable. We never made our beds. You know, we slept on half of the bed half the session, and then the other half so we wouldn't have to change the sheets. His was changed every week. I couldn't believe it, and those sheets had to be perfectly tucked in. Then he piled up his change in nice little stacks.

In his office, have you ever been in his office, his pencils are lined up perfectly. They are not perpendicular, they are kind of sideways. So Fuller and I decided that what we would do after he left that evening. We took his desk and turned it upside down in his office. He almost had a stroke. We almost had to have him medicated because he had never seen his office look like that before. It was unbelievable.

Many of you remember when President Clinton came, we had gone to dinner the night before he arrived here, and I'm not making this stuff up. This is really true stuff. We bought a cut-out cardboard of President Clinton and he went out in all of the elevators and said if you would like to meet and have your picture taken with President Clinton, come by and leave your office number and at 10:30, you could have your picture taken with him. People were lining up outside and here was this cardboard thing and he was trying to charge them. He was going to make some extra money on this deal. That was just unbelievable what he was doing.

I'll just say this to you, that I don't know anybody that works harder than he. I try to get here early and he is always here. Part of the reason was because if he got to the shower first he used up all the hot water. I decided I would have to get up really early to get the hot water and get here.

But I will tell you that he really works hard. If you will look at the number of bills that he puts out and the depth of the content, there are no easy bills that he takes on. I also notice that. Have any of you gotten his e-mails in the morning? The newspaper clippings—gazillions—he must have some connection with the press because his name is on everything. It's true. Most everything that he does is for the people. It has been my pleasure to have known him for all these years, except the last two, he decided he didn't want to live with me anymore, because Webster left. He bought a condo down here. I've had to live alone and I've been scared every night since you left. You have just been a wonderful friend and a terrific legislator. God bless you.

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## MOTION

On motion by Senator Justice that a committee be appointed to escort Senator Fasano to the rostrum, the President appointed Senators Justice, Storms and Wise. Senator Fasano was escorted to the rostrum.

**President Atwater:** Members, I would like to share a couple of thoughts before turning the rostrum over to the Pro Tem to make some remarks to the Senate. I can tell you this. We both shared a common interest to pass on this day, to let the session end without such recognition, because it has been your hard work and your dedication that is shaping the future of Florida. Others prevailed upon us, it has been a tradition to take a moment to express this gratitude, and I wish to do that for the Pro Tem.

We met many years ago. I was a candidate, running for the House. He was following then-Speaker designate Tom Feeny around the State of Florida. I believe it was to be the designated driver. I can say that the comments that I have heard today have all made sense again. That was a time before the BlackBerry was invented, but there was a little text messenger that he had on his side, and he used it hour by hour, to stay informed, to track down candidates, to make the trips around and to introduce himself, to wish us well and to say have courage and fight on. I remember asking him if he could help me clear a seven-way primary that I was in and he said, "God Bless."

Not long ago a member came in to my office and said things that I can't share here, but they were greatly disappointed that Senator Fasano had a different opinion of their work and had, in fact, made changes to their work product in a committee. Much to their disappointment, they felt they had to extract a certain level of pain and anguish back on Senator Fasano. They just came to tell me, "Would I mind if they went at it." I said "That is how the process works. What do you have in mind?" He said, "I'm going to file an amendment on his next bill." I said, "That's

what he is hoping for." If you really want to mess with him, go move his stapler.

In our house when my BlackBerry vibrates on the dresser at 4 a.m., Carole says, "Fasano is awake." When it came to making this decision to select a Pro Tempore, it did come down to just a couple of attributes that I was hoping would be available to the service of the Senate, and that would be a person of conviction, a person that would never lose ground as to where he or she believed he or she would be standing, so that I would know; that had a commitment to principles; and would not shy away from fighting for those principles; so we all would know it would never be in doubt where that individual stood. I also was hoping to find an individual that believed in this institution; that good debate, solid debate, should not be shied away from. That individual to me was Senator Mike Fasano. I must say how grateful I was when I made that phone call that he said just so simply, "If you believe it is the best way I can serve my fellow Senators, I accept." Isn't that the way it has always been with Senator Fasano? He has simply always believed if it is the best way I can serve my fellow Senators, I accept. If it is the best way I can serve my constituents of District 11, I accept. If it is the best way I can serve my fellow Floridians, I accept. He has accepted the call to service over and over again, and I believe Senators, we are most fortunate he accepted the call to serve as our Pro Tempore. It is a real privilege to provide you now an opportunity to hear from our Pro Tempore and say thank you once more, President Pro Tempore, Mike Fasano.

#### SPECIAL PRESENTATION

The President presented Senator Fasano with a gift in appreciation of his service as President Pro Tempore.

#### ADDRESS BY PRESIDENT PRO TEMPORE

**Senator Fasano:** After this week's Ethics and Elections Committee meeting, I was afraid you might be giving me a grenade. In all seriousness, thank you very much for this wonderful gift. I truly appreciate the thoughtfulness.

Senators, when I was installed as the Pro Tem, I called on this body to remember the average Floridian as we began to govern for another two years. We have had enormous challenges since that day. Yet, through it all, and it hasn't been easy, I am proud to say that this chamber has fought hard for Florida. There have been many, many tough decisions made in this chamber, from budget cuts that affect real people to policy decisions that will affect the way our state does business for generations to come. Yet, throughout it all, we've been led by a man of unshakable character and faith that was dead set on the Senate finishing the job at hand and doing so in an honorable way.

President Atwater, thank you so very much for being who you are and remaining true to this body and to yourself. We are all better off because of your leadership. Well, we have an important week ahead of us for Florida. We must stay focused. We must not grow tired. We must finish strong, fellow Senators.

As I told you when I stood here in our organizational session, being the President Pro Tem was beyond my wildest dreams. I am so very grateful to have been given the opportunity to serve you and this body. Most importantly, I am grateful to have been given an opportunity to make a difference for my district and the people of this great state.

Thank you Senators and President Atwater, for giving me the honor to have served as your President Pro Tem.

God Bless you.

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#### SENATOR FASANO PRESIDING

#### RECOGNITION OF PRESIDENT

#### REMARKS

**Senator Negron:** Thank you, Mr. President. Early last year at the beginning of the session, during his first session as President of the Senate, President Atwater had pulled into the Capitol and was prepar-

ing to park in a spot under the Capitol. He was on the phone and needed to finish up the phone call, so he pulled a little off to the right, kept the car running and was finishing his phone call. As he was talking, a middle-aged woman opened up the door to the blue family van and sat down in the passenger seat. So the President completed his call and when he was done, turned to her and said, "Hello, can I help you?" And she said, "Yes, take me to the Governor's Square Mall, please." The President gave her a very quizzical look and she said, "Aren't you the shuttle driver?" He said, "No, Ma'am, I'm just a guy trying to get to work." So for the last ten years, two in the House and then in the Senate, that's what President Atwater has done. He's gone to work for his family, for his community, and for the people of Florida.

Speaking of family, it's my honor to introduce the first Lady of the Florida Senate, Carole Atwater. Thank you for your service, Carole. Two of the Atwater's four children are here with us, if they would stand, John and Courtney. John and Courtney, welcome, we're glad to have you here.

For me, the defining moment of President Atwater's service this session was when he appeared in front of the Ways and Means Committee early on in this process. I've been reading a lot of articles in the paper about how terrible it was that he was having to preside during a time of economic downturn. People were bemoaning that fact. I remember President Atwater striding to the podium and instead of taking that approach, said what an honor and opportunity it is to serve during this time when we will be able to work with our families in Florida—where we can show our resilience—when we can take an opportunity to look through our budget and find things that aren't working any more. I remember him saying we don't have a budget hole, we don't have a shortfall, we don't have a gap. We have the amount of money that our constituents have worked hard for all year and this is the money they have made available to us. We're going to spend it wisely and we're going to hold our heads high. We're going to look at this as a great opportunity for public service. I think that says a lot about Jeff Atwater and his indomitable spirit, regardless of what is happening, to always be appealing to that spirit in our constituents. That entrepreneurial spirit and the fact that we are a country founded by revolutionaries. We are strong and we are vibrant. Thank you so much for setting that tone, Mr. President.

I was thinking of what three issues I think are the focal issues and the things that President Atwater could be most proud of. I'll offer these, Mr. President. The first, I helped work with you when I was in the House, was the landmark legislation to make sure the out-of-state insurance companies treat their Florida customers fairly. That was a tremendous fight. I think it had been filed for 10 or 12 years. It never passed. I remember at an event with then CFO Gallagher and you had the bill up in the committee and things were not going exceptionally well in the committee. I remember we were standing out there and you came around the corner and I wondered what was going to happen. The speakers who came weren't going for your side and things hadn't gone well and I was getting very nervous and agitated. He comes around the corner acting like the thing has just passed unanimously, there's no problem, apparently we need a little more time to talk about it and as a result that bill was passed. I think that's one of your legacies.

The second one, is your emphasis on how we need to shift to a knowledge-based economy in the State of Florida. How we were the leaders of the space exploration and what is going to be the future. What's Florida going to look like. You made a commitment with Scripps, with Burnham, and with Torrey Pines with all of the work, I remember you saying that some day scientists in Florida are going to find the cure for Alzheimer's, the cure for Parkinson's disease, the cure for cancer. That's going to happen right here in our state, the State of Florida. I think that transition to a knowledge-based economy is the second point of your legacy.

The final thing that I would mention in observing your service, is this relentless commitment that you have to make sure that families and small businesses are able to prosper. I've always sensed that you have an enormous respect for men and women who get up every day, turn the key, go into work, and have to meet the payroll. You view these people as strong and powerful and robust. People that will accomplish their goals if government will just do its part, stay out of the way and remove obstacles that prevent their success. I think that comes from your many years as a banker. Even when you rose to levels of executive leadership, the way you always made a point to make weekly rounds, talk to us and ask what's going on with our business. How are things going? Are you

hiring people? Are you laying people off? What are some things that are happening in your business that we could be of help? I think the enormous respect that you show for the capability of Floridians is something that marked your service.

In closing I would just say that, Mr. President, because of your service and your leadership, Florida is a stronger and more vibrant state. Thank you very much.

**Senator Bennett:** Has anybody ever heard that Hank Williams' song *Family Tradition*? I've got to tell you, that's what we're talking about today. We're talking about a man that grew up in a whole family tradition of serving people. From a grandfather, who was a governor, to a great uncle, who I believe also had that same position. A man who thinks about the past, who lives in the present, and dwells on the future. Most of the time when he's dwelling on the future, he's thinking about the people of the state of Florida. He's thinking about your children and your grandchildren and your great-grandchildren. He's not thinking about just today.

President Atwater sitting here as the 83rd President of the Florida Senate, again is looking forward to the future to continue to serve, hopefully, as the Chief Financial Officer for the State of Florida. I think that it's really neat that he's going for that particular job, because he realizes how badly the people in the State of Florida have to have a strong financial background, so we don't have to continue to raise taxes for people and continue to spend their money in frivolous ways. It's that service, I believe, that really outlines and defines the Senate President.

All of you who have worked with him, know how often he has encouraged you to reach beyond what you thought was going to be the end of your bill. Beyond what you thought you could reach—and yet he always encouraged you to strive a little harder, a little higher, a little further than you thought you'd get-as long as it was protecting the people of the State of Florida.

I've also had the opportunity to have him call me into the back room to tell me, "That's not going to benefit the people of the state of Florida. That's going to benefit that one vendor over there. That's not what it's about." Sometimes we need that. Sometimes we get swayed by the public. We get swayed by that big developer or business man back home who put a lot of cash in our campaign. Every once in a while we need someone to come in and say, "Maybe you really don't want to do that. That's not what's best for the people of the state of Florida."

He's passionate about public policy. He's not afraid to take it on. It doesn't matter what the issue is. We've been in this game for a long time. The President and I were elected to the House together and came together to the Senate in 2002. We watched a lot of presiding officers who did not want to take on the tough issues. They didn't want to deal with tort reform, they didn't want to deal with pension problems. They didn't want to deal with health care. They didn't want to deal with Medicaid reform. Well, we've got somebody here who had the conviction to say, "You know what, it's more than just about us. It's not about this session. It's not about my legacy. It's not about my leadership. It's about the people of the state of Florida." Those things take moral courage. Some of us who have been in the military talk about battlefield courage. The only people who have courage in the battlefield, if you're not scared, it takes no courage. It's really a simple fact. A lot of people don't understand that. Moral courage is tougher. Moral courage means you've got to go back home and face people and say, "I realize what I did. It was the right thing to do for the people of the state of Florida."

I've seen my friend make some great decisions. I've seen him make some bad decisions, to be quite honest with you. I've seen a couple of times that he decided to hang with Jim King and me. That's a bad decision. It's not something that you would want to do on a regular basis. I would tell you this though, at the end of the day I guarantee that Jim King would say, "He did well."

So as we wrap up this session and his leadership, I'm reminded of a guy. This is really interesting. I don't know how many of you have been up to the President's office late at night when you really kind of wanted to go home and he wants to do policy. He wants to discuss the next day, and the legislative things that we are going to do, and he's up there returning phone calls. It's really kind of an honor to go up there and be included in that until you find out that your meal is going to be Oreos and peanut butter. It's not a good deal.

He will be measured by his thoughtfulness and by the people he encouraged. In my years of service he has given me an appreciation for great politicians. Those who will never bend on their principles, but will stoop for a child. Mr. President, thank you.

**Senator Lawson:** Thank you very much, Mr. President. Today it truly is an honor for me to give a few remarks about my friend, Senate President Jeff Atwater. In 2000 he was a neighbor of mine on the second floor. Often we would go over to seek his advice on issues. Not so much myself, but my aides. He was very friendly with them. He always came by to say hello to them, and they thought it was unusual because many aides didn't have someone as significant as Jeff Atwater coming by to say hello to them. One time I had an amendment on his bill that he didn't really like. He never did ask me about the amendment, he sought the advice of my aides. Then the aides really jumped on me and told me that I didn't need to be messing with Senator Atwater—he is a good man. They said I needed to withdraw the amendment. I felt like I was under attack.

But on another note, there are two or three reasons why it gives me inspiration to talk about Jeff Atwater. Becoming a minority leader, I had to spend a long time campaigning against the person looking to become Senate President. It's a big state. But as a result, we had the opportunity to talk to each other on a regular basis. Because we were friends, I had to remind him that I, too, was trying to become Senate President. But he told me I was slowly losing ground. We would talk and it was always like a gentleman's agreement on issues that would affect the outcome of these races, and what kind of decorum we had to establish between each other—one of respect, one where we could actually work together. One where I could ask him in some cases, "Don't spend so much money against my candidate—I certainly would like to have him back." Sometimes he would tell me, "I think you are wasting your money on this one because we're going to take it." But then we put all of that aside and came to the Legislature. I have never met such a courteous gentleman, who really cares about members—all members—and cares about his family. I used to ask him sometimes, late on a Friday afternoon, "Are you going to go home? What time does your flight leave?" But it was never a flight, it was always that he was driving. I used to go and ask Bud to make sure that he really was driving, because it would take six to eight hours for him to get there. He was only going for a minute to see his family, and then jump right back on the road the next day or early the next morning in order to be here to take care of the people's business in Florida.

On a personal note, a member of my family got in trouble having fun down in Miami. All the time he was detained down there, I never asked him to, but Jeff Atwater made it his business to drive quite a distance to go and spend time with him. Not on one occasion, but two occasions, to give him hope and courage that everything was going to be all right. That is the kind of good person he is. It meant so much to the family member, that every time I talked to him he would always ask about the President. He remembers the things the President said to him and the courage he gave him to endure the process in which he was involved.

Members, I don't know of a moment that I have talked with the President on issues that affect my colleagues in the minority party, where he has was not willing to help out. It didn't make any difference whether there was a major fight one day on the floor when people said all kinds of things that sometimes were not considered to be very respectful. But he looked beyond that. I knew that Jeff Atwater was a winner and I like to think of him as the great fighter Rocky Marciano, who stated that "To win takes a complete commitment of mind and body. When you can't make that commitment, they don't call you a champion anymore." He made that commitment to lead this body during the toughest time that we've had since the 1930s. Every time I asked him how was going to handle it, it was always as if he had a page out of Dale Carnegie's book. He was as positive as you could ever want someone to speak about what was going to happen and how we were going to make it. He was very encouraging. I can tell you that any time you meet a man who speaks on a positive basis during the worst time that we've had in 30 years, then you have a man that is going to lead this chamber to great heights. I feel confident today that the Republicans made a better choice when they made Jeff Atwater President instead of me. I tried really hard, but they made a good choice. I thought I would have people like Dennis Jones and several other people that I've been with for many years, like Victor Crist, who would vote for me. But they abandoned me. Evelyn Lynn did as well. I thought many of them would stick with me. I am here to tell them

today that they made a great choice. The next time around, I hope to have them on my side.

Ladies and gentleman and members, and to his family, you all are fortunate to have a man of his stature as a father. We have been really fortunate in the Legislature to work with a Senate President who has been open and accessible to all of the members in this chamber. He worked very hard to make sure that many of you will be successful in your districts. My good friend, Larcenia Bullard, was ill in the hospital. When she woke up, she thought she was dreaming because all she could see was Jeff Atwater standing in front of her bed. But she was not dreaming. Jeff Atwater was there because he cared about her, like he did about many of us when we had family situations. That is what it is all about. It is not only about being Senate President and leading this chamber, but it is also about what we do every day that affects people in the state of Florida. I am very honored today to call him a good friend, as I always will be, and to say a few words about Jeff Atwater for all that he has done for his family, the state of Florida, and for my family. Thank you very much.

**Senator Gaetz:** On Election Day in 2008, Senator Haridopolos and I ended the day in the 25th Senate District in Palm Beach County. What can we do in the last few hours, we asked? So one of the lieutenants in Atwater's Army, and there really was an army of volunteers, said, "You two, go to this intersection near that church, which is a polling place. Here are your signs. Go wave." So there we stood on our assigned corner waving our Atwater signs at the folks going home from work and the people turning into the polling place to vote. We've all done it—waving—and the reactions tend to be, shall we say, mixed and eclectic. You get thumbs up, thumbs down, one finger waves. But not that day, not in Palm Beach County. The motorists going by honked their horns. The people smiled. Windows were rolled down and folks shouted, "We're with Jeff." The thumbs were all up. No other digits were in evidence. They loved this guy.

The next morning I learned why. Senator Haridopolos and I showed up at the Atwater home early. We were anxious to sit down with the President-designate. I had my legal pad. In the wake of his landslide victory, we wanted to hear his plans and share ideas for the future. But he said, "First, guys, would you mind taking a ride?" So, we climbed in the Atwater mini-van and within the space of only a few blocks, he showed us:

- The house he grew up in as a child. Lots of kids, not lots of bathrooms. Just around the corner from where Carole and he live now.
- He drove us past the elementary school he attended and named all of his teachers.
- The pool where he learned to swim.
- The house where his sister and her family live.
- "And, there, guys," he said with just a little pride in his voice, "there is the Police Station," and over the door is the name of his father, the beloved and respected former Chief of Police.
- The city hall where Jeff Atwater served as Vice Mayor of the Village of North Palm Beach.
- The bank where he worked.
- The library his mother and her friends raised the money to build.

All within just a few blocks there in the midst of the South Florida megalopolis, a small town, a home town, where Jeff Atwater grew up, where he still lives, where everyone knows everything about him and that is why they love him so.

In his first legislative election, Jeff's mother, Angel, was keeping track of the home precinct. The returns came in 119 for Atwater, 12 for the other guy. With utter seriousness, Angel said, "I want the names of the 12." She would have gone to their houses that night. And they would have recanted.

It's hard to tell where North Palm Beach leaves off and Jeff Atwater begins. They are so intertwined, this man and his hometown. He doesn't just represent them with every decision he makes, with every vote he casts, with every policy he champions, he speaks, and we hear their

voice, he acts and we see their values. I know they are proud of him. I know they love him. I saw it in their faces. I read it in their votes.

Mr. President, you've treated us like we're your neighbors in your hometown. You've taken the time to know us, really know us, to know our families, to care about where our children go to school. When we are sick or down or beaten, you lift us up and care about us like we live next door and when there is victory, you talk about the team and give us the credit as if we were sitting at the dining room table at the Atwater home. That morning after the election, he didn't gloat or boast. He didn't want to rush into a talk about politics. Instead, through the windows of the mini-van as we drove around his hometown, he gave us a window into who he is.

Jeff Atwater is all of the things others have said in praising him. He carries the bloodline of two governors, Governor Broward and Governor Hardee, and a brave father, John Atwater, who devoted his life to his country and his community. Jeff Atwater was born for service and has risen to the pinnacle, of power but he wears his office with easy grace. His future and the future of Florida are bound up together and we will see the Atwater name on more than one door on the Plaza Level of this Capitol. But, beyond all of that, as a senator and as our president, he is like the best neighbor you ever had. He is the family member you could always depend on, he is the kid in school you wanted to hang with.

Bob Dole said, "In this business if you want a friend, get a dog," maybe so, but, to me, and I daresay to every woman and man in this chamber, Jeff Atwater is that rarest of creatures in this business, a real leader who is a real friend.

**Senator Siplin:** Thank you, Mr. President. Members, we all know how well Jeff Atwater serves as President of this august body. Making sure the bills are properly scheduled, and the session is run adequately and efficiently. But I want to talk from my heart about why I appreciate him for being my friend. The President and I met when we came to the Florida House in 2000. He with Senator Bennett and I formed a freshman and Republican breakfast where, notwithstanding what the leadership said, we met to discuss issues and about how we could vote together and help improve this state. We met a lot and became enduring friends. I think you and I served on the Finance and Tax Committee and we had the chance to work together on some issues. You helped me out on some things.

I was always impressed with your demeanor and your concern for the public. Then, of course, we came to the Florida Senate and you re-invigorated that friendship. Because of our friendship, I was very pleased when you became President. Even though you were President, you would say, "Gary, if there is anything I can do for you and your district, give me a call and I'll come down." Of course, anyone can say that.

I am very active in my community. Though we all have some very pressing needs, we have a high school in my area, Pine Hills, a community of about 90,000 folks, is a good, strong community. The key, as we well know, to rebuilding any community is having a wonderful, wonderful high school. This is an inner city high school that hadn't been reconstructed or rebuilt in 30 or 40 years. The kids didn't have air conditioning and some of the rooms had asbestos. They were supposed to move the school, but they didn't get a chance to do that. The school board was fighting and, of course, the county commission was fighting. I'm not a school board member, but I am a Senator, and I felt an obligation to help my constituents. So I called my good buddy, Jeff Atwater, the President of the Senate, to see if he could use some of that presidential power to help facilitate a well-needed new school for over 2,000 kids, so they could learn in a learning environment. We called a meeting of all the local elected officials and the county school board. Senator Lawson, you are absolutely correct, our President, my good friend Jeff Atwater, drove down in his van and he conducted a well-organized meeting for over two hours on the issues to make sure that Evans High School got rebuilt. There were some financial issues because there is a law that says that if a school is in existence for over 30 or 40 years, and if there is to be new construction, you must not tear the old construction down. It is called the Castaldi analysis, I believe. Of course, that would be a problem to try to create a new school with a building already in existence.

I called Jeff to see if he could help us with that agreement. He made several phone calls and as a result the Castaldi agreement was waived and Pine Hills' Evans High School saved about \$20 million on the con-

struction process. After having done that, the groundbreaking was, I think, in June. He said, "Gary, when you have the groundbreaking I want to come back." Again, "I wasn't sure if he was serious, so I said, "Jeff, we are going to have the groundbreaking on Friday." We had all of the local dignitaries there, the school kids, the feeder schools—both the elementary and middle schools—were there, and elected officials, as well. They had already begun to move the kids from the dilapidated spot to the ninth grade center with the portables with air conditioning, thank God. So Jeff pulls up, in his minivan, and the school board and Evans High School, the majorettes and the band, all met him. They had a green carpet for him and escorted him down to the front of the tent with the dignitaries. He spoke very, very highly of the school board and encouraged them to get the school done within a year.

I am very proud to say, members, that there will be a \$90 million edifice at Evans High School, with an International Baccalaureate program, an AP program, and hopefully, some role models there in about a year. I want to give you a round of applause, Mr. President, for doing a wonderful job for the inner city kids in Pine Hills.

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### SPECIAL GUEST

Senator Fasano introduced Speaker of the House Larry Cretul who was present in the chamber.

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**Senator Wilson:** I consider it a signal order to stand and speak to you about our President

Mr. Jeff Atwater—a wonderful, wonderful textbook example of what a President ought to be—a friend that I have grown to love and respect from our years in the House and Senate. I watched him ascend to the pinnacle of leadership and I am so very proud of his ascension. God knows that I can be a lightning rod, one that is not afraid to strike, but in spite of it all we remain friends.

Mr. Jeff Atwater, President of the Senate, is a Class Act. He has the patience of Job, tolerant, willing to listen and willing to serve. He is a brilliant businessman, a student of history, the beneficiary of a legacy of aristocrats, governors and leaders. He is the consummate gentlemen whom I have never seen lose his temper or ever appear annoyed.

He traveled to my district twice during his tenure and I certainly appreciated it. When he indicated he would attend the 5000 Role Models of Excellence Dr. Martin Luther King Scholarship Breakfast I said, "We've got to honor you." He said, "No, I am coming to honor two of your mentors." Two unsung heroes to whom he gave a Senate medal. They are both still star struck. That is the character of a good humble man—don't honor me, I will honor you.

We inducted him into the organization and as fireworks lit up the ballroom of over 2,000 people, I could tell that he was committed to our mission of guiding young boys to manhood.

He came to my district again for a breakfast meeting with pastors in my community. He was genuine in his efforts to offer to help us build a new state-of-the art health clinic in Liberty City for the least among us, while closing three decrepit clinics which were shameful.

He then toured my district with us, just to get a feel for the pulse of the people I serve—to witness those struggling in this difficult economic season, to see the many for sale signs on homes in foreclosure and to see the state of the art 5000 Role Models Academy of Excellence and the alternative school for children adjudicated by the courts.

Yesterday, he rolled out the red carpet for the men and boys in the 5000 Role Models of Excellence Project. There was 100 percent cooperation from the prestigious and elegant men of the Senate because of his leadership. The Secretary of the Senate also joined us and wore a Role Models tie, and the entire scenario was the talk of the Capitol. The young boys and the men in the gallery will never forget that day as long as they live. What a tremendous experience.

I could go on and on praising the man I call friend, a man for all seasons, but we all know him, we all love him, we all respect him and we

all admire his dedicated leadership to this chamber. He has helped me be successful and I am sure that he has helped all of you.

As he leaves the Senate to pursue a higher calling, we all know that God has blessed him abundantly. I will paraphrase what I call his Senatorial epitaph.

Jeff Atwater helped somebody as he passed along.  
He cheered us all with a word and with a song.  
He showed somebody they were traveling wrong.  
Jeff Atwater's living has not been in vain.

He did his duty as a Christian ought.  
He spread salvation to the world once wrought.  
He spread the message as the Master taught.  
Jeff Atwater's living has not been in vain.

God Bless you, Mr. President.

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### UNVEILING OF PORTRAIT

**Senator Fasano:** I'd like to tell you a little bit about the artist who could not be here today. The artist is Phi Van Mai who is originally from South Vietnam, where he earned a Master's Degree in Architecture. Fleeing Communism, he arrived in the United States in 1989. Mai began his current career with Leon Loard Commissioned Portraits in 1994 and, today, has completed over 1,000 portraits in oil. Five of his works, in fact, are displayed in this chamber—Presidents Toni Jennings, Jim King, Tom Lee, Ken Pruitt and, now, Jeff Atwater.

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### MOTION

On motion by Senator Alexander that a committee be appointed to escort President Atwater, his wife, Carole, and their children to the front of the chamber for the unveiling of the President's portrait, the President appointed Senators Alexander, Bennett, Dockery, Lynn, Siplin and Wilson. The President and his family were escorted to the front of the chamber where the portrait was unveiled by Sergeant at Arms, Donald Severance.

### ADDRESS BY PRESIDENT

**President Atwater:** Let me, if I may, just make a few remarks. First, our fellow Senators were kind to share some words of support, and in reflection, I am most grateful. Thank you so much for your kind words and reminding me of the path that we've traveled together over the years. I would also like to thank Speaker Cretul. Mr. Speaker, there is no one of higher integrity, patience, or kindness, and goodness, that I have met in this process than yourself. It has been the honor of a lifetime to serve in this capacity. I cannot imagine that I could have ever had such good fortune to work beside such a man of strength and character. Thank you, Mr. Speaker, for everything that you've done.

I would like to thank the artist for his work. Carole just leaned over to me and said, "He brought you to life better than you bring yourself to life." I would also like to share a brief story. The limitations of this room require that for one new portrait to come up, a portrait must come down. Fortunately, the decorum of this process always calls for it to be the oldest picture. If it were left for us to decide which picture is to come down, there may be a very spotty track record of our history still displayed. If I might introduce you to Frederick Preston Cone, the final picture. Frederick was born in 1871 in Columbia County. He was an attorney and a banker—two strikes. He was our Senate President from 1911 until 1912. Twenty-five years after finishing his term as Senate President he would be elected our 27th Governor, 1937-1941. It would appear that his legacy, his finest contribution as history records, was when he established the Florida driver's license for the sole purpose of funding the Florida Highway Patrol. I think more of you would be intrigued to learn that, at the age of 17, as historians recorded, he shot and wounded a man. His justification in those historic accounts was that he was a stubborn and belligerent Republican. How little things have changed.

Members, what an honor to stand before you today for one final time. To stand on the floor again with you as partner and colleague. I would

like to share with you that I do not believe that any of us have arrived here by accident. I believe that we all answered a call. However it may have begun in your life, it may have been soft and subtle, but it grew. It may have been a defining moment that happened in your life that said that it had to change. It was an urgency possibly for you. However it came, it came to me too. I believe it has been a calling for each one of you. I do not believe there is an accidental member here today. I believe, somewhere in all of this, that calling is found in our faith, a deep faith, a faith of service to our fellow Floridians. For me that faith is based in an ancient and beautiful truth of the Judeo-Christian tradition. It has been dear to me, and in those times when I might have felt as though life, and even here with you, that the evening could grow no darker and I call out, I have never been disappointed in the response, nor the timeliness of that response.

Members, we have extraordinary diversity in this state. We represent in this body the diversity of the state. So there have been other faiths that have sustained us. Faith in our fellow Floridians. Faith in the families of Florida. Faith in the small business owner. Faith in the free market system. Faith in the Constitution. Faith in this institution. Faith in the deliberative process that we participate in to debate the ideas of our time.

Members, as this likeness makes the 100 year journey across this chamber, it is my hope that what's recorded, what's researched to be said by a future presiding officer when this portrait departs, is that at this time, in this chamber, we were not afraid to debate the issues of our time. We had the courage to debate the issues of our time and that some would have said it risky. Some would have said, "Take a different route." When some might have said and cautioned that we go slowly, we had the courage to try. In this room, in those debates, there have been times when individually we were successful. There has been times when as individuals, we failed. I am quite familiar with the latter. I am more convinced than ever that the ideas that we have been willing to debate, ideas that would offer opportunity and choice for families, that would unleash the power of entrepreneurs in this state, that maybe they can be delayed, but in time they will not be defeated. I am confident that we, by our willingness to debate the ideas, have established a beachhead of ideas. We have begun conversations that this nation must now wrestle with and decide. In that we have done our work well.

I also share this my friends. We do represent that diversity. That has made us strong as a Senate. So I can say to you, as I wish you well, how good and fortunate it is for me that I've experienced our time together or work together. You gave me the privilege of visiting your small businesses and took me for a walk on the shop room floor to understand it. You, Senator, did invite me to hold the shovel and break the ground. It was breaking a barrier that was in your way to offer hope and opportunity to children far too long denied the assets and the opportunity for success. It was you, Senator, who invited me to see the place where we stood on the ground, and dug our fingers into the soil of that very place where you have brought together the talent, the commitment, and the vision to provide the basic necessities of care to your communities. You invited me to meet the heroes of your communities, to thank them, praise them, and to champion them. Members in all of this, in that calling, we did take a risk. We put our names on a ballot. We did so knowing that criticism would come our way for choices that we would make, for votes we would take. We signed up for it. We stood for those tests. We were willing to cast those votes and accept what came our way. Our families did not fully understand what we signed up for. It is ironic that those who we hold most dear and those who have offered us the unconditional love and support are the ones who often suffer the greatest because of the choices that we have made. It is little solace, but it is true. We answered the call because we decided it was important to honor all those who came before us, their families, and in time, the sacrifices they made. I would like to say to Carole, to Amy Lee, to John Broward, to Amanda Marie, and to Courtney Ann, the strength that you have offered me is more than you could ever have imagined. I thank you for carrying me and for accepting a burden that was far greater than you should have been asked to carry. I love you all.

Members we have been in challenging times. I know we have often asked the question, how did we get to this place, that of the prosperity and the opportunity that Floridians have so long fought for. I just would like to share with you two last places where I hold faith. The inspired words of the Declaration of Independence and the Constitution of our country. When it was written—the Declaration in 1776, the odds were long that this nation could possibly get up off its knees. It all looked

bleak—a Continental army on the run, being beat at every turn. Two months after that document was written, Thomas Jefferson, the primary drafter, often in depression, understanding the consequences of the closing noose around all of them, received a letter from a college roommate. His name was John Page. He knew his friend needed a little uplifting. He knew his friend was worried that the end was coming on this experiment of two-months. His words were this, "The race not always to the swift. The battle not always to the strong. Do you not believe that there is an angel in the whirlwind that directs the storm." One hundred years later, just as we were entering the horrific battles of the separation of this country, a great statesman, Daniel Webster, wrote to his fellow citizens, "Hold fast to the Constitution and the country for which it stands. What happened once in six thousand years may never happen again. Miracles do not cluster." I stand before you today completely confident that if all those faith traditions that we bring to this room of service, in that calling, in our faith and belief in Florida's families, and the Florida entrepreneur, that if we can knock down barriers in their way, keep it off their back, believe in their potential and their spirit, Florida will be stronger than ever. No matter how tough it ever gets for us, I just ask you to believe again, this is the finest country on earth. We have been given the finest governance by our founders of any country that's ever been and probably ever will be. We offer more hope and opportunity than anyone else on this planet. Believe in it. Miracles do cluster. I remain confident, no matter how the challenges may look at the moment, an angel still rides in the whirlwind and directs the storm. It's been an honor to serve you. Thank you very much.

**SPECIAL PRESENTATION**

Secretary Twogood presented President Atwater with a framed photograph of the members of the 2008-2010 Senate.

Senator Fasano presented the President with several gavels which had been made from an oak tree on the homestead of President Atwater's great-grandfather, former Governor of Florida Napoleon Bonaparte Broward (served: 1905-1909). The gavels had previously been used by President Atwater in presiding over the Senate. The President, in turn, then presented one of the gavels to his wife, Carole; and one to each of his children, John and Courtney. The President then presented each Senator with a framed photograph of the members of the 2010 Senate taken in the historic Senate chamber at the Old Capitol.

**RECESS**

On motion by Senator Villalobos, the Senate recessed at 12:04 p.m. to reconvene at 1:30 p.m. or upon call of the President.

**AFTERNOON SESSION**

The Senate was called to order by President Atwater at 1:48 p.m. A quorum present—36:

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

**SPECIAL ORDER CALENDAR**

The Senate resumed consideration of—

**CS for CS for SB 2044**—A bill to be entitled An act relating to property insurance; amending s. 215.555, F.S.; delaying the repeal of a provision exempting medical malpractice insurance premiums from emergency assessments to the Hurricane Catastrophe Fund; delaying the date on and after which medical malpractice insurance premiums become subject to emergency assessments; amending s. 624.408, F.S.;

revising the minimum surplus as to policyholders which must be maintained by certain insurers; authorizing the Office of Insurance Regulation to reduce the surplus requirement under specified circumstances; amending s. 624.4085, F.S.; defining the term "surplus action level"; expanding the list of items that must be included in an insurer's risk-based capital plan; specifying actions constituting a surplus action level event; requiring that an insurer submit to the office a risk-based capital plan upon the occurrence of such event; providing requirements for such plan; preserving the existing authority of the office; amending s. 624.4095, F.S.; excluding certain premiums for federal multiple-peril crop insurance from calculations for an insurer's gross writing ratio; requiring insurers to disclose the gross written premiums for federal multiple-peril crop insurance in a financial statement; amending s. 626.7452, F.S.; removing an exception relating to the examination of managing general agents; amending s. 626.9744, F.S.; requiring insurers to use retail cost quotations or estimates based on current market prices in determining repair or replacement cost estimates; amending s. 627.0613, F.S.; requiring the office of the consumer advocate to objectively grade insurers annually based on the number of valid consumer complaints and other measurable and objective factors; defining the term "valid consumer complaint"; amending s. 627.062, F.S.; requiring that the office issue an approval rather than a notice of intent to approve following its approval of a file and use filing; prohibiting the Office of Insurance Regulation from, directly or indirectly, prohibiting an insurer from paying acquisition costs based on the full amount of the premium; prohibiting the Office of Insurance Regulation from, directly or indirectly, impeding the right of an insurer to acquire policyholders, advertise or appoint agents, or regulate agent commissions; authorizing an insurer to make a rate filing limited to changes in the cost of reinsurance, the cost of financing products used as a replacement for reinsurance, or changes in an inflation trend factor published annually by the Office of Insurance Regulation; providing that an insurer may use this provision only if the increase from such filing and any other rate filing does not exceed 10 percent for any policyholder in a policy year; deleting provisions relating to a rate filing for financing products relating to the Temporary Increase in Coverage Limits; revising the information that must be included in a rate filing relating to certain reinsurance or financing products; deleting a provision that prohibited an insurer from making certain rate filings within a certain period of time after a rate increase; deleting a provision prohibiting an insurer from filing for a rate increase within 6 months after it makes certain rate filings; specifying the information that an insurer must include in a rate filing based on the change in an inflation trend factor published by the Office of Insurance Regulation; requiring that the office annually publish one or more inflation trend factors; exempting the inflation trend factors from rulemaking; providing that an insurer is not required to adopt an inflation trend factor; requiring the Office of Insurance Regulation to propose a plan for developing a website, contingent upon an appropriation, which provides consumers with information necessary to make an informed decision when purchasing homeowners' insurance; requiring that the Financial Services Commission review the proposed plan to implement the website; specifying matters that the Office of Insurance Regulation must consider in developing the website; deleting obsolete provisions relating to legislation enacted during the 2003 Special Session D of the Legislature; amending s. 627.0629, F.S.; providing legislative intent that insurers provide consumers with accurate pricing signals for alterations in order to minimize losses, but that mitigation discounts not result in a loss of income for the insurer; requiring rate filings for residential property insurance to include actuarially reasonable debits that provide proper pricing; deleting provisions that require the office to develop certain rate differentials for hurricane mitigation measures; providing for an increase in base rates if mitigation discounts exceed the aggregate reduction in expected losses; requiring the Office of Insurance Regulation to reevaluate discounts, debits, credits, and other rate differentials by a certain date; requiring the Office of Insurance Regulation, in consultation with the Department of Financial Services and the Department of Community Affairs, to develop a method for insurers to establish debits for certain hurricane mitigation measures by a certain date; requiring the Financial Services Commission to adopt rules relating to such debits by a certain date; deleting a provision that prohibits an insurer from including an expense or profit load in the cost of reinsurance to replace the Temporary Increase in Coverage Limits; amending s. 627.351, F.S.; renaming the "high-risk account" as the "coastal account"; providing that members of the Citizens Property Insurance Corporation Board of Governors are not prohibited from practicing in a certain profession if not prohibited by law or ordinance; prohibiting board members from voting on certain measures; changing the

date on which the boundaries of high-risk areas eligible for certain wind-only coverages will be reduced if certain circumstances exist; providing a directive to the Division of Statutory Revision; amending s. 627.4133, F.S.; authorizing an insurer to cancel policies after 45 days' notice if the Office of Insurance Regulation determines that the cancellation of policies is necessary to protect the interests of the public or policyholders; authorizing the Office of Insurance Regulation to place an insurer under administrative supervision or appoint a receiver upon the consent of the insurer under certain circumstances; creating s. 627.41341, F.S.; providing definitions; requiring the delivery of a "Notice of Change in Policy Terms" under certain circumstances; specifying requirements for such notice; specifying actions constituting proof of notice; authorizing policy renewals to contain a change in policy terms; providing that receipt of payment by an insurer is deemed acceptance of new policy terms by an insured; providing that the original policy remains in effect until the occurrence of specified events if an insurer fails to provide notice; providing intent; amending s. 627.7011, F.S.; requiring that an insurer pay the actual cash value of an insured loss, less any applicable deductible, under certain circumstances; requiring that a policyholder enter into a contract for the performance of building and structural repairs; requiring that an insurer pay certain remaining amounts; prohibiting an insurer, contractor, or subcontractor from requiring a policyholder to advance payment for such repairs or expenses; providing exceptions; authorizing an insurer to waive a certain requirement for a contract; authorizing an insurer to limit its initial payment for certain losses; authorizing an insurer to require an insured to provide the receipts from the purchase of certain property; requiring that an insurer use such receipts for specified purposes; requiring that an insurer pay the replacement cost for contents coverage without reservation or holdback of any depreciation in value under certain circumstances; prohibiting an insurer from requiring that a policyholder advance payment for the replaced property; amending s. 627.7015, F.S.; requiring the Department of Financial Services to prepare a statement or information by rule which must be included in a notice by an insurer informing claimants of the right to participate in a mediation program; specifying documentation that an insurer and insured must provide to a mediator in a dispute over an estimate to repair or replace property; requiring the Department of Financial Services to adopt rules specifying the type of documentation that must be submitted during a mediation; defining the term "claim dispute" as it relates to disputes between an insurer and insured; repealing s. 627.7065, F.S., relating to the department's database of information relating to sinkholes; amending s. 627.707, F.S.; revising standards for investigation of sinkhole claims by insurers; specifying requirements for contracts for repairs to prevent additional damage to buildings or structures; providing for applicability; amending s. 627.7072, F.S.; specifying requirements for tests performed by professional engineers and professional geologists for certain purposes; providing for applicability; amending s. 627.7073, F.S.; revising requirements for sinkhole reports; providing for applicability; amending s. 627.7074, F.S.; revising requirements and procedures for alternative dispute resolution of sinkhole insurance claims; defining the term "substantially related matter"; providing criteria and procedures for disqualification of neutral evaluators; providing requirements and procedures for neutral evaluators to enlist assistance from other professionals under certain circumstances; providing for applicability; amending s. 627.711, F.S.; eliminating the requirement that a uniform mitigation verification form be certified by the Department of Financial Services; eliminating provisions authorizing hurricane mitigation inspectors certified by the My Safe Florida Home Program to sign a valid uniform mitigation verification form; requiring a person to personally perform an inspection in order to sign a mitigation verification form; authorizing an insurer to accept a form from a person possessing qualifications and experience acceptable to the insurer; requiring a person to personally perform an inspection in order to sign a mitigation verification form; defining the term "misconduct" for purposes of performing an inspection and completing the mitigation verification form; providing for sanctions to be imposed against a person who commits misconduct in performing inspections or completing the mitigation verification form; requiring that evidence of fraud in the completion of the mitigation verification form be reported to the Division of Insurance Fraud; requiring the division, if it finds that probable cause of misconduct exists, to send a copy of its report to the agency responsible for the licensure of the inspector who signed the report; providing that insurers need not accept a mitigation verification form that is signed by a person against whom probable cause of misconduct was found; creating s. 628.252, F.S.; requiring that every domestic property insurer notify the office of its intention to enter into certain agreements, contracts, and arrangements;

prohibiting a domestic property insurer from entering into such agreements, contracts, or arrangements unless specified criteria are met; preserving the existing authority of the office; providing an appropriation to the Office of Insurance Regulation and authorizing an additional position; providing effective dates.

—which was previously considered and amended April 22. Pending **Amendment 7 (540640)** by Senator Storms was adopted.

Senator Aronberg moved the following amendment:

**Amendment 8 (124830) (with title amendment)**—Between lines 561 and 562 insert:

Section 3. Paragraph (j) of subsection (2) of section 626.221, Florida Statutes, is amended to read:

626.221 Examination requirement; exemptions.—

(2) However, no such examination shall be necessary in any of the following cases:

(j) An applicant for license as a customer representative who has earned the designation of Accredited Advisor in Insurance (AAI) from the Insurance Institute of America, the designation of Certified Insurance Counselor (CIC) from the Society of Certified Insurance Service Counselors, the designation of Accredited Customer Service Representative (ACSR) from the Independent Insurance Agents of America, the designation of Certified Professional Service Representative (CPSR) from the National Foundation for Certified Professional Service Representatives, the designation of Certified Insurance Service Representative (CISR) from the Society of Certified Insurance Service Representatives, or the designation of Certified Insurance Representative (CIR) from the National Association of Christian Catastrophe Insurance Adjusters. Also, an applicant for license as a customer representative who has earned an associate degree or bachelor's degree from an accredited college or university with at least 9 academic hours of property and casualty insurance curriculum, or the equivalent, or has earned the designation of Certified Customer Service Representative (CCSR) from the Florida Association of Insurance Agents, or the designation of Registered Customer Service Representative (RCSR) from a regionally accredited postsecondary institution in this state, or the designation of Professional Customer Service Representative (PCSR) from the Professional Career Institute, whose curriculum has been approved by the department and whose curriculum includes comprehensive analysis of basic property and casualty lines of insurance and testing at least equal to that of standard department testing for the customer representative license. The department shall adopt rules establishing standards for the approval of curriculum.

And the title is amended as follows:

Delete line 26 and insert: a financial statement; amending s. 626.221, F.S.; expanding the list of individuals who are exempt from the requirement to pass an examination before being issued a license as an agent, customer representative, or adjuster; amending s. 626.7452, F.S.;

Senator Aronberg moved the following substitute amendment which was adopted:

**Amendment 9 (138810) (with title amendment)**—Between lines 561 and 562 insert:

Section 3. Paragraph (n) is added to subsection (2) of section 626.221, Florida Statutes, to read:

626.221 Examination requirement; exemptions.—

(2) However, no such examination shall be necessary in any of the following cases:

(n) An applicant for license as a customer representative with respect to property insurance who has earned the designation of Certified Insurance Representative (CIR) from the National Association of Christian Catastrophe Insurance Adjusters.

And the title is amended as follows:

Delete line 26 and insert: a financial statement; amending s. 626.221, F.S.; exempting certain individuals from the requirement to pass an examination before being issued a license as an agent, customer representative, or adjuster; amending s. 626.7452, F.S.;

Senator Richter moved the following amendment which was adopted:

**Amendment 10 (585216) (with title amendment)**—Between lines 561 and 562 insert:

Section 5. Subsection (8) of section 624.424, Florida Statutes, is amended to read:

624.424 Annual statement and other information.—

(8)(a) All authorized insurers must have conducted an annual audit by an independent certified public accountant and must file an audited financial report with the office on or before June 1 for the preceding year ending December 31. The office may require an insurer to file an audited financial report earlier than June 1 upon 90 days' advance notice to the insurer. The office may immediately suspend an insurer's certificate of authority by order if an insurer's failure to file required reports, financial statements, or information required by this subsection or rule adopted pursuant thereto creates a significant uncertainty as to the insurer's continuing eligibility for a certificate of authority.

(b) Any authorized insurer otherwise subject to this section having direct premiums written in this state of less than \$1 million in any calendar year and fewer than 1,000 policyholders or certificateholders of directly written policies nationwide at the end of such calendar year is exempt from this section for such year unless the office makes a specific finding that compliance is necessary in order for the office to carry out its statutory responsibilities. However, any insurer having assumed premiums pursuant to contracts or treaties or reinsurance of \$1 million or more is not exempt. Any insurer subject to an exemption must submit by March 1 following the year to which the exemption applies an affidavit sworn to by a responsible officer of the insurer specifying the amount of direct premiums written in this state and number of policyholders or certificateholders.

(c) The board of directors of an insurer shall hire the certified public accountant that prepares the audit required by this subsection and the board shall establish an audit committee of three or more directors of the insurer or an affiliated company. The audit committee shall be responsible for discussing audit findings and interacting with the certified public accountant with regard to her or his findings. The audit committee shall be comprised solely of members who are free from any relationship that, in the opinion of its board of directors, would interfere with the exercise of independent judgment as a committee member. The audit committee shall report to the board any findings of adverse financial conditions or significant deficiencies in internal controls that have been noted by the accountant. The insurer may request the office to waive this requirement of the audit committee membership based upon unusual hardship to the insurer.

(d) An insurer may not use the same accountant or partner of an accounting firm responsible for preparing the report required by this subsection for more than 5 7 consecutive years. Following this period, the insurer may not use such accountant or partner for a period of 5 2 years, but may use another accountant or partner of the same firm. An insurer may request the office to waive this prohibition based upon an unusual hardship to the insurer and a determination that the accountant is exercising independent judgment that is not unduly influenced by the insurer considering such factors as the number of partners, expertise of the partners or the number of insurance clients of the accounting firm; the premium volume of the insurer; and the number of jurisdictions in which the insurer transacts business.

(e) The commission shall adopt rules to implement this subsection, which rules must be in substantial conformity with the 1998 Model Rule Requiring Annual Audited Financial Reports adopted by the National Association of Insurance Commissioners or subsequent amendments, except where inconsistent with the requirements of this subsection. Any exception to, waiver of, or interpretation of accounting requirements of the commission must be in writing and signed by an authorized representative of the office. No insurer may raise as a defense in any action, any exception to, waiver of, or interpretation of accounting re-

quirements, unless previously issued in writing by an authorized representative of the office.

And the title is amended as follows:

Delete line 26 and insert: a financial statement; amending s. 624.424, F.S.; revising the frequency that an insurer may use the same accountant or partner to prepare an annual audited financial report; amending s. 626.7452, F.S.;

Senator Bennett moved the following amendments which were adopted:

**Amendment 11 (597492) (with title amendment)**—Between lines 561 and 562 insert:

Section 5. Section 624.611, Florida Statutes, is created to read:

*624.611 Catastrophe contracts.—An insurer may submit to the Office of Insurance Regulation, in advance of the hurricane season, a plan to use financial contracts other than reinsurance contracts to provide catastrophe loss funding. In such a plan, the insurer must demonstrate that the coverage, together with its reinsurance program, will provide adequate protection for policyholders in the event of a natural catastrophe. If the contract does not provide for coverage that is highly correlated with the actual losses of the insurer, the insurer must demonstrate its ability to cover the risk created by such lack of correlation. If the office approves the plan, the insurer may purchase the contracts and take credit for reinsurance for amounts expected or due from other parties to the contracts in accordance with any terms, conditions, or limitations established by the office.*

And the title is amended as follows:

Delete line 26 and insert: a financial statement; creating s. 624.611, F.S.; authorizing an insurer to submit to the Office of Insurance Regulation a plan to use financial contracts other than reinsurance contracts to provide catastrophe loss funding; providing requirements for such a plan; authorizing an insurer to take certain action if the office approves such plan; amending s. 626.7452, F.S.;

**Amendment 12 (785946) (with title amendment)**—Between lines 569 and 570 insert:

Section 6. 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 7. Effective January 1, 2011, 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 subcontractor, 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 8. Effective January 1, 2011, 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 9. Effective January 1, 2011, 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, none-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 10. 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.

And the title is amended as follows:

Delete line 28 and insert: managing general agents; 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 terms “supplemental claim” or “reopened claim”; providing applicability; amending s. 626.9744, F.S.;

Senator Aronberg moved the following amendments which were adopted:

**Amendment 13 (602482) (with title amendment)**—Delete lines 1678-1688 and insert: i.(I) If a deficit is incurred in any account in 2008 or thereafter, the board of governors shall levy a Citizens policyholder surcharge against all policyholders of the corporation. ~~for a 12-month period, which~~

(II) The Citizens policyholder surcharge shall be levied ~~collected at the time of issuance or renewal of a policy,~~ as a uniform percentage of the premium for the policy of up to 15 percent of such premium, which funds shall be used to offset the deficit.

(III) The Citizens policyholder surcharge is payable upon cancellation or termination of the policy, upon renewal of the policy, or upon issuance of a new policy by Citizens within the first 12 months after the date of the levy or the period of time necessary to fully collect the Citizens policyholder surcharge amount.

(IV) The corporation may not levy any regular assessments under paragraph (q) pursuant to sub-subparagraph a. or sub-subparagraph b. with respect to a particular year’s deficit until the corporation has first levied a Citizens policyholder surcharge under this sub-subparagraph in the full amount authorized by this sub-subparagraph.

(V) Citizens policyholder surcharges under this sub-subparagraph are not considered premium and are not subject to commissions, fees, or premium taxes. However, failure to pay such surcharges shall be treated as failure to pay premium.

And the title is amended as follows:

Between lines 109 and 110 insert: revising the conditions under which the Citizens policyholder surcharge may be imposed;

**Amendment 14 (538148) (with title amendment)**—Between lines 2152 and 2153 insert:

19.a. Shall require the agent to obtain from any applicant for coverage the following acknowledgement, signed by the applicant, and shall require the agent of record to obtain the following acknowledgment from each corporation policyholder, signed by the policyholder, before the policy’s first renewal on or after July 1, 2010:

**ACKNOWLEDGEMENT OF POTENTIAL SURCHARGE  
AND ASSESSMENT LIABILITY:**

I UNDERSTAND, AS A CITIZENS PROPERTY INSURANCE CORPORATION POLICYHOLDER, THAT IF THE CORPORATION SUSTAINS A DEFICIT AS A RESULT OF HURRICANE LOSSES OR FOR ANY OTHER REASON, MY POLICY COULD BE SUBJECT TO CITIZENS POLICYHOLDER SURCHARGES, WHICH WOULD BE DUE AND PAYABLE UPON ISSUANCE, RENEWAL, CANCELLATION, OR TERMINATION OF THE POLICY, AND THAT THE SURCHARGES COULD BE AS HIGH AS 15 PERCENT OF MY PREMIUM FOR DEFICITS IN EACH OF THREE CITIZENS ACCOUNTS, OR A DIFFERENT AMOUNT AS ESTABLISHED BY THE FLORIDA LEGISLATURE.

I ALSO UNDERSTAND THAT I MAY BE SUBJECT TO EMERGENCY ASSESSMENTS TO THE SAME EXTENT AS POLICYHOLDERS OF OTHER INSURANCE COMPANIES.

(Signature of applicant or policyholder) (date)

b. *The corporation shall permanently maintain a copy of the signed acknowledgement required by this subparagraph, and the agent may also retain a copy.*

c. *The signed acknowledgement form creates a conclusive presumption that the policyholder understood and accepted his or her potential surcharge and assessment liability as a Citizens policyholder.*

And the title is amended as follows:

Delete line 113 and insert: *not prohibited by law or ordinance; requiring applicants for coverage and policyholders to sign an acknowledgment that a policy may be subject to surcharges under certain circumstances; prohibiting board*

Senator Richter moved the following amendment which was adopted:

**Amendment 15 (837380) (with title amendment)**—Delete line 2550 and insert: *to advance payment for such repairs or expenses. If a total loss occurs, the insurer shall pay the replacement cost without reservation or holdback of any depreciation in value. The insurer may*

And the title is amended as follows:

Delete line 147 and insert: *providing exceptions; requiring the insurer to pay replacement cost if a total loss occurs; authorizing an insurer to waive*

Senator Storms moved the following amendment:

**Amendment 16 (299768)**—Delete lines 2799-2802 and insert: *shall be remitted within 15 days after such work is completed in accordance with the terms of the policy and the report's recommendations and after final bills or receipts have been submitted to the insurer. If payment must be made to the insured and the mortgagor, the mortgagor must endorse and return the check to the insured within 15 days after presentation of the check to the mortgagor and may not retain any portion of such funds to satisfy any claimed debt of the insured. An insured shall have 1 year after the date the insurer pays actual cash value to make a claim for replacement cost. If a total loss of a dwelling occurs, the insurer shall pay the replacement cost coverage without reservation or holdback of any depreciation in value, pursuant to section 627.702(1)(a). The insurer may not require the*

## MOTION

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

Senators Storms and Richter offered the following amendment to **Amendment 16** which was moved by Senator Storms and adopted:

**Amendment 16A (371034)**—Delete lines 5-17 and insert: *shall be remitted within 20 days after such work is completed in accordance with the terms of the policy and the report's recommendations and after final bills or receipts have been submitted to the insurer. An insured shall have 1 year after the date the insurer pays actual cash value to make a claim for replacement cost. If a total loss of a dwelling occurs, the insurer shall pay the replacement cost coverage without reservation or holdback of any depreciation in value, pursuant to s. 627.702. The insurer may not*

**Amendment 16** as amended was adopted.

## 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 which was adopted:

**Amendment 17 (970098) (with title amendment)**—Delete lines 3192-3270 and insert:

(2)(a) ~~By July 1, 2007,~~ The Financial Services Commission shall develop by rule a uniform mitigation verification inspection form that shall be used by all insurers when submitted by policyholders for the purpose of factoring discounts for wind insurance. In developing the form, the commission shall seek input from insurance, construction, and

building code representatives. Further, the commission shall provide guidance as to the length of time the inspection results are valid. An insurer shall accept as valid a uniform mitigation verification form ~~certified by the Department of Financial Services~~ or signed by the following authorized mitigation inspectors:

1.~~(a)~~ A home inspector licensed under s. 468.8314 who has completed at least 3 hours of hurricane mitigation training which includes hurricane mitigation techniques and compliance with the uniform mitigation verification form and completion of a proficiency exam. Thereafter, home inspectors licensed under s. 468.8314, must complete at least 2 hours of continuing education, as part of the existing licensure renewal requirements each year, related to mitigation inspection and the uniform mitigation form ~~hurricane mitigation inspector certified by the My Safe Florida Home program;~~

2.~~(b)~~ A building code inspector certified under s. 468.607;

3.~~(c)~~ A general, building, or residential contractor licensed under s. 489.111;

4.~~(d)~~ A professional engineer licensed under s. 471.015 ~~who has passed the appropriate equivalency test of the building code training program as required by s. 553.841;~~

5.~~(e)~~ A professional architect licensed under s. 481.213; or

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

(b) *An insurer may, but is not required to, accept a form from any other person possessing qualifications and experience acceptable to the insurer.*

(3) *A person who is authorized to sign a mitigation verification form must inspect the structures referenced by the form personally, not through employees or other persons, and must certify or attest to personal inspection of the structures referenced by the form. However, licensees under s. 489.111, may authorize a direct employee, who is not an independent contractor, and who possesses the requisite skill, knowledge and experience to conduct a mitigation verification inspection. Insurers shall have the right to request and obtain information from the authorized mitigation inspector under s. 489.111, regarding any authorized employee's qualifications prior to accepting a mitigation verification form performed by an employee that is not licensed under s. 489.111.*

(4) *An authorized mitigation inspector that signs a uniform mitigation form, and a direct employee authorized to conduct mitigation verification inspections under paragraph (3), may not commit misconduct in performing hurricane mitigation inspections or in completing a uniform mitigation form that causes financial harm to a customer or their insurer; or that jeopardizes a customer's health and safety. Misconduct occurs when an authorized mitigation inspector signs a uniform mitigation verification form that:*

(a) *Falsely indicates that he or she personally inspected the structures referenced by the form;*

(b) *Falsely indicates the existence of a feature which entitles an insured to a mitigation discount which the inspector knows does not exist or did not personally inspect;*

(c) *Contains erroneous information due to the gross negligence of the inspector; or*

(d) *Contains a pattern of demonstrably false information regarding the existence of mitigation features that could give an insured a false evaluation of the ability of the structure to withstand major damage from a hurricane endangering the safety of the insured's life and property.*

(5) *The licensing board of an authorized mitigation inspector that violates subsection (4) may commence disciplinary proceedings and impose administrative fines and other sanctions authorized under the authorized mitigation inspector's licensing act. Authorized mitigation inspectors licensed under s. 489.111, shall be directly liable for the acts of employees that violate subsection (4) as if the authorized mitigation inspector personally performed the inspection.*

(6) *An insurer, person, or other entity that obtains evidence of fraud or evidence that an authorized mitigation inspector or an employee authorized to conduct mitigation verification inspections under paragraph (3), has made false statements in the completion of a mitigation inspection form shall file a report with the Division of Insurance Fraud, along with all of the evidence in its possession that supports the allegation of fraud or falsity. An insurer, person, or other entity making the report shall be immune from liability in accordance with s. 626.989(4), for any statements made in the report, during the investigation, or in connection with the report. The Division of Insurance Fraud shall issue an investigative report if it finds that probable cause exists to believe that the authorized mitigation inspector, or an employee authorized to conduct mitigation verification inspections under paragraph (3), made intentionally false or fraudulent statements in the inspection form. Upon conclusion of the investigation and a finding of probable cause that a violation has occurred, the Division of Insurance Fraud shall send a copy of the investigative report to the office and a copy to the agency responsible for the professional licensure of the authorized mitigation inspector, whether or not a prosecutor takes action based upon the report.*

(7)(~~3~~) *An individual or entity who knowingly provides or utters a false or fraudulent mitigation verification form with the intent to obtain or receive a discount on an insurance premium to which the individual or entity is not entitled commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.*

(8) *At its expense, the insurer may require that any uniform mitigation verification form provided by an authorized mitigation inspector or inspection company be independently verified by an inspector, inspection company or an independent third-party quality assurance provider which does possess a quality assurance program prior to accepting the uniform mitigation verification form as valid.*

And the title is amended as follows:

Delete lines 191-217 and insert: F.S.; revising the list of persons qualified to sign certain mitigation verification forms for certain purposes; authorizing insurers to accept forms from certain other persons; providing requirements for persons authorized to sign mitigation forms; prohibiting misconduct in performing hurricane mitigation inspection or completing uniform mitigation forms causing certain harm; specifying what constitutes misconduct; authorizing certain licensing boards to commence disciplinary proceedings and impose administrative fines and sanctions; providing for liability of mitigation inspectors; requiring certain entities to file reports of evidence of fraud; providing for immunity from liability for reporting fraud; providing for investigative reports from the Division of Insurance Fraud; providing penalties; authorizing insurers to require independent verification of uniform mitigation verification forms; creating

#### MOTION

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

Senator Oelrich moved the following amendments which were adopted:

**Amendment 18 (462272) (with title amendment)**—Delete lines 2863-2878

And the title is amended as follows:

Delete lines 176-180 and insert: structures; providing for applicability; amending s. 627.7073, F.S.; revising

**Amendment 19 (599856)**—Delete lines 3110-3112 and insert: *evaluation. Any experts or professionals retained by the neutral evaluator to provide an opinion may be disqualified for any of the reasons listed in subsection (7) and must be agreed upon by both parties to the neutral evaluation. The neutral evaluator may request that*

On motion by Senator Richter, by two-thirds vote **CS for CS for SB 2044** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

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

Nays—4

Crist	Fasano	Garcia
Gelber		

Vote after roll call:

Yea to Nay—Storms, Villalobos

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

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**CS for SB 2530**—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; 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 read the second time by title.

An amendment was considered and adopted to conform **CS for SB 2530** to **CS for CS for HB 1337**.

Pending further consideration of **CS for SB 2530** as amended, on motion by Senator Alexander, by two-thirds vote **CS for CS for HB 1337** was withdrawn from the Committees on Health Regulation; Higher Education; Governmental Oversight and Accountability; and Health and Human Services Appropriations.

On motion by Senator Alexander—

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.

—a companion measure, was substituted for CS for SB 2530 as amended and read the second time by title.

Pursuant to Rule 4.19, CS for CS for HB 1337 was placed on the calendar of Bills on Third Reading.

SENATOR RING PRESIDING

On motion by Senator Negron—

CS for CS for SB 1216—A bill to be entitled An act relating to children's services; 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 for submission of the question to the electorate; providing for the application of the act to certain special districts in existence before and after the act's effective date; providing an effective date.

—was read the second time by title.

Senator Negron moved the following amendment:

Amendment 1 (928818) (with title amendment)—Delete lines 24-40 and insert:

(b)1.a. Notwithstanding paragraph (a), the governing body of the county shall submit the question of retention or dissolution of a district with voter-approved 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. The governing board of the district may recommend to the governing body of the county language for the question submitted to the electorate.

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

And the title is amended as follows:

Delete lines 7-10 and insert: 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

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

Amendment 1A (362466) (with title amendment)—Between lines 44 and 45 insert: 4. Nothing in this paragraph precludes the governing board of a district from requesting that the governing body of the county submit the question of retention or dissolution of a district with voter-approved taxing authority to the electorate at a date earlier than the year prescribed in subparagraph 1. If the governing body of the county accepts the request and submits the question to the electorate, the governing body satisfies the requirement of that subparagraph.

And the title is amended as follows:

Delete line 54 and insert: created children's services districts; authorizing the governing board of a district to request a vote by the electorate before the prescribed year; providing for

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, CS for CS for SB 1216 as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Storms—

CS for SB 1306—A bill to be entitled An act relating to public assistance; amending ss. 97.021, 163.2523, 163.456, 220.187, 288.9618, 341.041, 379.353, 402.33, 409.2554, 409.2576, 409.903, 409.942, 411.0101, 414.0252, 414.065, 414.0655, 414.075, 414.085, 414.095, 414.14, 414.16, 414.17, 414.175, 414.31, 414.32, 414.33, 414.34, 414.35, 414.36, 414.39, 414.41, 414.45, 420.624, 430.2053, 445.004, 445.009, 445.024, 445.026, 445.048, 718.115, 817.568, 921.0022, and 943.401, F.S.; revising terminology relating to the food stamp program and the WAGES Program to conform to current federal law; providing an effective date.

—was read the second time by title.

Senator Storms moved the following amendment which was adopted:

**Amendment 1 (173166)**—Delete lines 574-839 and insert:

(f) An individual who is convicted in federal or state court of receiving benefits under this chapter, Title XIX, the Food and Nutrition Act of 2008 ~~Stamp Act of 1977~~, or Title XVI (Supplemental Security Income), in two or more states simultaneously may not receive temporary cash assistance or services under this chapter for 10 years following the date of conviction.

(g) An individual is ineligible to receive temporary cash assistance or services under this chapter during any period when the individual is fleeing to avoid prosecution, custody, or confinement after committing a crime, attempting to commit a crime that is a felony under the laws of the place from which the individual flees or a high misdemeanor in the State of New Jersey, or violating a condition of probation or parole imposed under federal or state law.

(h) The parent or other caretaker relative must report to the department by the end of the 5-day period that begins on the date it becomes clear to the parent or caretaker relative that a minor child will be absent from the home for 30 or more consecutive days. A parent or caretaker relative who fails to report this information to the department shall be disqualified from receiving temporary cash assistance for 30 days for the first occurrence, 60 days for the second occurrence, and 90 days for the third or subsequent occurrence.

(i) If the parents of a minor child live apart and equally share custody and control of the child, a parent is ineligible for temporary cash assistance unless the parent clearly demonstrates to the department that the parent provides primary day-to-day custody.

(j) The payee of the temporary cash assistance payment is the caretaker relative with whom a minor child resides and who assumes primary responsibility for the child's daily supervision, care, and control, except in cases where a protective payee is established.

Section 20. Section 414.14, Florida Statutes, is amended to read:

414.14 Public assistance policy simplification.—To the extent possible, the department shall align the requirements for eligibility under this chapter with the food *assistance stamp* program and medical assistance eligibility policies and procedures to simplify the budgeting process and reduce errors. If the department determines that s. 414.075, relating to resources, or s. 414.085, relating to income, is inconsistent with related provisions of federal law which govern the food *assistance stamp* program or medical assistance, and that conformance to federal law would simplify administration of the *Temporary Cash Assistance WAGES* Program or reduce errors without materially increasing the cost of the program to the state, the secretary of the department may propose a change in the resource or income requirements of the program by rule. The secretary shall provide written notice to the President of the Senate, the Speaker of the House of Representatives, and the chairpersons of the relevant committees of both houses of the Legislature summarizing the proposed modifications to be made by rule and changes necessary to conform state law to federal law. The proposed rule shall take effect 14 days after written notice is given unless the President of the Senate or the Speaker of the House of Representatives advises the secretary that the proposed rule exceeds the delegated authority of the Legislature.

Section 21. Paragraph (e) of subsection (3) of section 414.16, Florida Statutes, is amended to read:

414.16 Emergency assistance program.—

(3) CRITERIA.—The department shall develop criteria for implementation of the program in accordance with the following guidelines:

(e) The family's adjusted gross income may not exceed the prevailing standard for participation in the *Temporary Cash Assistance WAGES* Program for the family's size.

Section 22. Section 414.17, Florida Statutes, is amended to read:

414.17 Audits.—The *Temporary Cash Assistance WAGES* Program is subject to the audit requirements of 31 U.S.C. ss. 5701 et seq.

Section 23. Subsection (2) of section 414.175, Florida Statutes, is amended to read:

414.175 Review of existing waivers.—

(2) The department shall review federal law, including revisions to federal food *assistance program stamp* requirements. If the department determines that federal food *assistance stamp* waivers will further the goals of this chapter, including simplification of program policies or program administration, the department may obtain waivers if this can be accomplished within available resources.

Section 24. Section 414.31, Florida Statutes, is amended to read:

414.31 State agency for administering federal food *assistance stamp* program.—

(1) The department shall place into operation in each of the several counties of the state a food *assistance stamp* program as authorized by the Congress of the United States. The department is designated as the state agency responsible for the administration and operation of such programs.

(2) The department shall provide for such instruction and counseling as will best assure that the recipients are able to provide a nutritionally adequate diet through the increased purchasing power received. This program shall be administered and operated in such a way that the distribution of food *assistance stamps* shall be in locations reasonably accessible to those areas in which persons eligible for the benefit of this program are likely to be concentrated.

Section 25. Section 414.32, Florida Statutes, is amended to read:

414.32 Prohibitions and restrictions with respect to food *assistance program stamps*.—

(1) COOPERATION WITH CHILD SUPPORT ENFORCEMENT AGENCY.—

(a) A parent or caretaker relative who receives temporary cash assistance or food *assistance stamps* on behalf of a child under 18 years of age who has an absent parent is ineligible for food *assistance stamps* unless the parent or caretaker relative cooperates with the state agency that administers the child support enforcement program in establishing the paternity of the child, if the child is born out of wedlock, and in obtaining support for the child or for the parent or caretaker relative and the child. This paragraph does not apply if the state agency that administers the food *assistance stamp* program determines that the parent or caretaker relative has good cause for failing to cooperate. The Department of Revenue shall determine good cause for failure to cooperate if the Department of Children and Family Services obtains written authorization from the United States Department of Agriculture approving such arrangements.

(b) A putative or identified noncustodial parent of a child under 18 years of age is ineligible for food *assistance stamps* if the parent fails to cooperate with the state agency that administers the child support enforcement program in establishing the paternity of the child, if the child is born out of wedlock, or fails to provide support for the child. This paragraph does not apply if the state agency that administers the child support enforcement program determines that the noncustodial parent has good cause for refusing to cooperate in establishing the paternity of the child.

(2) REDUCTION OR DENIAL OF TEMPORARY CASH ASSISTANCE.—The food *assistance stamp* allotment shall be reduced or terminated as otherwise provided in this chapter if temporary cash assistance under the *Temporary Cash Assistance WAGES* Program is reduced or denied because an individual in the family fails to perform an action required under the program.

(3) DENIAL OF FOOD ASSISTANCE ~~STAMP~~ BENEFITS FOR RECEIPT OF MULTIPLE FOOD ASSISTANCE ~~STAMP~~ BENEFITS.—An individual is ineligible to participate in the food *assistance stamp* program individually, or as a member of any assistance group, for 10 years following a conviction in federal or state court of having made a fraudulent statement or representation with respect to the identity or place of residence of the individual in order to receive multiple benefits simultaneously under the food *assistance stamp* program.

(4) DENIAL OF FOOD ASSISTANCE ~~STAMP~~ BENEFITS TO FLEEING FELONS.—An individual is ineligible to participate in the

food ~~assistance stamp~~ program during any period when the individual is fleeing to avoid prosecution, custody, or confinement after committing a crime, attempting to commit a crime that is a felony under the laws of the place from which the individual flees or a high misdemeanor in the State of New Jersey, or violating a condition of probation or parole imposed under federal or state law.

Section 26. Section 414.33, Florida Statutes, is amended to read:

414.33 Violations of food ~~assistance stamp~~ program.—

(1) In accordance with federal law and regulations, the department shall establish procedures for notifying the appropriate federal and state agencies of any violation of federal or state laws or rules governing the food ~~assistance stamp~~ program.

(2) In addition, the department shall establish procedures for referring to the Department of Law Enforcement any case that involves a suspected violation of federal or state law or rules governing the administration of the food ~~assistance stamp~~ program.

Section 27. Section 414.34, Florida Statutes, is amended to read:

414.34 Annual report concerning administrative complaints and disciplinary actions involving food ~~assistance stamp~~ program violations.—The department shall prepare and submit a report to the President of the Senate, the Speaker of the House of Representatives, the chairs of the appropriate legislative committees, and the Department of Law Enforcement by January 1 of each year. In addition to any other information the Legislature may require, the report must include statistics and relevant information detailing:

- (1) The number of complaints received and investigated.
- (2) The number of findings of probable cause made.
- (3) The number of findings of no probable cause made.
- (4) The number of administrative complaints filed.
- (5) The disposition of all administrative complaints.
- (6) The number of criminal complaints brought under s. 414.39, and their disposition.
- (7) The status of the development and implementation of rules governing the electronic benefits transfer program, including any recommendations for statutory changes.

Section 28. Section 414.35, Florida Statutes, is amended to read:

414.35 Emergency relief.—

(1) The department shall adopt rules for the administration of emergency assistance programs delegated to the department either by executive order in accordance with the Disaster Relief Act of 1974 or pursuant to the ~~Food and Nutrition Act of 2008 Food Stamp Act of 1977~~.

(2) In promulgating the rules required in this section, the department shall give particular consideration to the prevention of fraud in emergency assistance programs. Such rules shall, at a minimum, provide for:

- (a) Verification of an applicant's identity and address.
  - (b) Determination of an applicant's need for assistance and verification of an applicant's need in accordance with appropriate federal law and regulations.
  - (c) The timely and adequate dissemination of accurate certification information to local emergency management agencies.
- (3) In administering emergency food ~~assistance stamp~~ and other emergency assistance programs, the department shall cooperate fully with the United States Government and with other departments, instrumentalities, and agencies of this state.

Section 29. Section 414.36, Florida Statutes, is amended to read:

414.36 Public assistance overpayment recovery program; contracts.—

(1) The department shall develop and implement a plan for the statewide privatization of activities relating to the recovery of public assistance overpayment claims. These activities shall include, at a minimum, voluntary cash collections functions for recovery of fraudulent and nonfraudulent benefits paid to recipients of temporary cash assistance, food ~~assistance stamps~~, and aid to families with dependent children.

(2) For purposes of privatization of public assistance overpayment recovery, the department shall enter into contracts consistent with federal law with for-profit corporations, not-for-profit corporations, or other entities capable of providing the services for recovering public assistance required under this section. The department shall issue requests for proposals, enter into a competitive bidding process, and negotiate contracts for such services. Contracts for such services may be funded on a contingency fee basis, per fiscal year, based on a percentage of the state-retained share of collections, for claims for food ~~assistance stamps~~, aid to families with dependent children, and temporary cash assistance. This section does not prohibit districts from entering into contracts to carry out the provisions of this section, if that is a cost-effective use of resources.

(3) The Economic Self-sufficiency Services Program Office of the department shall have responsibility for contract management and for monitoring and policy development functions relating to privatization of the public assistance overpayment recovery program.

Section 30. Subsections (2), (3), (5), and (10) of section 414.39, Florida Statutes, are amended to read:

414.39 Fraud.—

- (2) Any person who knowingly:
  - (a) Uses, transfers, acquires, traffics, alters, forges, or possesses, or
  - (b) Attempts to use, transfer, acquire, traffic, alter, forge, or possess, or
  - (c) Aids and abets another person in the use, transfer, acquisition, traffic, alteration, forgery, or possession of,

~~a food stamp, a food assistance stamp identification card, an authorization, including, but not limited to, an electronic authorization, for the expenditure purchase of food assistance benefits stamps, a certificate of eligibility for medical services, or a Medicaid identification card in any manner not authorized by law commits is guilty of a crime and shall be punished as provided in subsection (5). For the purposes of this section, the value of an authorization to purchase food stamps shall be the difference between the coupon allotment and the amount paid by the recipient for that allotment.~~

Pursuant to Rule 4.19, **CS for SB 1306** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Oelrich, by two-thirds vote **HB 7167** was withdrawn from the Committees on Higher Education; and Governmental Oversight and Accountability.

On motion by Senator Oelrich—

**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.

—a companion measure, was substituted for **CS for SB 1676** and read the second time by title.

Pursuant to Rule 4.19, **HB 7167** was placed on the calendar of Bills on Third Reading.

On motion by Senator Oelrich—

**SB 1678**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; repealing s. 1004.43(8)(c), F.S., relating to an exemption from public-records requirements for certain records held by the H. Lee Moffitt Cancer Center and Research Institute; saving the exemption from repeal under the Open Government Sunset Review Act; removing the scheduled repeal of the exemption; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1678** was placed on the calendar of Bills on Third Reading.

On motion by Senator Oelrich—

**CS for SB 1734**—A bill to be entitled An act relating to medical telecommunications and transportation; amending s. 381.0034, F.S.; deleting the requirement that any person who applies to be certified or is certified as an emergency medical technician, paramedic, or 911 emergency dispatcher must complete an educational course approved by the Department of Health regarding the human immunodeficiency virus and acquired immune deficiency syndrome; amending s. 401.2701, F.S.; deleting a requirement that an institution seeking approval of a program for the education of emergency medical technicians and paramedics show documentation of the inclusion of instruction in HIV/AIDS training in its curriculum; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1734** was placed on the calendar of Bills on Third Reading.

On motion by Senator Detert, by two-thirds vote **HB 7193** was withdrawn from the Committees on Education Pre-K - 12; and Governmental Oversight and Accountability.

On motion by Senator Detert—

**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.

—a companion measure, was substituted for **CS for CS for SB 2144** and read the second time by title.

Pursuant to Rule 4.19, **HB 7193** was placed on the calendar of Bills on Third Reading.

On motion by Senator Dean, by two-thirds vote **CS for HB 1493** was withdrawn from the Committees on Criminal Justice; Judiciary; and Criminal and Civil Justice Appropriations.

On motion by Senator Dean—

**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.

—a companion measure, was substituted for **SB 2750** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1493** was placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine—

**CS for SB 776**—A bill to be entitled An act relating to the Wekiva River Protection Act; amending s. 369.317, F.S.; clarifying mitigation offsets in the Wekiva Study Area; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 776** was placed on the calendar of Bills on Third Reading.

On motion by Senator Dean—

**SB 1258**—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; 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.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1258** was placed on the calendar of Bills on Third Reading.

On motion by Senator Wise—

**CS for SB 1920**—A bill to be entitled An act relating to the Florida Endowment for Vocational Rehabilitation; amending s. 413.615, F.S.; removing a provision that requires the State Board of Administration to invest and reinvest moneys in the endowment fund for the Florida Endowment for Vocational Rehabilitation; requiring that a specified percent of the remainder of all civil penalties received by a county court pursuant to ch. 318, F.S., be remitted to the Department of Revenue on a monthly basis for deposit in the endowment fund; requiring that funds currently held for investment and reinvestment by the State Board of Administration for the endowment fund be submitted back to the endowment fund; requiring that a specified percent of the additional fine assessed for violating traffic regulations protecting mobility-impaired persons be remitted to the Department of Revenue on a monthly basis for deposit in the endowment fund; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1920** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for CS for SB 2182**, **CS for CS for CS for SB 550**, **SB 2250** and **CS for CS for CS for SB 1078** was deferred.

On motion by Senator Baker—

**CS for CS for SB 202**—A bill to be entitled An act relating to firefighter death benefits; amending s. 112.191, F.S.; revising provisions providing death benefits for firefighters; expanding activities entitling firefighters to death benefits to include participation in training exercises and injury by an unlawful and intentional act which results in death; providing legislative findings that the act fulfils an important state interest; providing for application; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 202** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 234** was deferred.

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On motion by Senator Altman—

**SB 344**—A bill to be entitled An act relating to communications services taxes; amending s. 202.29, F.S.; authorizing dealers to report a credit for bad debt by netting the credit against the tax due; authorizing dealers to use a proportionate allocation method or other reasonable method in determining the amount of bad debt attributable to the state or local jurisdiction; providing for retroactive operation; specifying that the act is remedial in nature and not a basis for certain refunds of tax; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 344** was placed on the calendar of Bills on Third Reading.

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On motion by Senator Bennett, by two-thirds vote **HB 1279** was withdrawn from the Committee on Community Affairs; and the Policy and Steering Committee on Ways and Means.

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

**HB 1279**—A bill to be entitled An act relating to assessment of property for back ad valorem taxes; amending s. 193.092, F.S.; providing for nonapplication of retroactive assessment and collection of taxes on certain property under certain circumstances; providing criteria; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2450** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 1279** was placed on the calendar of Bills on Third Reading.

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On motion by Senator Joyner—

**SB 2788**—A bill to be entitled An act relating to trust funds; creating the Federal Grants 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 an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 2788** was placed on the calendar of Bills on Third Reading.

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On motion by Senator Joyner—

**SB 2790**—A bill to be entitled An act relating to trust funds; creating the Grants and Donations 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 an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 2790** was placed on the calendar of Bills on Third Reading.

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On motion by Senator Baker, by two-thirds vote **CS for HM 227** was withdrawn from the Committee on Military Affairs and Domestic Security.

On motion by Senator Baker—

**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.

WHEREAS, Article I, Section 8, Clause 16 of the United States Constitution and Title 32 of the United States Code grant authority to the Governor to act as commander in chief of the Florida National Guard, and

WHEREAS, the Insurrection Act contained in Title 10 of the United States Code currently provides authority to the President of the United States to activate the Florida National Guard in certain circumstances, and

WHEREAS, revisions to the Insurrection Act enacted in 2007 which provided the President wider authority to activate National Guard units were repealed in 2008, and

WHEREAS, as the military arm of the Governor and the people of the State of Florida, the Florida National Guard stands ready to immediately respond to a call from the Governor whenever there is a crisis or an emergency at home or abroad, and

WHEREAS, because the State of Florida is extremely vulnerable to hurricanes, the state is often faced with recurring and sometimes overlapping emergency situations that require immediate and significant response, and

WHEREAS, the Florida National Guard is the only military force that the Governor can call upon to respond to disasters and other emergencies, and

WHEREAS, coordination and command of the Florida National Guard is also equally critical to the Governor's ability to successfully ensure homeland security and carry out domestic defense duties, NOW, THEREFORE,

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

That the Congress of the United States is urged 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.

BE IT FURTHER RESOLVED that copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

—a companion measure, was substituted for **SM 480** and read the second time in full. On motion by Senator Baker, **CS for HM 227** was adopted and certified to the House.

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On motion by 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.

—was read the second time by title.

Senator Constantine moved the following amendment:

**Amendment 1 (479488) (with directory and title amendments)**—Delete lines 2394-2444 and insert: 373.1961 Water production; general powers and duties; identification of needs; funding criteria; economic incentives; reuse funding.—

(3) FUNDING.—

(a) The water management districts and the state shall share a percentage of revenues with water providers and users, including local governments, water, wastewater, and reuse utilities, municipal, special district, industrial, and agricultural water users, and other public and private water users, to be used to supplement other funding sources in the development of alternative water supplies *and conservation projects that result in quantifiable water savings*.

(b) Beginning in fiscal year 2005-2006, the state shall annually provide a portion of those revenues deposited into the Water Protection and Sustainability Program Trust Fund for the purpose of providing funding assistance for the development of alternative water supplies *and conservation projects that result in quantifiable water savings* pursuant to the Water Protection and Sustainability Program. At the beginning of each fiscal year, beginning with fiscal year 2005-2006, such revenues shall be distributed by the department into the alternative water supply trust fund accounts created by each district for the purpose of alternative water supply development under the following funding formula:

1. Thirty percent to the South Florida Water Management District;
2. Twenty-five percent to the Southwest Florida Water Management District;
3. Twenty-five percent to the St. Johns River Water Management District;
4. Ten percent to the Suwannee River Water Management District; and
5. Ten percent to the Northwest Florida Water Management District.

(c) The financial assistance for alternative water supply projects allocated in each district's budget as required in s. 373.196(6) shall be combined with the state funds and used to assist in funding the project construction costs of alternative water supply projects *and the project costs of conservation projects that result in quantifiable water savings* selected by the governing board. If the district has not completed any regional water supply plan, or the regional water supply plan does not identify the need for any alternative water supply projects, funds deposited in that district's trust fund may be used for water resource development projects, including, but not limited to, springs protection.

(f) The governing boards shall determine those projects that will be selected for financial assistance. The governing boards may establish factors to determine project funding; however, significant weight shall be given to the following factors:

1. Whether the project provides substantial environmental benefits by preventing or limiting adverse water resource impacts.
2. Whether the project reduces competition for water supplies.
3. Whether the project brings about replacement of traditional sources in order to help implement a minimum flow or level or a reservation.
4. Whether the project will be implemented by a consumptive use permittee that has achieved the targets contained in a goal-based water conservation program approved pursuant to s. 373.227.
5. The quantity of water supplied by the project as compared to its cost.
6. Projects in which the construction and delivery to end users of reuse water is a major component.
7. Whether the project will be implemented by a multijurisdictional water supply entity or regional water supply authority.

8. Whether the project implements reuse that assists in the elimination of domestic wastewater ocean outfalls as provided in s. 403.086(9).

9. *Whether the county or municipality, or the multiple counties or municipalities, in which the project is located has implemented a high-water recharge tax protection program as provided in s. 193.625.*

And the directory clause is amended as follows:

Delete lines 2392 and 2393 and insert:

Section 29. Paragraphs (a), (b), (c), and (f) of subsection (3) of section 373.1961, Florida Statutes, is amended to read:

And the title is amended as follows:

Delete lines 125-128 and insert: 373.1961, F.S.; expanding alternative water supply funding to include quantifiable conservation projects; adding a high-water recharge criterion to the ranking criteria for water projects;

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

**Amendment 1A (746360)**—Delete line 80 and insert: *implemented a high-water recharge protection tax assessment program as*

**Amendment 1** as amended was adopted.

Senator Constantine moved the following amendments which were adopted:

**Amendment 2 (214924)**—Delete lines 3362-3367 and insert:

6. The authority of a local government, including a special district, to mandate connection of an onsite sewage treatment and disposal system is governed by section 4 of chapter 99-395, Laws of Florida.

**Amendment 3 (664614)**—Delete lines 3395-3414 and insert:

(d)1. *Systems being evaluated that were installed prior to January 1, 1983, shall meet a minimum 6-inch separation from the bottom of the drainfield to the wettest season water table elevation as defined by department rule. All drainfield repairs, replacements or modifications to systems installed prior to January 1, 1983, shall meet a minimum 12-inch separation from the bottom of the drainfield to the wettest season water table elevation as defined by department rule.*

2. *Systems being evaluated that were installed on or after January 1, 1983, shall meet a minimum 12-inch separation from the bottom of the drainfield to the wettest season water table elevation as defined by department rule. All drainfield repairs, replacements or modification to systems developed on or after January 1, 1983, shall meet a minimum 24-inch separation from the bottom of the drainfield to the wettest season water table elevation.*

(e) *If documentation of a tank pump-out or a permitted new installation, repair, or modification of the system within the previous 5 years is provided, and states the capacity of the tank and indicates that the condition of the tank is not a sanitary or public health nuisance pursuant to department rule, a pump-out of the system is not required.*

**Amendment 4 (436010)**—Delete lines 3502-3508 and insert:

(7) **LAND APPLICATION OF SEPTAGE PROHIBITED.**—*Effective January 1, 2016, the land application of septage from onsite sewage treatment and disposal systems is prohibited. By February 1, 2011, the department, in consultation with the Department of Environmental Protection, shall provide a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives, recommending alternative methods to establish enhanced treatment levels for the land application of septage from onsite sewage and disposal systems. The report shall include, but is not limited to, a schedule for the reduction in land application, appropriate treatment levels, alternative methods for treatment and disposal, enhanced application site permitting requirements including any requirements for nutrient management plans, and the range of costs to local governments, affected businesses and individuals for alternative treatment and disposal methods. The report*

shall also include any recommendations for legislation or rule authority needed to reduce land application of septage.

**Amendment 5 (398852)**—Delete lines 3892-3900 and insert:

(l) *The authority of a local government, including a special district, to mandate connection of a wastewater facility, as defined by department rule, is governed by section 4 of chapter 99-395, Laws of Florida.*

Section 44. *Section 5 of chapter 99-395, Laws of Florida; and section 6 of*

Senator Dean moved the following amendment which was adopted:

**Amendment 6 (672918) (with title amendment)**—Delete lines 4356-4368.

And the title is amended as follows:

Delete lines 207-212 and insert: mitigation offsets in the Wekiva Study Area;

Senators Baker and Constantine offered the following amendment which was moved by Senator Baker and adopted:

**Amendment 7 (240068)**—Delete lines 4419-4425 and insert: *July 1, 2010, facilities unless the owner or operator demonstrates, based upon the types of waste received, the methods for controlling types of waste disposed of, the proximity of the groundwater and surface water, and the results of the hydrogeological and geotechnical investigations, that the facility is not reasonably expected to result in violations of the groundwater standards and criteria if built without a liner otherwise.*

Senator Constantine moved the following amendment which was adopted:

**Amendment 8 (249114) (with title amendment)**—Delete lines 4451-4527.

And the title is amended as follows:

Delete lines 227-231 and insert: maintained by a water management district;

## MOTION

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

Senator Dean moved the following amendment which was adopted:

**Amendment 9 (599606)**—Delete line 2916 and insert: bonds not to exceed \$200 million, and limited to \$50 million per fiscal

## MOTION

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

Senator Constantine moved the following amendment which was adopted:

**Amendment 10 (937802) (with title amendment)**—Delete lines 2484-2888 and insert:

Section 33. Subsections (2), (5), and (9) of section 373.41492, Florida Statutes, are amended to read:

373.41492 Miami-Dade County Lake Belt Mitigation Plan; mitigation for mining activities within the Miami-Dade County Lake Belt.—

(2) To provide for the mitigation of wetland resources lost to mining activities within the Miami-Dade County Lake Belt Plan, effective October 1, 1999, a mitigation fee is imposed on each ton of limerock and sand extracted by any person who engages in the business of extracting limerock or sand from within the Miami-Dade County Lake Belt Area and the east one-half of sections 24 and 25 and all of sections 35 and 36, Township 53 South, Range 39 East. The mitigation fee is imposed for each ton of limerock and sand sold from within the properties where the

fee applies in raw, processed, or manufactured form, including, but not limited to, sized aggregate, asphalt, cement, concrete, and other limerock and concrete products. The mitigation fee imposed by this subsection for each ton of limerock and sand sold shall be 12 cents per ton beginning January 1, 2007; 18 cents per ton beginning January 1, 2008; and 24 cents per ton beginning January 1, 2009, and 45 cents per ton beginning close of business December 31, 2011. To upgrade a water treatment plant that treats water coming from the Northwest Wellfield in Miami-Dade County, a water treatment plant upgrade fee is imposed within the same Lake Belt Area subject to the mitigation fee and upon the same kind of mined limerock and sand subject to the mitigation fee. The water treatment plant upgrade fee imposed by this subsection for each ton of limerock and sand sold shall be 15 cents per ton beginning on January 1, 2007, and the collection of this fee shall cease once the total amount of proceeds collected for this fee reaches the amount of the actual moneys necessary to design and construct the water treatment plant upgrade, as determined in an open, public solicitation process. Any limerock or sand that is used within the mine from which the limerock or sand is extracted is exempt from the fees. The amount of the mitigation fee and the water treatment plant upgrade fee imposed under this section must be stated separately on the invoice provided to the purchaser of the limerock or sand product from the limerock or sand miner, or its subsidiary or affiliate, for which the fee or fees apply. The limerock or sand miner, or its subsidiary or affiliate, who sells the limerock or sand product shall collect the mitigation fee and the water treatment plant upgrade fee and forward the proceeds of the fees to the Department of Revenue on or before the 20th day of the month following the calendar month in which the sale occurs.

(5) *Each January 1, beginning January 1, 2010, through December 31, 2011, Beginning January 1, 2010, and each January 1 thereafter, the per-ton mitigation fee shall be increased by 2.1 percentage points, plus a cost growth index. The cost growth index shall be the percentage change in the weighted average of the Employment Cost Index for All Civilian Workers (ecu 10001I), issued by the United States Department of Labor for the most recent 12-month period ending on September 30, and the percentage change in the Producer Price Index for All Commodities (WPU 00000000), issued by the United States Department of Labor for the most recent 12-month period ending on September 30, compared to the weighted average of these indices for the previous year. The weighted average shall be calculated as 0.6 times the percentage change in the Employment Cost Index for All Civilian Workers (ecu 10001I), plus 0.4 times the percentage change in the Producer Price Index for All Commodities (WPU 00000000). If either index is discontinued, it shall be replaced by its successor index, as identified by the United States Department of Labor.*

(9)(a) The interagency committee established in this section shall annually prepare and submit to the governing board of the South Florida Water Management District a report evaluating the mitigation costs and revenues generated by the mitigation fee.

(b) No sooner than January 31, 2010, and no more frequently than every 5 years thereafter, the interagency committee shall submit to the Legislature a report recommending any needed adjustments to the mitigation fee, including the annual escalator provided for in subsection (5), to ensure that the revenue generated reflects the actual costs of the mitigation.

And the title is amended as follows:

Delete lines 135-155 and insert: amending s. 373.41492, F.S.; updating mitigation fees for the Miami-Dade Lake Belt Mitigation Plan; amending s. 215.619, F.S.;

Pursuant to Rule 4.19, **CS for CS for CS for SB 550** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

## RECONSIDERATION OF BILL

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

**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.

—passed April 22.

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

**Amendment 1 (122326) (with title amendment)**—Delete lines 94-122.

And the title is amended as follows:

Delete lines 14-19 and insert: the licensee to disciplinary action;

On motions by Senator Richter, **CS for SB 2046** as amended was passed, ordered engrossed and by two-thirds vote immediately 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

Consideration of **CS for CS for SB 900** was deferred.

On motion by Senator Constantine—

**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.

—was read the second time by title.

**MOTION**

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

Senator Constantine moved the following amendment which was adopted:

**Amendment 1 (965382) (with title amendment)**—Delete lines 785-792 and insert:

Section 10. This act shall take effect July 1, 2011.

And the title is amended as follows:

Delete lines 30-34 and insert: companies to follow such requirements;

Pursuant to Rule 4.19, **CS for CS for SB's 2210 and 1552** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 2176** was deferred.

On motion by 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.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for SB 2086** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1948** was deferred.

On motion by Senator Bennett—

**CS for CS for SB 1842**—A bill to be entitled An act relating to transportation projects; creating s. 335.199, F.S.; directing the Department of Transportation to notify certain property owners and local governmental entities of certain proposed projects before finalizing the design of certain transportation projects; providing a timeframe for notification; requiring the department to hold a public hearing and receive public input regarding the effects of the project on local businesses; directing the department to consider the comments in the final design of the project; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1842** was placed on the calendar of Bills on Third Reading.

On motion by 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.

—was read the second time by title.

#### MOTION

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

Senator Sobel moved the following amendment which was adopted:

**Amendment 1 (130834) (with title amendment)**—Delete line 76 and insert: *the association, fund, or pool, to give more than 60 days'*

And the title is amended as follows:

Delete line 7 and insert: *than 60 days' notice of the member's intention to*

Pursuant to Rule 4.19, **CS for CS for SB 2176** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Justice—

**CS for SB 1332**—A bill to be entitled An act relating to automatic renewal of service contracts; providing definitions; requiring sellers that sell, lease, or offer to sell or lease any services to consumers pursuant to certain contracts to disclose automatic renewal provisions; providing disclosure requirements; providing exceptions to the disclosure requirements; providing that certain violations will render an automatic renewal provision void and unenforceable; providing applicability; providing an effective date.

—was read the second time by title.

#### SENATOR VILLALOBOS PRESIDING

The Committee on Judiciary recommended the following amendments which were moved by Senator Baker and failed:

**Amendment 1 (846828)**—Delete line 86 and insert:

*5. Any entity licensed under chapter 489, chapter 624, chapter 627, chapter 633,*

**Amendment 2 (964406) (with title amendment)**—Between lines 95 and 96 insert:

*(3) A consumer who signs a waiver waiving his or her right to be notified of the automatic renewal provision before the cancellation deadline in a service contract may rescind that waiver by providing written notice to the seller at any time.*

And the title is amended as follows:

Between lines 10 and 11 insert: *authorizing a consumer to rescind a waiver of his or her right to be notified of an automatic renewal provision before the cancellation deadline in a service contract;*

Pursuant to Rule 4.19, **CS for SB 1332** was placed on the calendar of Bills on Third Reading.

On motion by Senator Ring, by two-thirds vote **CS for CS for HB 1307** was withdrawn from the Committees on Governmental Oversight and Accountability; Community Affairs; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

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

**CS for CS for HB 1307**—A bill to be entitled An act relating to state financial matters; amending s. 121.4501, F.S.; revising and providing definitions; providing for excess account balances in the Public Employee Optional Retirement Program when an employee transfers to the defined benefit program; providing for the use of such excess balance; requiring the State Board of Administration to resolve complaints; providing for the use of records in resolving such complaints; clarifying the state board's rule authority with respect to the program; amending s. 121.4502, F.S.; establishing a forfeiture account in the Public Employee Retirement Program Trust Fund; providing for the use of funds in the account; amending s. 121.591, F.S.; conforming a cross-reference; permitting an application for benefits under the optional retirement program to be submitted by electronic means; amending s. 121.74, F.S.; revising the contribution rates for employers participating in the Florida Retirement System; amending s. 121.78, F.S.; exempting the Division of Retirement, the state board, and the third-party administrator from liability for market losses due to acts of God; amending s. 215.44, F.S.; expanding the authority of the state board to use trust agreements; requiring that the state board create an audit committee for specified purposes; providing for duties, membership, and term limits; requiring that the state board annually produce and report to the Legislature certain financial statements; requiring that such statements be audited by an independent third-party firm under the direction of the audit committee; requiring that the state board meet at specified intervals and receive reports containing certain information from specified entities; amending s. 215.441, F.S.; providing minimum qualifications for the executive director of the state board; amending s. 215.444, F.S.; increasing membership of the Investment Advisory Council; revising membership requirements; providing council meeting and reporting requirements; providing additional requirements for council members; authorizing the council to create subcommittees; amending s. 215.47,

F.S.; expanding the types of investments that the state board is authorized to make; authorizing moneys available for investment by the state board to be invested in certain federally tax-exempt bonds, notes, or obligations not subject to the federal alternative minimum tax; providing funds that may be invested in a foreign entity; creating s. 215.4754, F.S.; providing intent; requiring that the contract for an investment adviser or manager include a standard of conduct; providing for termination of the contract of an adviser or manager who violates the standard of conduct; prohibiting a member of the council from contracting with or providing services for the investment of certain funds during his or her service on the council and for a specified period thereafter; creating s. 215.4755, F.S.; requiring that an investment adviser or manager annually certify to the state board certain activities regarding investment decisions and standards of behavior; requiring that certain disclosures be made at the request of the state board regarding pecuniary interests of an investment adviser or manager; amending s. 215.52, F.S.; providing requirements for rules made by the state board with respect to certain fiduciary duties; amending s. 218.409, F.S.; providing for extending a moratorium on contributions to or withdrawals from the Local Government Surplus Funds Trust Fund under certain circumstances; authorizing the state board to develop work products that are subject to trademark, copyright, or patent; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 1078** and by two-thirds vote read the second time by title.

On motion by Senator Ring, further consideration of **CS for CS for HB 1307** was deferred.

Consideration of **CS for SB 1068** was deferred.

**CS for SB 1918**—A bill to be entitled An act relating to traffic offenses; creating s. 318.195, F.S.; providing penalties for the commission of a noncriminal traffic infraction or certain other violations that cause or result in the serious injury of a motorcyclist, bicyclist, pedestrian, or person of other means of conveyance; providing enhanced penalties for such violations that cause the death of such person; providing that the act does not prohibit the person from being charged with, convicted of, or punished for any other violation of law; providing an effective date.

—was read the second time by title.

#### 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:

**Amendment 1 (109478) (with title amendment)**—Delete lines 20-32 and insert:

(1) *A person whose commission of a noncriminal traffic infraction or any violation of this chapter causes or results in the serious bodily injury, as defined in s. 316.1933(1), of a motorcyclist, bicyclist, pedestrian, or person of other means of conveyance shall be fined \$1,000 and have his or her license suspended for a minimum of 90 days. If the infraction or violation causes the death of a motorcyclist, bicyclist, pedestrian, or person of other means of conveyance, the person shall pay a fine of \$2,500 and have his or her license revoked for a minimum of 2 years. The person shall also be required by the court to complete a 12-hour driver improvement course and may be ordered by the court to serve 120 community service hours under s. 316.027(4), plus an additional 120 community service hours as required by the court.*

(2) *Any victim of a crash that causes death or serious bodily injury or the victim's lawful representative, including the next of kin if the victim is deceased, is entitled to be informed, to be present, and to be heard, when relevant, at all crucial stages of a judicial hearing, to the extent that such rights do not interfere with the constitutional rights of the accused. The state attorney, if applicable, shall consult the victim or the victim's lawful representative about the disposition of such case.*

(3) *This section does not prohibit a person from being charged with, convicted of, or punished for any other violation of law.*

And the title is amended as follows:

Delete line 9 and insert: such person; providing that the victim of a crash that causes death or serious bodily injury or the victim's representative is entitled to certain rights regarding any judicial proceeding relating to the crash; requiring the state attorney to consult the victim or the victim's representative about the disposition of any such case; providing that the act does not prohibit

Pursuant to Rule 4.19 **CS for SB 1918** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Ring—

**CS for SB 1340**—A bill to be entitled An act relating to public records; defining the term “publicly owned performing arts center”; creating an exemption from public-records requirements for information that identifies a donor or prospective donor of a donation made for the benefit of a publicly owned performing arts center if the donor desires to remain anonymous; 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 read the second time by title.

#### MOTION

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

Senator Ring moved the following amendments which were adopted:

**Amendment 1 (119036) (with title amendment)**—Between lines 33 and 34 insert:

Section 2. Subsection (7) is added to section 272.136, Florida Statutes, to read:

272.136 Direct-support organization.—The Legislative Research Center and Museum at the Historic Capitol and the Capitol Curator may establish a direct-support organization to provide assistance and promotional support through fundraising for the Florida Historic Capitol and the Legislative Research Center and Museum, including, but not limited to, their educational programs and initiatives.

(7)(a) *The identity of a donor or prospective donor to the direct-support organization who desires to remain anonymous and all information identifying such donor or prospective donor is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such anonymity shall be maintained in any auditor's report created pursuant to the annual financial audits required under subsection (5).*

(b) *This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2015, unless reviewed and saved from repeal through reenactment by the Legislature.*

And the title is amended as follows:

Delete line 10 and insert: Government Sunset Review Act; amending s. 272.136, F.S.; creating an exemption from public-records requirements for information identifying a donor or prospective donor to the direct-support organization of the Legislative Research Center and Museum at the Historic Capitol; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of

**Amendment 2 (920724)**—Delete lines 34-58 and insert:

Section 2. *The Legislature finds that it is a public necessity that information that would identify the name, address, or telephone number of a donor or prospective donor of a donation made for the benefit of a publicly owned performing arts center be made confidential and exempt from public-records requirements if such donor or prospective donor desires to remain anonymous. The Legislature further finds that it is a*

*public necessity that information identifying a donor or prospective donor to the direct-support organization for the Florida Historic Capitol and the Legislative Research Center and Museum be made confidential and exempt from public-records requirements if such donor or prospective donor desires to remain anonymous. In order to encourage private support for publicly owned performing arts centers and the direct-support organization, it is a public necessity to promote the giving of gifts to, and the raising of private funds for, the acquisition, renovation, rehabilitation, and operation of publicly owned performing arts centers and the programming and preservation of the Florida Historic Capitol and the Legislative Research Center and Museum. An essential element of an effective plan for promoting the giving of private gifts and the raising of private funds is the need to protect the identity of prospective and actual donors who desire to remain anonymous. If the identity of prospective and actual donors who desire to remain anonymous is subject to disclosure, there is a chilling effect on donations because donors are concerned about disclosure of personal information leading to theft and, in particular, identity theft, including personal safety and security. Therefore, the Legislature finds that it is a public necessity to make confidential and exempt from public-records requirements information that would identify a donor or prospective donor of a donation made for the benefit of a publicly owned performing arts center or a donor or prospective donor to the direct-support organization for the Florida Historic Capitol and the Legislative Research Center and Museum if such donor or prospective donor wishes to remain anonymous.*

Pursuant to Rule 4.19, **CS for SB 1340** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Gelber, by unanimous consent—

**CS for SB 606**—A bill to be entitled An act relating to the termination of rental agreements; amending s. 83.49, F.S.; requiring the landlord or mortgagor or its agent to tender to the registry of the court or to the foreclosing entity all funds held for advance rent or security deposits at the time of foreclosure; directing that such funds continue to be held for the use and benefit of the tenants of the foreclosed property; providing that a landlord or mortgagor or its agent commits a theft if the landlord or mortgagor or its agent do not comply with certain specified provisions of law; creating s. 83.683, F.S.; providing that a purchaser of residential property in foreclosure may terminate a tenant's residential rental agreement under certain circumstances; providing an exception for an immediate purchaser intending to sell the property to a buyer who intends to occupy the foreclosure premises as his or her primary residence; setting forth the content to be included in the termination notice to be given to the tenant; providing certain exceptions to application of the act; requiring the immediate purchaser named in the certificate of title to credit the tenant's account for any deposit money paid by the tenant and for any advance rent for the unexpired rental period; providing for future expiration; amending s. 83.803, F.S.; redefining the term "last known address" as it relates to the Self-storage Facility Act; providing an effective date.

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

#### SENATOR FASANO PRESIDING

Senator Gelber moved the following amendment which was adopted:

**Amendment 1 (574804)**—Delete line 97 and insert: *pursuant to s. 83.49. The immediate purchaser shall also*

#### MOTION

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

Senator Gelber moved the following amendment which was adopted:

**Amendment 2 (420702) (with title amendment)**—Delete lines 105-114.

And the title is amended as follows:

Delete lines 27-29 and insert: *providing an effective date.*

Pursuant to Rule 4.19, **CS for SB 606** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

**CS for CS for HB 1307**—A bill to be entitled An act relating to state financial matters; amending s. 121.4501, F.S.; revising and providing definitions; providing for excess account balances in the Public Employee Optional Retirement Program when an employee transfers to the defined benefit program; providing for the use of such excess balance; requiring the State Board of Administration to resolve complaints; providing for the use of records in resolving such complaints; clarifying the state board's rule authority with respect to the program; amending s. 121.4502, F.S.; establishing a forfeiture account in the Public Employee Retirement Program Trust Fund; providing for the use of funds in the account; amending s. 121.591, F.S.; conforming a cross-reference; permitting an application for benefits under the optional retirement program to be submitted by electronic means; amending s. 121.74, F.S.; revising the contribution rates for employers participating in the Florida Retirement System; amending s. 121.78, F.S.; exempting the Division of Retirement, the state board, and the third-party administrator from liability for market losses due to acts of God; amending s. 215.44, F.S.; expanding the authority of the state board to use trust agreements; requiring that the state board create an audit committee for specified purposes; providing for duties, membership, and term limits; requiring that the state board annually produce and report to the Legislature certain financial statements; requiring that such statements be audited by an independent third-party firm under the direction of the audit committee; requiring that the state board meet at specified intervals and receive reports containing certain information from specified entities; amending s. 215.441, F.S.; providing minimum qualifications for the executive director of the state board; amending s. 215.444, F.S.; increasing membership of the Investment Advisory Council; revising membership requirements; providing council meeting and reporting requirements; providing additional requirements for council members; authorizing the council to create subcommittees; amending s. 215.47, F.S.; expanding the types of investments that the state board is authorized to make; authorizing moneys available for investment by the state board to be invested in certain federally tax-exempt bonds, notes, or obligations not subject to the federal alternative minimum tax; providing funds that may be invested in a foreign entity; creating s. 215.4754, F.S.; providing intent; requiring that the contract for an investment adviser or manager include a standard of conduct; providing for termination of the contract of an adviser or manager who violates the standard of conduct; prohibiting a member of the council from contracting with or providing services for the investment of certain funds during his or her service on the council and for a specified period thereafter; creating s. 215.4755, F.S.; requiring that an investment adviser or manager annually certify to the state board certain activities regarding investment decisions and standards of behavior; requiring that certain disclosures be made at the request of the state board regarding pecuniary interests of an investment adviser or manager; amending s. 215.52, F.S.; providing requirements for rules made by the state board with respect to certain fiduciary duties; amending s. 218.409, F.S.; providing for extending a moratorium on contributions to or withdrawals from the Local Government Surplus Funds Trust Fund under certain circumstances; authorizing the state board to develop work products that are subject to trademark, copyright, or patent; providing an effective date.

—which was previously considered this day.

Pursuant to Rule 4.19, **CS for CS for HB 1307** was placed on the calendar of Bills on Third Reading.

On motion by Senator Altman—

**CS for SB 1068**—A bill to be entitled An act relating to selling, giving, or serving alcoholic beverages to persons under 21 years of age; amending s. 562.11, F.S.; providing a potential increase in the penalty imposed for a second or subsequent offense of selling, giving, or serving alcoholic beverages to a person under 21 years of age within a specified period following the prior offense; providing a defense; providing an effective date.

—was read the second time by title.

Senator Altman moved the following amendment which was adopted:

**Amendment 1 (556786)**—Delete lines 27 and 28 and insert: *subsequent time within 1 year after a prior conviction commits a misdemeanor of the first degree, punishable as*

Pursuant to Rule 4.19, **CS for SB 1068** 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 **CS for HB 109** was withdrawn from the Committees on Judiciary; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

On motion by Senator Ring—

**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.

—a companion measure, was substituted for **CS for CS for SB 234** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 109** was placed on the calendar of Bills on Third Reading.

**CS for CS for SB 570**—A bill to be entitled An act relating to environmental protection; amending s. 403.44, F.S.; revising the greenhouse gas reporting requirement for major emitters; deleting a requirement for the Department of Environmental Protection to take certain actions related to the reporting requirement; amending s. 403.7032, F.S.; requiring all public entities and those entities occupying buildings managed by the Department of Management Services to report recycling data to the county using the format designated by the Department of Environmental Protection; providing an exemption; encouraging certain private entities to report the disposal of recyclable materials; requiring the Department of Management Services to report on green and recycled products purchased through its procurement system; directing the Department of Environmental Protection to create the Recycling Business Assistance Center; providing requirements for the center; amending s. 288.9015, F.S.; requiring Enterprise Florida, Inc., to provide technical assistance to the Department of Environmental Protection in the creation of the Recycling Business Assistance Center; amending s. 403.7046, F.S.; deleting a requirement that the Department of Environmental Protection appoint a technical advisory committee; clarifying reporting requirements; amending s. 403.705, F.S.; conforming a cross-reference; requiring that the department report biennially to the Legislature on the state’s success in meeting solid waste reduction goals; amending s. 403.706, F.S.; revising requirements for the implementation of recyclable materials recycling programs by counties; providing legislative intent; providing authority for the Department of Environmental Protection to require a plan under certain conditions; requiring a report to the Legislature by the Department of Environmental Protection if recycling benchmarks are not met; requiring the department to adopt rules; eliminating a requirement that counties develop composting goals; encouraging counties to develop composting plans; providing deadlines for the reporting of recycling data; revising requirements for the enactment of ordinances by local governments relating to programs for the separation of recyclable materials; amending s. 403.7061, F.S.; revising requirements for review of new waste-to-energy facility capacity by the Department of Environmental Protection; clarifying an exemption; amending s. 403.707, F.S.; requiring liners for new construction and demolition debris landfills; providing reporting requirements for certain construction and demolition debris; requiring the department to adopt rules; providing rule requirements; providing an exemption; amending s. 403.7095, F.S.; deleting application requirements for the solid waste management program; deleting a requirement for the Department of Environmental Protection to evaluate and prioritize proposals for inclusion in its annual budget request; amending s. 403.7145, F.S.; revising recycling requirements for state buildings; providing for a pilot project; requiring each public airport in the state to collect aluminum beverage cans and recyclable plastic and glass from the entities doing business at the airport and to offer such materials for recycling; amending s. 553.77, F.S.; authorizing the Florida Building Commission to develop recommendations for recycling and composting; amending s. 403.7049, F.S.; conforming a cross-reference; repealing s. 288.1185, F.S.,

relating to the Recycling Markets Advisory Committee; providing an effective date.

—was read the second time by title.

The Committee on General Government Appropriations recommended the following amendment which was moved by Senator Constantine and failed:

**Amendment 1 (130306) (with title amendment)**—Between lines 771 and 772 insert:

Section 9. Paragraph (c) of subsection (12) of section 403.708, Florida Statutes, is amended to read:

403.708 Prohibition; penalty.—

(12) A person who knows or should know of the nature of the following types of solid waste may not dispose of such solid waste in landfills:

(c) Yard trash in lined landfills classified by department rule as Class I landfills, *unless the landfill uses an active gas-collection system to collect landfill gas generated at the disposal facility and provides or arranges for a beneficial reuse of the gas.* Yard trash that is source separated from solid waste may be accepted at a solid waste disposal area *if* ~~where~~ separate yard trash composting facilities are provided and maintained. The department recognizes that incidental amounts of yard trash may be disposed of in Class I landfills. In any enforcement action taken pursuant to this paragraph, the department shall consider the difficulty of removing incidental amounts of yard trash from a mixed solid waste stream.

And the title is amended as follows:

Delete line 54 and insert: requirements; providing an exemption; 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 arranges for the reuse of the gas; amending s.

#### MOTION

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

Senator Constantine moved the following amendment which was adopted:

**Amendment 2 (630728)**—Delete lines 272-291 and insert:

(3) *Each state agency, K-12 public school, public institution of higher learning, community college, and state university, including all buildings that are occupied by municipal, county, or state employees and entities occupying buildings managed by the Department of Management Services, must, at a minimum, annually report all recycled materials to the county using the department’s designated reporting format. Private businesses, other than certified recovered materials dealers, that recycle paper, metals, glass, plastics, textiles, rubber materials, and mulch, are encouraged to report the amount of materials they recycle to the county annually beginning January 1, 2011, using the department’s designated reporting format. Using the information provided, the department shall recognize those private businesses that demonstrate outstanding recycling efforts. Private businesses that do not report recycling rates to the department shall be recorded as having a zero percent recycling rate. Notwithstanding any other provision of state or county law, private businesses, other than certified recovered materials dealers, shall not be required to report recycling rates. Cities with less than a population of 2,500 and per capita taxable value less than \$4,800 and cities with a per capita taxable value less than \$30,000 are exempt from the reporting requirement specified in this paragraph.*

#### MOTION

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

Senator Constantine moved the following amendment:

**Amendment 3 (903442) (with title amendment)**—Delete lines 436-639 and insert:

Section 5. Paragraph (c) of subsection (2) and subsection (3) of section 403.705, Florida Statutes, are amended and a new subsection (4) is created to read:

403.705 State solid waste management program.—

(2) The state solid waste management program shall include, at a minimum:

(c) Planning guidelines and technical assistance to counties and municipalities to aid in meeting the municipal solid waste *recycling reduction* goals established in s. 403.706(2) ~~s. 403.706(4)~~.

(3) The department shall ~~periodically seek information from counties to~~ evaluate and report to the Legislature biennially on the state's success in meeting the solid waste *recycling reduction* goal as described in s. 403.706(2).

(4) *The department shall adopt rules creating a voluntary certification program for materials recovery facilities. The certification criteria shall be based upon the amount and type of materials recycled and the compliance record of the facility, and may vary depending on the location in the state and the available markets for the materials that are processed. Any materials recovery facility seeking certification shall file an application to modify its permit, or shall include a certification application as part of its original permit application, which application shall not require an additional fee. The department shall adopt a form for certification applications, and shall require at least annual reports to verify the continued qualification for certification. After January 1, 2012, a county or city must consider utilizing a certified recycler when renewing or entering into a contract with a materials recovery facility to accept or process solid waste.*

Section 6. Subsections (2), (6), (4), (7), and (21) of section 403.706, Florida Statutes, are amended to read:

403.706 Local government solid waste responsibilities.—

(2)(a) Each county shall implement a recyclable materials recycling program that shall have a goal of recycling solid waste by 40 percent by December 31, 2012, 50 percent by December 31, 2014, 60 percent by December 31, 2016, 70 percent by December 31, 2018, and 75 percent by December 31, 2020. Counties and municipalities are encouraged to form cooperative arrangements for implementing recycling programs.

(b) *In order to assist in attaining the goals provided in this paragraph (a), the Legislature finds that the recycling of construction and demolition debris is in the state's interest. Each county shall implement a program with the following goals for recycling construction and demolition debris: 40 percent by December 31, 2012; 50 percent by December 31, 2014; 60 percent by December 31, 2016; 70 percent by December 31, 2018; and 75 percent by December 31, 2020.*

(c) *Newly developed property receiving a building permit or its functional equivalent on or after January 1, 2011, which is used for multifamily residential purposes or for commercial purposes, must provide adequate space and an adequate receptacle for recycling by the tenant or owner of the property. This provision is limited to counties and cities that have an established commercial recycling program which provides recycling receptacles to multifamily residential properties and commercial properties and also provides regular pick-up service for those receptacles.*

(d) *If, by January 1 of 2013, 2015, 2017, 2019, or 2021, the county, as determined by the department in accordance with applicable rules, has not reached the recycling goals provided in paragraph (a), the department may direct the county to develop a plan to expand recycling programs to existing commercial and multifamily dwellings, including, but not limited to, apartment complexes.*

(e) *If the state's recycling rate for the 2013 calendar year is below 40 percent, or below 50 percent by January 1, 2015, or below 60 percent by January 1, 2017, or below 70 percent by January 1, 2019, or below 75 percent by January 1, 2021, the department shall provide a report to the Legislature. The report shall identify those additional programs or statutory changes needed to achieve the goals provided in this subsection. The report shall be provided no later than 30 days prior to the Regular Session*

*of the Legislature. If the state reaches its recycling goals as described in this paragraph, the department shall not provide a report to the Legislature.*

(f)(b) Such programs shall be designed to recover a significant portion of at least four of the following materials from the solid waste stream prior to final disposal at a solid waste disposal facility and to offer these materials for recycling: newspaper, aluminum cans, steel cans, glass, plastic bottles, cardboard, office paper, and yard trash. Local governments which operate permitted waste-to-energy facilities may retrieve ferrous and nonferrous metal as a byproduct of combustion.

(g)(e) Local governments are encouraged to separate all plastics, metal, and all grades of paper for recycling prior to final disposal and are further encouraged to recycle yard trash and other mechanically treated solid waste into compost available for agricultural and other acceptable uses.

(h) *The department shall adopt rules establishing the method and criteria to be used by a county in calculating the recycling rates pursuant to this subsection.*

~~(d) By July 1, 2010, each county shall develop and implement a plan to achieve a goal to compost organic materials that would otherwise be disposed of in a landfill. The goal shall provide that up to 10 percent and no less than 5 percent of organic material would be composted within the county and the municipalities within its boundaries. The department may reduce or modify the compost goal if the county demonstrates to the department that achievement of the goal would be impractical given the county's unique demographic, urban density, or inability to separate normally compostable material from the solid waste stream. The composting plan is encouraged to address partnership with the private sector.~~

(i)(e) Each county is encouraged to consider plans for *composting or* mulching organic materials that would otherwise be disposed of in a landfill. The *composting or* mulching plans are encouraged to address partnership with the private sector.

~~(4)(a) A county's solid waste management and recycling programs shall be designed to provide for sufficient reduction of the amount of solid waste generated within the county and the municipalities within its boundaries in order to meet goals for the reduction of municipal solid waste prior to the final disposal or the incineration of such waste at a solid waste disposal facility. The goals shall provide, at a minimum, that the amount of municipal solid waste that would be disposed of within the county and the municipalities within its boundaries is reduced by at least 30 percent.~~

(a)(b) A county may receive credit for one-half of the *recycling goal in subsection (2) for waste reduction* from the use of yard trash, or other clean wood waste or paper waste, in innovative programs including, but not limited to, programs that produce alternative clean-burning fuels such as ethanol or that provide for the conversion of yard trash or other clean wood waste or paper waste to clean-burning fuel for the production of energy for use at facilities other than a waste-to-energy facility as defined in s. 403.7061. The provisions of this paragraph apply only if a county can demonstrate that:

1. The county has implemented a yard trash mulching or composting program, and

2. As part of the program, compost and mulch made from yard trash is available to the general public and in use at county-owned or maintained and municipally owned or maintained facilities in the county and state agencies operating in the county as required by this section.

(b)(e) A county with a population of 100,000 or less may provide its residents with the opportunity to recycle in lieu of achieving the goal set forth in *this section paragraph (a)*. For the purposes of this *section subsection*, the "opportunity to recycle" means that the county:

1.a. Provides a system for separating and collecting recyclable materials prior to disposal that is located at a solid waste management facility or solid waste disposal area; or

b. Provides a system of places within the county for collection of source-separated recyclable materials.

2. Provides a public education and promotion program that is conducted to inform its residents of the opportunity to recycle, encourages source separation of recyclable materials, and promotes the benefits of reducing, reusing, recycling, and composting materials.

(6) The department may reduce or modify the municipal solid waste recycling reduction goal that a county is required to achieve pursuant to subsection (2) (4) if the county demonstrates to the department that:

(a) The achievement of the goal set forth in subsection (2) (4) would have an adverse effect on the financial obligations of a county or a city that are directly related to a waste-to-energy facility owned or operated by or on behalf of the county or the city; and

(b) The county or the city cannot remove normally combustible materials from solid waste that is to be processed at a waste-to-energy facility because of the need to maintain a sufficient amount of solid waste to ensure the financial viability of the facility.

The goal shall not be waived entirely and may only be reduced or modified to the extent necessary to alleviate the adverse effects of achieving the goal on the financial viability of a county's waste-to-energy facility. Nothing in this subsection shall exempt a county from developing and implementing a recycling program pursuant to this act.

(7) In order to assess the progress in meeting the goal established in subsection (2) (4), each county shall, by April 1 November each year, provide information to the department regarding its annual solid waste management program and recycling activities. The information by the county must, at a minimum, include:

(a) The amount of municipal solid waste disposed of at solid waste disposal facilities, by type of waste such as yard trash, white goods, clean debris, tires, and unseparated solid waste;

(b) The amount and type of materials from the municipal solid waste stream that were recycled; and

(c) The percentage of the population participating in various types of recycling activities instituted.

(d) Beginning with the data for the 2012 calendar year, the department shall annually, by July 1, post on its website the recycling rates of each county for the prior calendar year.

(21) Local governments are authorized to enact ordinances that require and direct all residential properties, multifamily dwellings, and apartment complexes and industrial, commercial, and institutional establishments as defined by the local government to establish programs for the separation of recyclable materials designated by the local government, which recyclable materials are specifically intended for purposes of recycling and for which a market exists, and to provide for their collection. Such ordinances may include, but are not limited to, provisions that prohibit any person from knowingly disposing of recyclable materials designated by the local government and that ensure the collection of recovered materials as necessary to protect public health and safety.

Section 7. Paragraph (c) of subsection (3) of section 403.7061, Florida Statutes, is amended to read:

403.7061 Requirements for review of new waste-to-energy facility capacity by the Department of Environmental Protection.—

(3) An applicant must provide reasonable assurance that the construction of a new waste-to-energy facility or the expansion of an existing waste-to-energy facility will comply with the following criteria:

(c) The county in which the facility is located has implemented and maintains a solid waste management and recycling program that is designed to achieve a the waste recycling reduction goal of 30 percent set forth in s. 403.706(4). For the purposes of this section, the provisions of s. 403.706(4)(c) for counties having populations of 100,000 or fewer do not apply.

And the title is amended as follows:

Delete line 41 and insert: encouraging counties to develop composting plans; providing for waivers

On motion by Senator Constantine, further consideration of CS for CS for SB 570 as amended with pending Amendment 3 (903442) was deferred.

RECONSIDERATION OF BILL

On motion by Senator Richter, the rules were waived and the Senate recalled—

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.

—for further consideration.

On motion by Senator Richter, by two-thirds vote CS for CS for CS for SB 2086 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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	
Fasano	Oelrich	

Nays—None

Vote after roll call:

Yea—Mr. President

On motion by Senator Bennett—

CS for CS for CS for SB 1202—A bill to be entitled An act relating to prepaid wireless telecommunications; amending s. 365.172, F.S.; deleting an obsolete provision relating to a study of the feasibility of collecting a fee for prepaid wireless service; delaying the collection of such fee; amending s. 365.173, F.S.; revising the percentage of total funds that a county may carry forward to pay certain costs associated with the county's E911 or 911 system, to contract for E911 services, and to reimburse wireless telephone service providers for costs incurred to provide such services; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for SB 1202** was placed on the calendar of Bills on Third Reading.

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Consideration of **CS for SB 1882** was deferred.

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**CS for CS for SB 896**—A bill to be entitled An act relating to the treatment of diabetes; amending s. 385.203, F.S.; revising the membership of the Diabetes Advisory Council; 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 read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB 896** to **CS for CS for HB 747**.

Pending further consideration of **CS for CS for SB 896** as amended, on motion by Senator Peaden, by two-thirds vote **CS for CS for HB 747** was withdrawn from the Committees on Education Pre-K - 12; Health Regulation; and Education Pre-K - 12 Appropriations.

On motion by Senator Peaden—

**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.

—a companion measure, was substituted for **CS for CS for SB 896** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 747** was placed on the calendar of Bills on Third Reading.

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On motion by Senator Jones—

**CS for SB 1012**—A bill to be entitled An act relating to juvenile justice facilities and programs; amending s. 985.03, F.S.; defining the term “ordinary medical care”; amending s. 985.64, F.S.; requiring that the Department of Juvenile Justice adopt rules to ensure the effective delivery of services to children in the care and custody of the department; requiring the department to coordinate its rule-adoption process with the Department of Children and Family Services and the Agency for Persons with Disabilities to ensure that the department’s rules do not encroach upon the substantive jurisdiction of those agencies; clarifying that the rules of the Department of Juvenile Justice do not supersede provisions governing consent to treatment and services; amending s. 985.721, F.S.; conforming a cross-reference; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1012** was placed on the calendar of Bills on Third Reading.

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On motion by Senator Wise—

**CS for SB 1072**—A bill to be entitled An act relating to juvenile justice; amending s. 394.492, F.S.; including children 9 years of age or younger at the time of referral for a delinquent act within the definition of those children who are eligible to receive comprehensive mental health services; amending s. 984.03, F.S.; redefining the terms “child in need of services” and “family in need of services” to provide that a child is eligible to receive comprehensive services if the child is 9 years of age or

younger at the time of referral to the Department of Juvenile Justice for a delinquent act; amending s. 984.14, F.S.; providing that a child may not be placed in a shelter before a court hearing unless the child is taken into custody for a misdemeanor domestic violence charge and is eligible to be held in secure detention; amending s. 985.02, F.S.; providing additional legislative findings and intent for the juvenile justice system; amending s. 985.03, F.S.; redefining the terms “child in need of services” and “family in need of services” to provide that a child is eligible to receive comprehensive services if the child is 9 years of age or younger at the time of referral to the department for a delinquent act; amending s. 985.125, F.S.; encouraging law enforcement agencies, school districts, counties, municipalities, and the department to establish prearrest or postarrest diversion programs; encouraging operators of diversion programs to give first-time misdemeanor offenders and offenders who are 9 years of age or younger an opportunity to participate in the programs; amending s. 985.145, F.S.; requiring a juvenile probation officer to make a referral to the appropriate shelter if the completed risk assessment instrument shows that the child is ineligible for secure detention; amending s. 985.24, F.S.; prohibiting a child alleged to have committed a delinquent act or violation of law from being placed into secure, non-secure, or home detention care because of a misdemeanor charge of domestic violence if the child lives in a family that has a history of family violence or if the child is a victim of abuse or neglect; prohibiting a child 9 years of age or younger from being placed into secure detention care unless the child is charged with a capital felony, a life felony, or a felony of the first degree; amending s. 985.245, F.S.; revising membership on the statewide risk assessment instrument committee; amending s. 985.255, F.S.; providing that a child may be retained in home detention care under certain circumstances; providing that a child who is charged with committing a felony offense of domestic violence and who does not meet detention criteria may nevertheless be held in secure detention if the court makes certain specific written findings; amending s. 985.441, F.S.; authorizing a court to commit a female child adjudicated as delinquent to the department for placement in a mother-infant program designed to serve the needs of juvenile mothers or expectant juvenile mothers who are committed as delinquents; requiring the department to adopt rules to govern the operation of the mother-infant program; amending s. 985.45, F.S.; providing that whenever a child is required by the court to participate in any juvenile justice work program, the child is considered an employee of the state for the purpose of workers’ compensation; amending s. 985.632, F.S.; requiring the Department of Juvenile Justice to collect and analyze available statistical data for the purpose of ongoing evaluation of all juvenile justice programs; redefining terms; requiring the department to use a standard methodology to annually measure, evaluate, and report program outputs and youth outcomes for each program and program group; requiring that the department submit an annual report to the appropriate committees of the Legislature and the Governor; requiring that the department apply a program accountability measures analysis to each program; deleting obsolete provisions; amending s. 985.664, F.S.; providing that a juvenile justice circuit board may increase its membership to adequately reflect the diversity of the population, community organizations, and child care agencies in its circuit; reenacting ss. 419.001(1)(d), 984.04(5), and 984.15(2)(c) and (3)(c), F.S., relating to community residential homes, families and children in need of services, and filing decisions available to a state attorney, respectively, to incorporate the amendment made to s. 984.03, F.S., in references thereto; reenacting s. 984.13(3), F.S., relating to taking a child into custody, to incorporate the amendment made to s. 984.14, F.S., in a reference thereto; reenacting s. 419.001(1)(d), F.S., relating to community residential homes, to incorporate the amendment made to s. 985.03, F.S., in a reference thereto; providing an effective date.

—was read the second time by title.

Senator Wise moved the following amendment which was adopted:

**Amendment 1 (910694)**—Delete lines 172-192 and insert: *for a misdemeanor domestic violence charge and is ineligible to be held in secure detention* or a determination has been made that ~~the provision of~~ appropriate and available services will not eliminate the need for placement and that such placement is required:

(a) To provide an opportunity for the child and family to agree upon conditions for the child’s return home, when immediate placement in the home would result in a substantial likelihood that the child and family would not reach an agreement; or

(b) Because a parent, custodian, or guardian is unavailable to take immediate custody of the child.

Section 4. Subsections (9), (10), and (11) are added to section 985.02, Florida Statutes, to read:

985.02 Legislative intent for the juvenile justice system.—

(9) *CHILDREN 9 YEARS OF AGE OR YOUNGER.—The Legislature finds that very young children need age-appropriate services in order to prevent and reduce future acts of delinquency. Children who are 9 years of age or younger should be diverted into prearrest or postarrest programs, civil citation programs, or children-in-need-of-services and families-in-need-of-services programs, or other programs, as*

Pursuant to Rule 4.19, **CS for SB 1072** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

**CS for CS for CS for SB 958**—A bill to be entitled An act relating to electronic health information; amending s. 408.05, F.S.; revising provisions relating to the duties and responsibilities of the State Consumer Health Information and Policy Advisory Council; amending s. 408.051, F.S.; defining the terms “agency,” “health care practitioner,” and “health information exchange participation agreement”; creating s. 408.0513, F.S.; requiring the agency to develop uniform elements of a Florida Health Information Exchange Participation Agreement for use by health care providers; requiring the agency to post the agreement on the agency’s Internet website; providing for immunity from civil liability for accessing or releasing certain health records; providing that health care providers are not required to incorporate the uniform elements of the agreement; creating s. 408.0514, F.S.; requiring the agency to coordinate with regional extension centers to implement the use of electronic health records; authorizing the agency to establish guidelines for center services and state Medicaid participation and use of such services; amending s. 408.061, F.S.; deleting a reference to an administrative rule relating to certain data reported by health care facilities; amending s. 408.0611, F.S.; revising provisions relating to a clearinghouse on information on electronic prescribing; requiring the State Consumer Health Information and Policy Advisory Council or a workgroup representing electronic prescribing and other health information technology stakeholders to participate in quarterly meetings on the implementation of electronic prescribing; requiring the agency to provide a report on the agency’s Internet website; amending s. 408.062, F.S.; requiring the agency to post certain information on health care expenditures on the agency’s Internet website; directing the agency to contract for the development of a single statewide infrastructure for exchanging health information; amending s. 408.063, F.S.; deleting the requirement that the agency annually publish a report on state health expenditures; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for CS for SB 958** to **CS for CS for HB 911**.

Pending further consideration of **CS for CS for CS for SB 958** as amended, on motion by Senator Ring, by two-thirds vote **CS for CS for HB 911** was withdrawn from the Committees on Health Regulation; Governmental Oversight and Accountability; Judiciary; and Health and Human Services Appropriations.

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

**CS for CS for HB 911**—A bill to be entitled An act relating to electronic health information; amending s. 408.05, F.S.; removing a statement of legislative intent; removing certain restrictions on the use of certain funds and fees received by the Florida Center for Health Information and Policy Analysis; requiring the State Consumer Health Information and Policy Advisory Council to develop the Agency for Health Care Administration’s strategic plan relating to electronic health records; amending s. 408.051, F.S.; defining the term “agency”; creating s. 408.0514, F.S.; requiring the agency to coordinate with regional extension centers to implement the use of electronic health records; amending s. 408.061, F.S.; deleting a reference to an administrative rule relating to certain data reported by health care facilities; amending s. 408.0611, F.S.; revising provisions relating to a clearinghouse on information on electronic prescribing; requiring the State Consumer

Health Information and Policy Advisory Council or a workgroup representing electronic prescribing and other health information technology stakeholders to participate in quarterly meetings on the implementation of electronic prescribing; requiring the agency to provide a report on the agency’s Internet website; amending s. 408.062, F.S.; requiring the agency to post certain information on health care expenditures on the agency’s Internet website; amending s. 408.063, F.S.; deleting the requirement that the agency annually publish a report on state health expenditures; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 958** as amended and read the second time by title.

**MOTION**

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

Senator Ring moved the following amendment:

**Amendment 1 (591356) (with title amendment)**—Delete lines 44-261 and insert:

Section 1. Paragraph (h) of subsection (8) of section 408.05, Florida Statutes, is amended to read:

408.05 Florida Center for Health Information and Policy Analysis.—

(8) STATE CONSUMER HEALTH INFORMATION AND POLICY ADVISORY COUNCIL.—

(h) The council’s duties and responsibilities include, but are not limited to, the following:

1. ~~Developing~~ ~~To develop~~ a mission statement, goals, and a plan of action for the identification, collection, standardization, sharing, and coordination of health-related data across federal, state, and local government and private sector entities.
2. ~~Developing~~ ~~To develop~~ a review process ~~that ensures~~ ~~to ensure~~ cooperative planning among agencies that collect or maintain health-related data.
3. ~~Establishing~~ ~~To create~~ ad hoc, issue-oriented technical workgroups ~~as needed~~ ~~on an as needed basis~~ to make recommendations to the council.

Section 2. Subsection (2) of section 408.051, Florida Statutes, is re-ordered and amended to read:

408.051 Florida Electronic Health Records Exchange Act.—

(2) DEFINITIONS.—As used in this section *and ss. 408.0512-408.0514*, the term:

- (a) “Agency” means the Agency for Health Care Administration.
- (c)(a) “Electronic health record” means a record of ~~an individual’s~~ ~~a person’s~~ medical treatment which is created by a licensed health care provider and stored in an interoperable and accessible digital format.

(j)(b) “Qualified electronic health record” means an electronic record of health-related information concerning an individual which includes patient demographic and clinical health information, such as medical history and problem lists, and which has the capacity to provide clinical decision support, to support physician order entry, to capture and query information relevant to health care quality, and to exchange electronic health information with, and integrate such information from, other sources.

(b)(e) “Certified electronic health record technology” means a qualified electronic health record that is certified pursuant to s. 3001(c)(5) of the Public Health Service Act as meeting standards adopted under s. 3004 of ~~that~~ ~~such~~ act which are applicable to the type of record involved, such as an ambulatory electronic health record for office-based physicians or an inpatient hospital electronic health record for hospitals.

(d) “Health care practitioner” or “health care provider” means any person licensed under chapter 457; chapter 458; chapter 459; chapter 460;

chapter 461; chapter 462; chapter 463; chapter 464; chapter 465; chapter 466; chapter 467; part I, part II, part III, part V, part X, part XIII, or part XIV of chapter 468; chapter 478; chapter 480; part III or part IV of chapter 483; chapter 484; chapter 486; chapter 490; or chapter 491.

(e) “Health information exchange participation agreement” means a comprehensive, multiparty trust agreement that can be used by health care providers and other organizations, both public and private, that wish to participate in a health information exchange network. The agreement provides the legal framework that governs participation in the network by requiring the signatories to abide by a common set of terms and conditions to support the secure, interoperable exchange of health care data among authorized participants.

(f)(d) “Health record” means any information, recorded in any form or medium, which relates to the past, present, or future health of an individual for the primary purpose of providing health care and health-related services.

(g)(e) “Identifiable health record” means ~~a~~ any health record that identifies the patient or ~~for which~~ ~~with respect to~~ which there is a reasonable basis to believe the information can be used to identify the patient.

(h)(f) “Patient” means an individual who has sought, is seeking, is undergoing, or has undergone care or treatment in a health care facility or by a health care provider.

(i)(g) “Patient representative” means a parent of a minor patient, a court-appointed guardian for the patient, a health care surrogate, or a person holding a power of attorney or notarized consent appropriately executed by the patient granting permission ~~for~~ ~~to~~ a health care facility or health care provider to disclose the patient’s health care information to that person. In the case of a deceased patient, the term also means the personal representative of the estate of the deceased patient; the deceased patient’s surviving spouse, surviving parent, or surviving adult child; the parent or guardian of a surviving minor child of the deceased patient; the attorney for the patient’s surviving spouse, parent, or adult child; or the attorney for the parent or guardian of a surviving minor child.

Section 3. Section 408.0513, Florida Statutes, is created to read:

408.0513 *Florida Health Information Exchange Participation Agreement.*—

(1) By July 1, 2011, the agency shall identify and describe elements of a Florida Health Information Exchange Participation Agreement (or Florida HIE Participation Agreement) for use by health care providers and other organizations which specifies the terms and conditions for the exchange of health information.

(2) The agency shall adopt by rule the elements for a Florida HIE Participation Agreement and make the uniform elements available on the agency’s Internet website, pursuant to s. 408.05. The elements of the agreement must include a requirement to use the universal patient authorization form, as provided in s. 408.051(4), when such form is adopted by rule.

(3) A health care provider that participates in the exchange of health information in reliance on a Florida HIE Participation Agreement containing all of the uniform elements does not violate any right of confidentiality and is immune from civil liability for accessing or releasing an identifiable health record under the agreement.

(4) A health care provider is not required under this section to incorporate one or more of the uniform elements adopted and distributed by the agency in an agreement to participate in the exchange of health information.

Section 4. Section 408.0514, Florida Statutes, is created to read:

408.0514 *Regional extension centers.*—

(1) The agency shall coordinate with federally funded regional extension centers operating in this state to increase provider readiness in implementing the use of electronic health records in order to enable provider participation in health information exchange and electronic prescribing, including, but not limited to, readiness to prepare, use, and

report performance measures required to qualify for federal and state electronic health record adoption incentive programs.

(2) The agency may establish guidelines for services provided to Medicaid providers by regional extension centers and conditions for state Medicaid participation and use of such services.

Section 5. Paragraph (a) of subsection (1) of section 408.061, Florida Statutes, is amended to read:

408.061 Data collection; uniform systems of financial reporting; information relating to physician charges; confidential information; immunity.—

(1) The agency shall require the submission by health care facilities, health care providers, and health insurers of data necessary to carry out the agency’s duties. Specifications for data to be collected under this section shall be developed by the agency with the assistance of technical advisory panels including representatives of affected entities, consumers, purchasers, and such other interested parties as may be determined by the agency.

(a) Data submitted by health care facilities, including the facilities as defined in chapter 395, ~~must~~ ~~shall~~ include, but ~~is~~ ~~are~~ not limited to: case-mix data; patient admission and discharge data; hospital emergency department data, which ~~includes~~ ~~shall include~~ the number of patients treated in the hospital’s emergency department ~~and of a licensed hospital~~ reported by patient acuity level; data on hospital-acquired infections as specified by rule; data on complications as specified by rule; data on readmissions as specified by rule, which ~~includes~~ ~~with~~ patient and provider-specific identifiers; ~~included,~~ actual charge data by diagnostic groups; financial data; accounting data; operating expenses; expenses incurred for rendering services to patients who cannot or do not pay; interest charges; depreciation expenses based on the expected useful life of the property and equipment involved; and demographic data. The agency shall adopt nationally recognized risk adjustment methodologies or software consistent with the standards of the Agency for Healthcare Research and Quality and as selected by the agency for all data submitted ~~under~~ ~~as required by~~ this section. Data may be obtained from documents such as, but not limited to: leases, contracts, debt instruments, itemized patient bills, medical record abstracts, and related diagnostic information. Reported data elements shall be reported electronically, ~~and in accordance with rule 59E-7.012, Florida Administrative Code.~~ Data submitted shall be certified by the chief executive officer or an appropriate and duly authorized representative or employee of the licensed facility ~~must certify~~ that the information submitted is true and accurate.

Section 6. Subsections (3) and (4) of section 408.0611, Florida Statutes, are amended to read:

408.0611 Electronic prescribing clearinghouse.—

(3) The agency shall work in collaboration with private sector electronic prescribing initiatives and relevant stakeholders to create a clearinghouse of information on electronic prescribing for health care practitioners, health care facilities, *regional health information organizations, health care consumers, and pharmacies, and regional extension centers that promote adoption of electronic health records.* ~~These stakeholders shall include organizations that represent health care practitioners, organizations that represent health care facilities, organizations that represent pharmacies, organizations that operate electronic prescribing networks, organizations that create electronic prescribing products, and regional health information organizations.~~ Specifically, the agency shall, ~~by October 1, 2007:~~

(a) Provide on its website:

1. Information regarding the process of electronic prescribing and the availability of electronic prescribing products, including no-cost or low-cost products;

2. Information regarding the advantages of electronic prescribing, including using medication history data to prevent drug interactions, prevent allergic reactions, and deter doctor and pharmacy shopping for controlled substances;

3. Links to federal and private sector websites that provide guidance on selecting an appropriate electronic prescribing product; and

4. Links to state, federal, and private sector incentive programs for the implementation of electronic prescribing.

(b) Convene quarterly meetings of the *State Consumer Health Information and Policy Advisory Council* or a workgroup representing *electronic prescribing and other health information technology* stakeholders to assess and accelerate the implementation of electronic prescribing.

(4) Pursuant to s. 408.061, the agency shall monitor the implementation of electronic prescribing by health care practitioners, health care facilities, and pharmacies. By January 31 of each year, the agency shall report *metrics* on the ~~progress of~~ implementation of electronic prescribing on the *agency's Internet website to the Governor and the Legislature*. ~~The information reported must pursuant to this subsection~~ shall include federal and private sector electronic prescribing initiatives and, to the extent that data is readily available from organizations that operate electronic prescribing networks, the number of health care practitioners using electronic prescribing and the number of prescriptions electronically transmitted.

Section 7. Paragraph (e) of subsection (1) and subsection (5) of section 408.062, Florida Statutes, are amended to read:

408.062 Research, analyses, studies, and reports.—

(1) The agency shall conduct research, analyses, and studies relating to health care costs and access to and quality of health care services as access and quality are affected by changes in health care costs. Such research, analyses, and studies shall include, but not be limited to:

(e) Total health care expenditures in the state according to the sources of payment and the type of expenditure *shall be published on the agency's Internet website*.

(5) The agency shall develop and implement a strategy for the adoption and use of electronic health records, including the development, *implementation, and use of a single statewide infrastructure necessary* for an electronic health information network for ~~the sharing of~~ electronic health records among health care facilities, health care providers, and health insurers.

(a) *The agency shall contract with a vendor who has expertise in designing infrastructure that exchanges health information through an integrated solution using network security engineering which secures both the network and sensitive health care information while empowering patients to have control over how their information is shared. The infrastructure must be interoperable with the established National Health Information Network using national standards and leveraging ongoing federal investments to ensure meaningful use of health information. The infrastructure must be open source, giving the highest priority to privacy, security, and interoperability with existing and future electronic patient medical records.*

(b) The agency may develop rules to facilitate the functionality and protect the confidentiality of electronic health records. The agency shall report to the Governor, the Speaker of the House of Representatives, and the President of the Senate on legislative recommendations to protect the confidentiality of electronic health records.

Section 8. Subsections (5) and (6) of section 408.063, Florida Statutes, are amended to read:

408.063 Dissemination of health care information.—

~~(5) The agency shall publish annually a comprehensive report of state health expenditures. The report shall identify:~~

~~(a) The contribution of health care dollars made by all payors.~~

~~(b) The dollars expended by type of health care service in Florida.~~

~~(6)~~The staff of the Agency staff may conduct or sponsor consumer information and education seminars at locations throughout the state and may hold public hearings to solicit consumer concerns or complaints relating to health care costs and make recommendations to the agency for study, action, or investigation.

And the title is amended as follows:

Delete lines 2-40 and insert: An act relating to electronic health information; amending s. 408.05, F.S.; revising provisions relating to the duties and responsibilities of the State Consumer Health Information and Policy Advisory Council; amending s. 408.051, F.S.; defining the terms “agency,” “health care practitioner,” and “health information exchange participation agreement”; creating s. 408.0513, F.S.; requiring the agency to develop uniform elements of a Florida Health Information Exchange Participation Agreement for use by health care providers; requiring the agency to post the agreement on the agency's Internet website; providing for immunity from civil liability for accessing or releasing certain health records; providing that health care providers are not required to incorporate the uniform elements of the agreement; creating s. 408.0514, F.S.; requiring the agency to coordinate with regional extension centers to implement the use of electronic health records; authorizing the agency to establish guidelines for center services and state Medicaid participation and use of such services; amending s. 408.061, F.S.; deleting a reference to an administrative rule relating to certain data reported by health care facilities; amending s. 408.0611, F.S.; revising provisions relating to a clearinghouse on information on electronic prescribing; requiring the State Consumer Health Information and Policy Advisory Council or a workgroup representing electronic prescribing and other health information technology stakeholders to participate in quarterly meetings on the implementation of electronic prescribing; requiring the agency to provide a report on the agency's Internet website; amending s. 408.062, F.S.; requiring the agency to post certain information on health care expenditures on the agency's Internet website; directing the agency to contract for the development of a single statewide infrastructure for exchanging health information; amending s. 408.063, F.S.; deleting the requirement that the agency annually publish a report on state health expenditures; providing an effective date.

WHEREAS, the use of electronic health information technology has improved the quality of health care, and

WHEREAS, coordinating federally funded training and outreach activities with a state-based health information technology program will advance the adoption and meaningful use of electronic health records, and

WHEREAS, the Agency for Health Care Administration is responsible for developing a strategy for the implementation of an electronic health information network in this state, NOW, THEREFORE,

**MOTION**

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

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

**Amendment 1A (428238) (with directory and title amendments)**—Between lines 8 and 9 insert:

(7) BUDGET; FEES.—

~~(a) The Legislature intends that funding for the Florida Center for Health Information and Policy Analysis be appropriated from the General Revenue Fund.~~

~~(a)(b) The Florida Center for Health Information and Policy Analysis may apply for and receive and accept grants, gifts, and other payments, including property and services, from any governmental or other public or private entity or person and make arrangements as to the use of same, including the undertaking of special studies and other projects relating to health-care-related topics. Funds obtained pursuant to this paragraph may not be used to offset annual appropriations from the General Revenue Fund.~~

~~(b)(c) The center may charge such reasonable fees for services as the agency prescribes by rule. The established fees may not exceed the reasonable cost for such services. Fees collected may not be used to offset annual appropriations from the General Revenue Fund.~~

And the directory clause is amended as follows:

Delete lines 5 and 6 and insert:

Section 1. Subsection (7) and paragraph (h) of subsection (8) of section 408.05, Florida Statutes, are amended to read:

And the title is amended as follows:

Delete line 279 and insert: amending s. 408.05, F.S.; removing a statement of legislative intent; removing certain restrictions on the use of certain funds and fees received by the Florida Center for Health Information and Policy Analysis; revising provisions relating

**Amendment 1B (354276) (with title amendment)**—Delete lines 51-57 and insert:

(d) “Health care provider” means any person or organization that furnishes, bills, or is paid for health care services in the normal course of business.

And the title is amended as follows:

Delete line 283 and insert: “agency,” “health care provider,” and “health

**Amendment 1** as amended was adopted.

Pursuant to Rule 4.19, **CS for CS for HB 911** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Gelber—

**CS for SB 1148**—A bill to be entitled An act relating to post-secondary student fees; amending s. 1009.25, F.S.; clarifying an exemption from fee requirements provided for a student who is or was at the time he or she reached 18 years of age in the custody of a relative under the Relative Caregiver Program or who was adopted from the Department of Children and Family Services after a specified date; providing that such exemption includes fees associated with enrollment in career-preparatory instruction and the completion of the college-level communication and computation skills testing program; providing that the exemption remains valid for 4 years after the date of graduation from high school; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1148** was placed on the calendar of Bills on Third Reading.

On motion by Senator Siplin—

**SB 2320**—A bill to be entitled An act relating to the code of student conduct; amending s. 1006.07, F.S.; requiring the district school board to include in the code of student conduct adopted by the board an explanation of the responsibilities of each student with regard to appropriate dress and respect for self and others, and the role that appropriate dress and respect for self and others has on an orderly learning environment; requiring each district school board to adopt a dress code policy that prohibits a student, while on the grounds of a public school during the regular school day, from wearing clothing that exposes underwear or body parts in an indecent or vulgar manner or that disrupts the orderly learning environment; providing disciplinary actions for students who violate the dress code; amending s. 1006.15, F.S.; providing that adherence to appropriate dress and other codes of student conduct is a prerequisite for a student to be eligible to participate in interscholastic extracurricular student activities; reenacting s. 1002.23(7), F.S., relating to a parent guide to successful student achievement to be adopted by each school district board, to incorporate the amendment made to s. 1006.07, F.S., in a reference thereto; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 2320** was placed on the calendar of Bills on Third Reading.

## THE PRESIDENT PRESIDING

### MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Wise, by two-thirds vote **SB 228** was withdrawn from the committees of reference and further consideration.

On motion by Senator Fasano, by two-thirds vote **CS for SB 796** was withdrawn from the Committee on Criminal and Civil Justice Appropriations; **CS for CS for SB 354** was withdrawn from the Committee on Finance and Tax; **CS for SB 518** and **CS for SB 1296** were withdrawn from the Committee on General Government Appropriations; **CS for SB 834** was withdrawn from the Committee on Health and Human Services Appropriations; **CS for CS for SB 262**, **CS for CS for SB 346**, **CS for SB 514**, **CS for SB 1472**, and **CS for SB 1884** were withdrawn from the Policy and Steering Committee on Ways and Means; and **CS for SB 1054** was withdrawn from the Committee on Rules.

### 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 Monday, April 26.

On motion by Senator Fasano, by two-thirds vote **CS for SB 902** and **CS for SB 1296** were placed on the Special Order Calendar for Monday, April 26.

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 Monday, April 26.

### REPORTS OF COMMITTEES

Pursuant to Rule 4.17(2), the President Pro Tempore, the Minority Leader, and the Chair of the Policy and Steering Committee on Ways and Means submit the following bills to be placed on the Special Order Calendar for Friday, April 23, 2010: **SB 2250**, **CS for CS for CS for SB 1078**, **CS for CS for SB 202**, **CS for CS for SB 234**, **SB 344**, **CS for CS for SB 2450**, **SB 2788**, **SB 2790**, **SM 480**, **CS for CS for SB 900**, **CS for CS for SB’s 2210 and 1552**, **CS for CS for SB 2176**, **CS for CS for CS for SB 2086**, **CS for SB 1948**, **CS for CS for SB 1842**, **CS for SB 1332**, **CS for SB 1068**, **CS for SB 1918**, **CS for SB 1340**, **CS for CS for SB 570**, **CS for CS for CS for SB 1202**, **CS for SB 1882**, **CS for CS for SB 896**, **CS for SB 1012**, **CS for SB 1072**, **CS for CS for CS for SB 958**, **CS for SB 1148**, **CS for SB 606**, **SB 2320**.

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

The Committee on Ethics and Elections recommends a committee substitute for the following: **SB 902**

**The bill with committee substitute attached was referred to the Policy and Steering Committee on Ways and Means under the original reference.**

The Committee on Ethics and Elections recommends a committee substitute for the following: **CS for SJR 2288**

**The bill with committee substitute attached was placed on the Calendar.**

## COMMITTEE SUBSTITUTES

## FIRST READING

By the Committee on Ethics and Elections; and Senators Alexander, Villalobos, and Gelber—

**CS for SB 902**—A bill to be entitled An act relating to the public trust; amending s. 106.25, F.S.; authorizing the Florida Elections Commission to determine whether a person's conduct was willful in an informal hearing following a finding of probable cause; amending s. 125.69, F.S.; authorizing a county to specify by ordinance penalties for a violation of certain county ordinances; 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; requiring that the Department of Transportation implement the work program approved by the Legislature by entering into contracts and agreements subject to certain requirements; requiring that the department provide written notification to the Governor and the Legislature within a specified number of days before advertising for proposals if the department intends to procure a contract pursuant to s. 334.30, F.S.; 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 an exception; 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; creating s. 775.0876, F.S.; providing for the reclassification of criminal offenses committed "under color of law"; providing an exception; amending s. 838.022, F.S.; criminalizing certain acts by public servants that constitute official misconduct; prescribing penalties; providing definitions; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code; conforming provisions to changes made by the act; providing an effective date.

By the Committees on Ethics and Elections; and Reapportionment; and Senators Haridopolos, Siplin, and Lawson—

**CS for 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.

REFERENCE CHANGES  
PURSUANT TO RULE 4.7(2)

By the Committee on Ethics and Elections; and Senators Alexander, Villalobos, and Gelber—

**CS for SB 902**—A bill to be entitled An act relating to the public trust; amending s. 106.25, F.S.; authorizing the Florida Elections Commission to determine whether a person's conduct was willful in an informal hearing following a finding of probable cause; amending s. 125.69, F.S.; authorizing a county to specify by ordinance penalties for a violation of certain county ordinances; 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; requiring that the Department of Transportation implement the work program approved by the Legislature by entering into contracts and agreements subject to certain requirements; requiring that the department provide written notification to the Governor and the Legislature within a specified number of days before advertising for proposals if the department intends to procure a contract pursuant to s. 334.30, F.S.; 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 an exception; 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; creating s. 775.0876, F.S.; providing for the reclassification of criminal offenses committed "under color of law"; providing an exception; amending s. 838.022, F.S.; criminalizing certain acts by public servants that constitute official misconduct; prescribing penalties; providing definitions; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code; conforming provisions to changes made by the act; providing an effective date.

—was placed on the Calendar.

By the Committees on Governmental Oversight and Accountability; and Commerce; and Senators Bennett, Lynn, and Crist—

**CS for CS for SB 1844**—A bill to be entitled An act relating to rulemaking; amending s. 120.54, F.S.; requiring each agency, before adopting, amending, or repealing certain rules, to prepare a statement of estimated regulatory costs of the proposed rule if the proposed rule has an adverse effect on small business or increases regulatory costs in excess of a specified amount; providing that an emergency rule may be extended while awaiting legislative ratification; amending s. 120.541, F.S.; requiring each agency, before adopting, amending, or repealing

certain rules, to prepare a statement of estimated regulatory costs of the proposed rule; specifying the conditions under which a challenged rule may not be declared invalid; specifying the requirements of an economic analysis of proposed rules or rule changes; prohibiting a rule from taking effect until it is ratified by the Legislature; providing that the act is not applicable to certain specified rules; amending s. 120.56, F.S.; providing for revised statements of estimated regulatory costs as a basis for challenging a rule; amending s. 120.60, F.S.; authorizing an agency to provide by rule for the time period for submitting additional information needed for a license application; requiring that certain requests to receive notice relating to a license application be submitted in writing; providing an effective date.

—was placed on the Calendar.

By the Committee on Governmental Oversight and Accountability; and Senators Joyner and Lynn—

**CS for SB 2140**—A bill to be entitled An act relating to administrative procedures; amending s. 120.54, F.S.; requiring an agency's notice of rule development to indicate whether the rule may have an adverse impact on small businesses; requiring that the agency also notify the Small Business Regulatory Advisory Council if the rule may have an adverse impact; authorizing the council to propose regulatory alternatives to the agency within a specified period; requiring an agency to send a statement to the council and the Administrative Procedures Committee if the agency does not adopt the proposed alternatives; revising the duties of the Office of Program Policy Analysis and Government Accountability with respect to its review of proposed alternative rules; revising certain procedures for an agency in filing a rule for final adoption; amending s. 120.541, F.S.; conforming provisions to changes made by the act; revising provisions relating to an agency's response to a proposal by a substantially affected person for a lower cost regulatory alternative to a proposed rule; revising the grounds for declaring a rule invalid due to the agency's failure to prepare a statement of estimated regulatory costs; providing that a rule that imposes regulatory costs that could be reduced under certain circumstances may be declared invalid if certain requirements are not met; requiring that a rule impact analysis for small businesses include the agency's basis for not implementing alternatives to a proposed rule; amending s. 120.56, F.S.; providing for revised statements of estimated regulatory costs as a basis for challenging a rule; amending s. 120.60, F.S.; authorizing an agency to provide by rule for the time period for submitting additional information needed for a license application; requiring that certain requests to receive notice relating to a license application be submitted in writing; providing an effective date.

—was placed on the Calendar.

## 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 523, CS for HB 969, CS for HB 1145, CS for HB 1363, CS for HB 1455, HB 7031, HB 7035, HB 7037, HB 7085; has passed as amended CS for CS for HB 325, CS for CS for HB 1307, HB 7237; has passed by the required constitutional two-thirds vote of the members present CS for HB 393, CS for HB 1059, HB 1279; has passed by the required constitutional two-thirds vote of the membership CS for HB 551 and requests the concurrence of the Senate.

*Robert L. "Bob" Ward, Clerk*

By Government Operations Appropriations Committee and Representative(s) Williams, A., Carroll, Abruzzo, Bernard, Brandenburg, Braynon, Bullard, Chestnut, Ford, Jones, Kriseman, Nehr, Pafford, Rader, Reed, Rehwinkel Vasilinda, Rogers, Rouson, Sands, Soto, Steinberg, Zapata—

**CS for HB 523**—A bill to be entitled An act relating to the Florida Civil Rights Hall of Fame; creating s. 760.065, F.S.; providing legislative

intent; providing for the establishment and location of the hall of fame; providing for the selection of hall-of-fame members by the Governor upon recommendations by the Florida Commission on Human Relations; providing criteria for such recommendations; authorizing the commission to set time periods for the nomination and selection of hall-of-fame members; assigning responsibility for certain hall-of-fame costs; providing an effective date.

—was referred to the Committees on Judiciary; and Governmental Oversight and Accountability.

By Transportation & Economic Development Appropriations Committee and Representative(s) Crisafulli, Adams, Ambler, Bovo, Burgin, Chestnut, Culp, Homan, Kreegel, Mayfield, Nehr, Planas, Porth, Rogers, Steinberg, Tobia, Williams, A., Zapata—

**CS for HB 969**—A bill to be entitled An act relating to space and aerospace infrastructure; creating s. 331.370, F.S.; revising authorized uses of specified Space Florida appropriations; providing an effective date.

—was referred to the Committees on Commerce; and Transportation and Economic Development Appropriations; and the Policy and Steering Committee on Ways and Means.

By Agriculture & Natural Resources Policy Committee and Representative(s) Bemby, Ambler, Drake, Gaetz, Sachs, Williams, T.—

**CS for HB 1145**—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.

—was referred to the Committee on Environmental Preservation and Conservation.

By State Universities & Private Colleges Policy Committee and Representative(s) Glorioso, Jones—

**CS for HB 1363**—A bill to be entitled An act relating to post-secondary student fees; amending s. 1009.25, F.S.; clarifying an exemption from fee requirements provided for a student who is or was at the time he or she reached 18 years of age in the custody of a relative under the Relative Caregiver Program or who was adopted from the Department of Children and Family Services after a specified date; providing that certain exemptions include fees associated with enrollment in career-preparatory instruction; deleting an exemption associated with completion of the college-level communication and computation skills testing program; providing that the exemptions remain valid for a specified time; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Higher Education; and Higher Education Appropriations.

By Public Safety & Domestic Security Policy Committee and Representative(s) Sachs, Abruzzo, Adams, Ambler, Bernard, Drake, Eisnaugle, Gaetz, Holder, Hooper, Kiar, Long, Pafford, Porth, Stargel, Zapata—

**CS for HB 1455**—A bill to be entitled An act relating to misrepresentation of military status; amending s. 496.415, F.S.; prohibiting a person from falsely representing himself or herself as a member of or representing the United States Armed Forces or the National Guard for the purpose of solicitation of charitable contributions or participation in a charitable or sponsor sales promotion; creating s. 817.312, F.S.; prohibiting a person from wearing the uniform of or any medal or insignia authorized for use by members or veterans of the United States Armed Forces or the National Guard with the intent to misrepresent himself or herself as a member or veteran of the United States Armed Forces or the National Guard while soliciting for charitable contributions; providing criminal penalties; providing an effective date.

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

By Criminal & Civil Justice Policy Council and Representative(s) Holder, Lopez-Cantera, Nehr—

**HB 7031**—A bill to be entitled An act relating to the judiciary; repealing s. 25.051, F.S., relating to regular terms of the Supreme Court; repealing s. 25.281, F.S., relating to compensation of the marshal; repealing s. 26.011, F.S., relating to census commissions for the judicial circuits; repealing s. 26.21, F.S., relating to terms of the circuit courts; repealing s. 26.22, F.S., relating to terms of the First Judicial Circuit; repealing s. 26.23, F.S., relating to terms of the Second Judicial Circuit; repealing s. 26.24, F.S., relating to terms of the Third Judicial Circuit; repealing s. 26.25, F.S., relating to terms of the Fourth Judicial Circuit; repealing s. 26.26, F.S., relating to terms of the Fifth Judicial Circuit; repealing s. 26.27, F.S., relating to terms of the Sixth Judicial Circuit; repealing s. 26.28, F.S., relating to terms of the Seventh Judicial Circuit; repealing s. 26.29, F.S., relating to terms of the Eighth Judicial Circuit; repealing s. 26.30, F.S., relating to terms of the Ninth Judicial Circuit; repealing s. 26.31, F.S., relating to terms of the Tenth Judicial Circuit; repealing s. 26.32, F.S., relating to terms of the Eleventh Judicial Circuit; repealing s. 26.33, F.S., relating to terms of the Twelfth Judicial Circuit; repealing s. 26.34, F.S., relating to terms of the Thirteenth Judicial Circuit; repealing s. 26.35, F.S., relating to terms of the Fourteenth Judicial Circuit; repealing s. 26.36, F.S., relating to terms of the Fifteenth Judicial Circuit; repealing s. 26.361, F.S., relating to terms of the Sixteenth Judicial Circuit; repealing s. 26.362, F.S., relating to terms of the Seventeenth Judicial Circuit; repealing s. 26.363, F.S., relating to terms of the Eighteenth Judicial Circuit; repealing s. 26.364, F.S., relating to terms of the Nineteenth Judicial Circuit; repealing s. 26.365, F.S., relating to terms of the Twentieth Judicial Circuit; repealing s. 26.37, F.S., relating to requiring a judge to attend the first day of each term of the circuit court; repealing s. 26.38, F.S., relating to requiring a judge to state a reason for nonattendance; repealing s. 26.39, F.S., relating to penalty for nonattendance of judge; repealing s. 26.40, F.S., relating to adjournment of the circuit court upon nonattendance of the judge; repealing s. 26.42, F.S., relating to calling all cases on the docket at the end of each term; repealing s. 26.49, F.S., relating to the sheriff as the executive officer of the circuit court; repealing s. 28.08, F.S., relating to the place of residence of the clerk of the circuit court or a deputy; repealing s. 35.10, F.S., relating to regular terms of the district courts of appeal; repealing s. 35.27, F.S., relating to compensation of the marshal; repealing s. 744.103, F.S., relating to guardians of incapacitated world war veterans; providing an effective date.

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

By Criminal & Civil Justice Policy Council and Representative(s) Holder, Lopez-Cantera, Nehr—

**HB 7035**—A bill to be entitled An act relating to criminal justice; repealing s. 16.07, F.S., relating to a prohibition on the Attorney General collecting any fee for defending any supposed offender; repealing s. 30.11, F.S., relating to a sheriff's or deputy's required place of residence; amending ss. 384.34 and 796.08, F.S.; removing references to conform to changes made by the act; amending s. 775.0877, F.S.; removing penalty provisions relating to criminal transmission of HIV; amending s. 893.13, F.S.; removing penalty provisions relating to obsolete community residential drug punishment centers; amending s. 921.187, F.S.; removing sentencing provisions relating to community residential drug punishment centers and quarantine of offenders convicted of criminal transmission of HIV; repealing s. 944.293, F.S., relating to initiation of restoration of civil rights; amending s. 948.001, F.S.; removing the definition of the term "criminal quarantine community control"; repealing s. 948.034, F.S., relating to community residential drug punishment centers; repealing s. 948.0345, F.S., relating to community service alternative to fines; amending s. 984.04, F.S.; removing a reference to conform to changes made by the act; amending ss. 948.101 and 948.11, F.S.; removing references to criminal quarantine community control; repealing s. 957.125, F.S., relating to authorization for the Correctional Privatization Commission to contract for youthful offender correctional facilities; repealing s. 985.4891, F.S., relating to sheriff's training and respect programs; amending ss. 958.046, 985.445, 985.47,

985.483, 985.494, and 985.645, F.S.; conforming provisions to the repeal of s. 985.4891, F.S.; providing an effective date.

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

By Education Policy Council and Representative(s) Coley, Horner, Lopez-Cantera, McKeel, Nehr, O'Toole, Ray—

**HB 7037**—A bill to be entitled An act relating to education; amending s. 413.20, F.S.; redefining and deleting terms relating to vocational rehabilitation programs; replacing an obsolete term; amending s. 413.30, F.S.; revising provisions relating to eligibility for vocational rehabilitation services; providing for an individualized plan for employment; requiring the Division of Vocational Rehabilitation in the Department of Education to conduct trial work experiences before determining that an individual is incapable of benefiting from services; requiring the division to refer an individual to other services if the division determines that the individual is ineligible for vocational rehabilitation services; requiring the division to serve those having the most significant disabilities first under specified circumstances; conforming provisions to changes made by the act; amending s. 413.341, F.S.; allowing confidential records to be released for audit, program evaluation, or research purposes; amending s. 413.371, F.S.; requiring the division to administer an independent living program; conforming provisions to changes made by the act; repealing the division's authority to contract for specified services; amending s. 413.393, F.S.; correcting references and conforming provisions to changes made by the act; amending s. 413.40, F.S.; revising the division's powers to administer the independent living program; authorizing the division to employ specified individuals and to contract for services in accordance with the state plan for independent living; conforming provisions to changes made by the act; amending s. 413.405, F.S.; revising the membership of the Florida Rehabilitation Council; providing that Department of Education employees may serve only as nonvoting members; revising provisions relating to terms of office; revising council functions; correcting references and replacing obsolete cross-references; amending s. 413.407, F.S.; correcting a reference; repealing s. 413.206, F.S., relating to a 5-year plan for the division; repealing s. 413.39, F.S., relating to administration of the independent living program; repealing ss. 413.70 and 413.72, F.S., relating to the limiting disabilities program; repealing s. 413.73, F.S., relating to the disability assistance program; repealing s. 1013.05, F.S., relating to the Office of Educational Facilities and SMART Schools Clearinghouse; amending ss. 163.31777, 1001.20, and 1013.04, F.S.; deleting obsolete references; amending s. 1013.21, F.S.; deleting obsolete references; requiring the Office of Educational Facilities in the Department of Education to monitor district facilities work programs; amending ss. 1013.33 and 1013.35, F.S.; deleting obsolete references; amending s. 1013.41, F.S.; deleting obsolete references; requiring the Office of Educational Facilities to assist school districts in building SMART schools; amending s. 1013.42, F.S.; deleting obsolete references; specifying criteria for the prioritization of School Infrastructure Thrift Program awards; amending s. 1013.72, F.S.; revising the cost per student station for purposes of School Infrastructure Thrift Program awards; deleting obsolete references; amending s. 1013.73, F.S.; deleting an obsolete reference; requiring the Division of Statutory Revision of the Office of Legislative Services to prepare a reviser's bill to make conforming changes to address past legislation amending terminology relating to the Florida College System; repealing s. 1004.87, F.S., relating to Florida College System Task Force; repealing s. 1002.335, F.S., relating to the Florida Schools of Excellence Commission; amending s. 1002.33, F.S.; conforming provisions to changes made by the act; repealing s. 1003.413(5), F.S., relating to the Secondary School Improvement Award Program; repealing s. 1003.62, F.S., relating to academic performance-based charter school districts; amending ss. 1011.69 and 1013.64, F.S.; conforming provisions to changes made by the act; repealing ss. 1003.63 and 1008.345(7), F.S., relating to the deregulated public schools pilot program; amending s. 1004.68, F.S.; conforming a cross-reference; repealing s. 1006.67, F.S., relating to the reporting of campus crime statistics; amending s. 1013.11, F.S.; conforming provisions to changes made by the act; repealing ss. 1009.63 and 1009.631, F.S., relating to the occupational therapist or physical therapist critical shortage program; repealing s. 1009.632, F.S., relating to the Critical Occupational Therapist or Physical Therapist Shortage Student Loan Forgiveness Program; repealing s. 1009.633, F.S., relating to the Critical Occupational Therapist or Physical Therapist Shortage Scholarship Loan Program; repealing s.

1009.634, F.S., relating to the Critical Occupational Therapist or Physical Therapist Shortage Tuition Reimbursement Program; repealing s. 1009.64, F.S., relating to the Certified Education Paraprofessional Welfare Transition Program; amending ss. 1009.40 and 1009.94, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; and Education Pre-K - 12 Appropriations.

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By Governmental Affairs Policy Committee and Representative(s) Roberson, K.—

**HB 7085**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 112.324, F.S., which provides an exemption from public records requirements for complaints and related records held by the Commission on Ethics or a Commission on Ethics and Public Trust established by a county or municipality and an exemption from public meetings requirements for proceedings conducted by such commissions pursuant to a complaint or preliminary investigation; reorganizing the exemption; removing the scheduled repeal of the exemption; providing an effective date.

—was referred to the Committees on Ethics and Elections; and Governmental Oversight and Accountability.

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By Finance & Tax Council, Roads, Bridges & Ports Policy Committee and Representative(s) Reagan, Ambler, Anderson, Brisé, Ford, Frishe, Heller, Homan, Hooper, Horner, Hudson, Jenne, Kriseman, Pafford, Porth, Rader, Roberson, K., Roberson, Y., Rogers, Schultz, Steinberg, Tobia, Van Zant—

**CS for CS for HB 325**—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; amending s. 316.008, F.S.; authorizing counties and municipalities to use traffic infraction detectors under certain circumstances; 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 authorization of a traffic infraction enforcement officer to issue and enforce a citation for such violation; requiring notification to be sent to the registered owner of the motor vehicle involved in the violation; requiring the notification to include certain information about the owner’s right to review evidence; providing requirements for the notification; providing for collection of penalties; providing for distribution of penalties collected; providing that an individual may not receive a commission or per-ticket fee from any revenue collected from violations detected through the use of a traffic infraction detector and a manufacturer or vendor may not receive a fee or remuneration based upon the number of violations detected through the use of a traffic infraction detector; providing procedures for issuance, disposition, and enforcement of citations; providing for exemptions; providing that certain evidence is admissible for enforcement; providing penalties for submission of a false affidavit; prohibiting the use of such detectors to enforce a violation when a driver fails to stop prior to making a right or left turn; 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; amending s. 316.0745, F.S.; revising a provision that requires certain remotely operated traffic control devices to meet certain specifications; creating s. 316.07456, F.S.; requiring traffic infraction detectors to 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 when permitted by and under the specifications of the department; requiring that if the state, county, or 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 posted at the intersection meet the specifications for uniform signals and

devices adopted by the Department of Transportation; requiring that traffic infraction detectors meet specifications established by the Department of Transportation; requiring a public awareness campaign if such detectors are to be used; 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 officer to provide to the court a replica of the citation data by electronic transmission under certain conditions; 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; providing that an individual may not receive a commission or per-ticket fee from any revenue collected from violations detected through the use of a traffic infraction detector and a manufacturer or vendor may not receive a fee or remuneration based upon the number of violations detected through the use of a traffic infraction detector; creating s. 321.50, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to use traffic infraction detectors under certain circumstances; amending s. 322.27, F.S.; providing that no points may be assessed against the driver’s license for infractions enforced by a traffic infraction enforcement officer; providing that infractions enforced by a traffic infraction enforcement officer may not be used for purposes of setting motor vehicle insurance rates; requiring the retention of certain penalty proceeds collected prior to the Department of Revenue’s ability to receive and distribute such funds; providing an appropriation and for carryforward of any unexpended balance; providing for severability; providing effective dates.

—was referred to the Committees on Transportation; and Community Affairs; and the Policy and Steering Committee on Ways and Means.

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By Economic Development & Community Affairs Policy Council, Governmental Affairs Policy Committee and Representative(s) Schenck—

**CS for CS for HB 1307**—A bill to be entitled An act relating to state financial matters; amending s. 121.4501, F.S.; revising and providing definitions; providing for excess account balances in the Public Employee Optional Retirement Program when an employee transfers to the defined benefit program; providing for the use of such excess balance; requiring the State Board of Administration to resolve complaints; providing for the use of records in resolving such complaints; clarifying the state board’s rule authority with respect to the program; amending s. 121.4502, F.S.; establishing a forfeiture account in the Public Employee Retirement Program Trust Fund; providing for the use of funds in the account; amending s. 121.591, F.S.; conforming a cross-reference; permitting an application for benefits under the optional retirement program to be submitted by electronic means; amending s. 121.74, F.S.; revising the contribution rates for employers participating in the Florida Retirement System; amending s. 121.78, F.S.; exempting the Division of Retirement, the state board, and the third-party administrator from liability for market losses due to acts of God; amending s. 215.44, F.S.; expanding the authority of the state board to use trust agreements; requiring that the state board create an audit committee for specified purposes; providing for duties, membership, and term limits; requiring that the state board annually produce and report to the Legislature certain financial statements; requiring that such statements be audited by an independent third-party firm under the direction of the audit committee; requiring that the state board meet at specified intervals and receive reports containing certain information from specified entities; amending s. 215.441, F.S.; providing minimum qualifications for the executive director of the state board; amending s. 215.444, F.S.; increasing membership of the Investment Advisory Council; revising membership requirements; providing council meeting and reporting requirements; providing additional requirements for council members; authorizing the council to create subcommittees; amending s. 215.47, F.S.; expanding the types of investments that the state board is authorized to make; authorizing moneys available for investment by the state board to be invested in certain federally tax-exempt bonds, notes, or obligations not subject to the federal alternative minimum tax; pro-

viding funds that may be invested in a foreign entity; creating s. 215.4754, F.S.; providing intent; requiring that the contract for an investment adviser or manager include a standard of conduct; providing for termination of the contract of an adviser or manager who violates the standard of conduct; prohibiting a member of the council from contracting with or providing services for the investment of certain funds during his or her service on the council and for a specified period thereafter; creating s. 215.4755, F.S.; requiring that an investment adviser or manager annually certify to the state board certain activities regarding investment decisions and standards of behavior; requiring that certain disclosures be made at the request of the state board regarding pecuniary interests of an investment adviser or manager; amending s. 215.52, F.S.; providing requirements for rules made by the state board with respect to certain fiduciary duties; amending s. 218.409, F.S.; providing for extending a moratorium on contributions to or withdrawals from the Local Government Surplus Funds Trust Fund under certain circumstances; authorizing the state board to develop work products that are subject to trademark, copyright, or patent; providing an effective date.

—was referred to the Committees on Governmental Oversight and Accountability; Community Affairs; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Education Policy Council and Representative(s) Weatherford—

**HB 7237**—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 Gov-

ernors 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.; authorizing 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 referred to the Committee on Higher Education; and the Policy and Steering Committee on Ways and Means.

By Governmental Affairs Policy Committee and Representative(s) Bovo, Kriseman—

**CS for HB 393**—A bill to be entitled An act relating to public records; creating s. 341.3026, F.S.; providing an exemption from public records requirements for personal identifying information held by a public transit provider for the purpose of facilitating the prepayment of transit fares or the acquisition of a prepaid transit fare card or similar device;

providing for future review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

—was referred to the Committees on Community Affairs; and Governmental Oversight and Accountability.

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By Governmental Affairs Policy Committee and Representative(s) Domino—

**CS for HB 1059**—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 referred to the Committees on Banking and Insurance; and Governmental Oversight and Accountability.

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By Representative(s) Rivera—

**HB 1279**—A bill to be entitled An act relating to assessment of property for back ad valorem taxes; amending s. 193.092, F.S.; providing for nonapplication of retroactive assessment and collection of taxes on certain property under certain circumstances; providing criteria; providing an effective date.

—was referred to the Committee on Community Affairs; and the Policy and Steering Committee on Ways and Means.

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By Governmental Affairs Policy Committee and Representative(s) Eisnagle—

**CS for HB 551**—A bill to be entitled An act relating to public records and meetings; amending s. 112.324, F.S.; revising an exemption from public record and public meeting requirements which is provided for complaints and related records in the custody of and proceedings conducted by a county or municipality that has established a local investigatory process to enforce more stringent standards of conduct and

disclosure requirements; providing for future repeal and legislative review under the Open Government Sunset Review Act of revisions to the exemption; providing a statement of public necessity; providing an effective date.

—was referred to the Committees on Community Affairs; Ethics and Elections; and Governmental Oversight and Accountability.

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#### 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 2054.

*Robert L. "Bob" Ward, Clerk*

The bill contained in the foregoing message was ordered enrolled.

#### VOTES RECORDED

Senator Garcia was recorded as voting "yea" on the following bills which were considered April 22: **CS for CS for SB 292, CS for CS for HB 787, CS for HB 951, CS for SB 1730, CS for SB 1178, CS for SB 2792, CS for SB 2794, and SB 2796.**

#### CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 22 was corrected and approved.

#### CO-INTRODUCERS

Senators Gelber—SB 902; Lynn—CS for CS for SB 434; Rich—CS for SB 642; Villalobos—SB 902

#### RECESS

On motion by Senator Fasano, the Senate recessed at 4:49 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Monday, April 26 or upon call of the President.