



Journal of the Senate

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CALL TO ORDER

The Senate was called to order by President Atwater at 10:15 a.m. A quorum present—38:

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

Excused: Senator Garcia from 10:46 a.m. until 11:20 a.m.; 2:38 p.m. until 6:41 p.m.

PRAYER

The following prayer was offered by Senior Pastor Ken Whitten, Idlewild Baptist Church, Lutz:

Lord, you are the one that taught us to pray, "Our Father which art in heaven, hallowed be your name, may your kingdom come and your will be done." It is in the spirit of this prayer that we pray, both in this chamber, and throughout the world, your will be done here as it is in heaven. Father, we humbly come into your presence, and we come to ask you, not only forgiveness for our shortcomings, but for the strength and courage and faith to make the right decisions on behalf of those whom we represent in the office that is entrusted to us. I am a Pastor and these men and women are Senators, but each of us has a commitment to a higher calling—to care for and to reach out to the lonely, to the homeless, to the forgotten and to all of those who are within our circle of care.

I pray as this Senate deals with billions in appropriations and the welfare of nearly 20 million Floridians, that none of us will forget the real challenges that are in our land, and that today, Lord, they are not so much scientific and economical and technological, as they are moral and

theological and spiritual. May we always bear in mind that our calling is to fairly govern to meet the needs of those who sent us to represent them in this hallowed chamber, and not just a select few.

So Lord, in these waning hours of this year's legislative session, as exhaustion sets in, and with so much to do and so little time to do it, my prayer today is that each Senator will not be so rushed that they fail to ask the question before every vote, "How would God Almighty have me vote on this issue?" Father, may our remembrance today be that government is an institution authored by you, our God, for the civil governance of man. May we honor you in all we do and may our actions today reflect your divine approval. As we serve in our respective roles, Lord, may we do your will. In the words of the great Bobby Richardson, "Nothing more, nothing less, and nothing else." Thank you, God of heaven and earth. Thank you for hearing our prayer on this day, and it is in your glorious and exalted name that we pray. Amen.

PLEDGE

Senate Pages Michael Raynor of Tallahassee; Adrian Reed of Miami; Zachary "Zack" Stanley of Inverness; and Justin Alfredo Stimac of Altamonte Springs, led the Senate in the pledge of allegiance to the flag of the United States of America.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Villalobos, by two-thirds vote **SB 170** was withdrawn from the Committee on Rules; **SB 2654** was withdrawn from the Committee on Children, Families, and Elder Affairs; **SB 1230**, **CS for SB 1284**, and **CS for SB 2120** were withdrawn from the Committee on Criminal and Civil Justice Appropriations; **SB 2190**, **CS for CS for SB 2354**, and **CS for SB 2618** were withdrawn from the Committee on General Government Appropriations; **CS for SB 942** was withdrawn from the Committee on Health and Human Services Appropriations; **CS for CS for SB 648**, **CS for SB 1128**, **SB 1932**, and **SB 2356** were withdrawn from the Policy and Steering Committee on Ways and Means.

MOTIONS

On motion by Senator Villalobos, by two-thirds vote **SB 170**, **SB 1932**, and **SB 2190** were placed on the Special Order Calendar to be considered this day.

ADOPTION OF RESOLUTIONS

On motion by Senator Bennett—

By Senator Bennett—

SR 2852—A Resolution honoring Florida's 2008 Summer and 2010 Winter Olympians, 2008 Summer and 2010 Winter Paralympians, and 2007 Summer and 2009 Winter Special Olympians and recognizing their outstanding achievement in their respective sports.

WHEREAS, April 28, 2010, which is recognized as "Fitness Day at the Capitol," is an appropriate time for the Florida Senate to recognize and honor those athletes who represented this state in the Games of the Twenty-Ninth Summer and Twenty-First Winter Olympiads, the 2008 Summer Paralympics and 2010 Winter Paralympics, and the 2007 Special Olympics World Summer Games and 2009 Special Olympics World Winter Games, and

WHEREAS, Fitness Day at the Capitol is a product of the state plan of action created by the Governor's Council on Physical Fitness, which is composed of individuals from diverse and varied backgrounds, including physicians, educators, students, nutritionists, professional athletes, and former Olympians, and

WHEREAS, among those who serve on the Governor's Council on Physical Fitness are former Olympians Jennifer Capriati, Nancy Hogshhead-Makar, Shannon Miller, Dorothy "Dot" Richardson, and Dara Torres, and

WHEREAS, it is essential to promote health and wellness by encouraging regular exercise and sound nutritional practices for all Floridians, thereby reducing the rate of obesity and resulting chronic diseases, and

WHEREAS, Florida's Olympians, Paralympians, and Special Olympians are role models who demonstrate the virtues and positive results of a healthful lifestyle that includes physical fitness, such as tennis great Chris Evert, who also exemplifies service to her community, and

WHEREAS, many outstanding athletes represented Florida and the United States as team members in the 2008 United States Summer Paralympics, the 2010 United States Winter Paralympics, the 2007 United States Summer Special Olympics World Games, and the 2009 Winter Special Olympics Summer World Games, and

WHEREAS, due to years of hard work and preparation of both mind and body, these men and women persevered to reach the highest level of achievement in their respective events, representing their home state of Florida with honor and personifying the Olympic motto, "Citius, Altius, Fortius," "Faster, Stronger, Higher," and

WHEREAS, the 26 Floridians who participated in the XXIX Summer Olympic Games held in Beijing, China, in 2008 are: Laura Bennett, North Palm Beach, triathlon; James Blake, Tampa, tennis; Damu Cherry, Tampa, track and field; Christopher Colwill, Brandon, diving; Rafeeq Curry, Miami, track and field; Phil Dalhausser, Ormond Beach, volleyball; Walter Dix, Coral Springs, track and field; Dwight Howard, Longwood, basketball; Hunter Kemper, Longwood, triathlon; Kelly Kretschman, Indian Harbour Beach, softball; Matt LaPorta, Port Charlotte, baseball; Ryan Lochte, Daytona Beach, swimming; David Oliver, Orlando, track and field; Brian Olson, Tallahassee, judo; Zach Railey, Clearwater, sailing; Nancy Rios, Miami, sailing; Tiffany Ross-Williams, Miami, track and field; Calvin Smith, Gainesville, track and field; Nathan Sturgis, St. Augustine, soccer; Jevon Tarantino, Boca Raton, diving; Dara Torres, Jupiter, swimming; Anna Tunnicliffe, Fort Lauderdale, sailing; Lauryn Williams, Miami, track and field; Serena Williams, Palm Beach Gardens, tennis; Tiffany Ross-Williams, Miami, track and field; and Venus Williams, Palm Beach Gardens, tennis, and

WHEREAS, the five Floridians who participated in the XXI Winter Olympic Games held in Vancouver, British Columbia, Canada, in 2010 are: Jeremy Barrett, Venice, figure skating; Caydee Denney, Wesley Chapel, figure skating; Mark Ladwig, Bradenton, figure skating; Jennifer Rodriguez, Miami, speed skating; and Jason Smith, Cape Coral, curling, and

WHEREAS, all Florida Olympians, Paralympians, and Special Olympians, along with Florida's youth, collegiate, and professional athletes, deserve recognition for the example they display in demonstrating the importance of physical fitness as part of a healthful lifestyle, NOW, THEREFORE,

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

That Florida's Olympians, Paralympians, and Special Olympians are congratulated on their outstanding achievements, Florida native Chris Evert is recognized as Florida's physical fitness ambassador, and all members of the Governor's Council on Physical Fitness are commended for their leadership in promoting physical fitness for all Floridians.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the Governor's Council on Physical Fitness as a tangible token of the sentiments of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator Bennett, **SR 2852** was read the second time in full and adopted.

SPECIAL GUEST

Senator Crist introduced former Senator John Grant who was present in the gallery.

At the request of Senator Hill—

By Senator Hill—

SR 818—A resolution recognizing April 28, 2010, as "Workers' Memorial Day" in Florida.

WHEREAS, 38 years ago, the United States Congress passed the Occupational Safety and Health Act, promising every American worker the right to a safe job, and

WHEREAS, unions and their allies have fought hard to make that promise a reality, winning protections that have saved hundreds of thousands of lives and prevented millions of workplace injuries, and

WHEREAS, despite these efforts, the toll of workplace injuries, illnesses, and death remains enormous, with 60,000 American workers dying from job-related injuries each year and another 15.6 million workers injured on the job, and

WHEREAS, the unions of the AFL-CIO are committed to the continuing struggle to make workers' safety a priority and to keep and create good jobs in America, for American workers, and

WHEREAS, America's economy and the health and vigor of American society depend on the availability of decent jobs for American workers and on the safety of those jobs, NOW, THEREFORE,

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

That April 28, 2010, is recognized as "Workers' Memorial Day" in the State of Florida in honor of the many American workers who have suffered injury and death on the job, and in recognition of the work of the unions of the AFL-CIO to protect the safety of American workers and to secure the availability of decent jobs for Americans.

—**SR 818** was introduced, read and adopted by publication.

At the request of Senator Alexander—

By Senator Alexander—

SR 2816—A resolution recognizing May 7, 2010, as "National Public Gardens Day" in Florida.

WHEREAS, Florida is home to 35 public gardens that contribute to the scientific knowledge, culture, economy, and quality of life in cities and communities throughout the state, and

WHEREAS, Florida's public gardens embrace diverse missions that range from conservation, environmental stewardship, display, research, botanical collections, cultural arts, education, agriculture, history, wildlife, architectural preservation, health, relaxation, and spiritual fulfillment for all who visit them, and

WHEREAS, Florida has long been associated with a diverse and beautiful native flora and bountiful agriculture and horticulture that is worthy of celebration in our public gardens throughout the state, and

WHEREAS, the American Public Gardens Association promotes the professional standards of public gardens throughout North America and has promoted the annual observance of "National Public Gardens Day" on the Friday before Mother's Day as a national day of celebration of America's public gardens, NOW, THEREFORE,

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

That May 7, 2010, is recognized as “National Public Gardens Day” in Florida.

—**SR 2816** was introduced, read and adopted by publication.

At the request of Senator Bullard—

By Senator Bullard—

SR 2850—A resolution recognizing the outstanding lifetime achievement of Marvin Dunn, Ph.D.

WHEREAS, Marvin Dunn, is a native Floridian, born in DeLand and educated in Florida’s public school system, and

WHEREAS, in 1957, Marvin Dunn, graduated early from Euclid High School in DeLand and subsequently moved with his family to Miami, and

WHEREAS, after graduating from Morehouse College in Atlanta with a B.A. in psychology in 1961, Marvin Dunn served in the United States Navy on the aircraft carriers U.S.S. Kitty Hawk and U.S.S. Saratoga and as the commander of the 14th Battalion, U.S. Naval Recruit Training Command in Great Lakes, Illinois, and

WHEREAS, while still on active duty, Marvin Dunn studied at Roosevelt University in Chicago and, in 1965, received an M.A. in education administration and supervision, and

WHEREAS, in 1972, Marvin Dunn earned a Ph.D. in psychology from the University of Tennessee in Knoxville, and

WHEREAS, Marvin Dunn, Ph.D., joined Florida International University in 1972 as an assistant professor of psychology and went on to found and serve as the director of the university’s Cultural and Human Interaction Center, and

WHEREAS, from 1978 until 1980, Marvin Dunn, Ph.D., served as associate vice president of University Outreach and Services at Florida International University, and

WHEREAS, in 1980, Marvin Dunn, Ph.D., founded the Academy for Community Education, an alternative high school in Miami, where he served as principal until 1993, and

WHEREAS, Marvin Dunn, Ph.D., is a prolific writer, authoring and co-authoring books, including *The Miami Riots of 1980: Crossing the Bounds*, which is considered the definitive work on this historic event, and publishing countless articles in the mainstream media and academic journals, and

WHEREAS, throughout his career, Marvin Dunn, Ph.D., has worked for positive social change and social justice, and in 1989 was named “Educator of the Year” by the Florida Civil Rights Commission, and

WHEREAS, in 1994, at the invitation of activists in South Africa, Marvin Dunn, Ph.D., represented the United States Department of State as the keynote speaker at a conference entitled “The Family in a Changing South Africa,” conducting workshops on conflict resolution and organizational development and counseling victims of violence in Cape Town, Johannesburg, and Durban, and

WHEREAS, Marvin Dunn, Ph.D., served as the senior mentor for the state of Florida as part of a national research project sponsored by the W.K. Kellogg Foundation which studied the effects of the welfare reform laws of 1996 on Florida’s poor, and

WHEREAS, Marvin Dunn, Ph.D., has directed two documentary films, “Black Seminoles in the Bahamas: The Red Bays Story” and “Murder on the Suwannee River: The Willie James Howard Story,” and is currently writing and directing a documentary film on the Rosewood Massacre of 1923, and

WHEREAS, Marvin Dunn, Ph.D., is also founder of the nonprofit organization, Roots in the City, which hires indigent persons to develop community gardens in Miami’s inner-city areas, NOW, THEREFORE,

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

That Marvin Dunn, Ph.D., is recognized for his outstanding lifetime achievements and for his many contributions to education and social justice.

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

—**SR 2850** was introduced, read and adopted by publication.

At the request of Senator Bullard—

By Senator Bullard—

SR 2856—A resolution recognizing the outstanding professional achievements of Tsitsi Dzamwari Wakhisi and her spirit of volunteerism in Miami-Dade County and the world community.

WHEREAS, Tsitsi Dzamwari Wakhisi was born on June 12, 1950, in Chicago, Illinois, to the late Ray and Janie Porter, whom she shared with one sister, Carol Brooks, and

WHEREAS, Tsitsi Dzamwari Wakhisi humbly embraced the joys of motherhood, evidenced through her tireless devotion to her sons, Kofi, Wanakhavi, and Mupalia, and her daughter, Naliaka, all of whom earned college degrees, and her granddaughters, Makylah and Nailah Harpring, and

WHEREAS, Tsitsi Dzamwari Wakhisi pursued her education in Chicago, first at and, later, at Loretto Academy, and went on to attend Mundelein College, which is now a part of Loyola University, where she received a Bachelor of Arts degree in English in 1972, and

WHEREAS, in 1977, Tsitsi Dzamwari Wakhisi received a Master of Science degree in journalism from Northwestern University, and

WHEREAS, Tsitsi Dzamwari Wakhisi’s professional writing career began in 1973, when she served as an editorial assistant at Johnson Publishing Company’s *Black Stars Magazine* and the *Chicago Daily News*, and now spans 37 years, including her tenure as an assistant editor at the *Detroit News* and the *Miami Herald*, as a reporter at the *Palladium-Item* and the *Kansas City Star*, and as an associate editor at the *Plain Dealer*, and

WHEREAS, Tsitsi Dzamwari Wakhisi presently invests her time and talents in her work at the University of Miami’s School of Communication, where she serves as an adjunct associate professor and as managing editor of the Miami News Service, and

WHEREAS, Tsitsi Dzamwari Wakhisi has authored more than 57 articles, which have appeared in diverse publications including the NAACP’s *Crisis Magazine*, the *Miami Times*, the *South Florida Sun-Sentinel*, *The Lutheran*, the *Orlando Sentinel*, and the *Miami Herald*, and

WHEREAS, Tsitsi Dzamwari Wakhisi has influenced the lives of youth throughout this state as the director of the Peace Sullivan/James Ansin High School Summer in Journalism and New Media Workshop at the University of Miami, which introduces high school students to the field of professional journalism, and

WHEREAS, Tsitsi Dzamwari Wakhisi has twice received the “Excellence in Teaching Award” from the University of Miami, has been a classroom volunteer in the Miami-Dade County public schools, a member of the executive board of the Miami-Dade NAACP, the board of trustees of Ransom Everglades School, and countless community organizations, and is a frequent speaker at conferences and seminars, and

WHEREAS, Tsitsi Dzamwari Wakhisi is an unsung hero, evidenced by her service to the Greater South Florida community as the founder and current advisor of the NAACP Youth Council (South Dade Branch), which increases voter participation among the youth and exposes them to civic engagement, and her service as a state judge during the NAACP’s ACT-SO (African-American, Cultural, Technical, and Scientific Organization) and as coordinator of the annual “Juneteenth” Celebration, which commemorates African American Emancipation Day, and

WHEREAS, Tsitsi Dzamwari Wakhisi's most notable accomplishments lie in the loving care she rendered to her mother, Janie, as she advanced in age and fragility; her hunger strike, which brought attention to the plight of Haitian refugees held at Guantanamo Bay; her protest of and fervent opposition to South Africa's Apartheid; and her active involvement and participation in Haiti Relief Efforts in the wake of the devastating, 7.0-magnitude earthquake, and

WHEREAS, Tsitsi Dzamwari Wakhisi identifies situations that threaten the quality of life of humankind and writes thought-provoking articles to bring awareness to the prevalent issues of our time, including racial equality, socio-economic empowerment, and public service, NOW, THEREFORE,

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

That the members of the Senate recognize Tsitsi Dzamwari Wakhisi for her outstanding professional accomplishments and her spirit of volunteerism in Miami-Dade County and the world community.

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

—**SR 2856** was introduced, read and adopted by publication.

At the request of Senator Crist—

By Senator Crist—

SR 2862—A resolution commending the dedication and success of The Pepin Academies, Inc.

WHEREAS, The Pepin Academies, Inc., was founded in Tampa in 1999 as a special education charter school by a devoted group of volunteers, parents, and business leaders, and

WHEREAS, The Pepin Academies, Inc., which opened its doors with an initial enrollment of 17 students, currently enrolls more than 450 culturally diverse students in kindergarten through grade 12 and also offers a post high school program for students up to 22 years of age, and

WHEREAS, The Pepin Academies, Inc., serves students with specific learning disabilities, language impairments, intellectual disabilities, autism spectrum disorder, traumatic brain injuries, attention deficit disorder, attention deficit hyperactivity disorder, hearing and visual impairments, and physical and occupational disabilities, and

WHEREAS, The Pepin Academies, Inc., is accredited by the Southern Association of Colleges and Schools and is known for sharing its long-standing success with other charter schools, and

WHEREAS, in an effort to meet the needs of each student, a multi-disciplinary team conducts an individualized comprehensive diagnostic assessment that guides each student's personal education program, and

WHEREAS, the individual schools that comprise The Pepin Academies, Inc., use a combination of technology, team learning, multiple intelligences training, and cross-age tutoring to enable each student to enter the world with confidence and skill, NOW, THEREFORE,

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

That The Pepin Academies, Inc., is recognized and commended for the dedication and success it has demonstrated in creating an exceptional program to meet the needs of some of the state's most deserving students.

—**SR 2862** was introduced, read and adopted by publication.

At the request of Senator Justice—

By Senator Justice—

SR 2864—A resolution honoring the memory of Edith "Edie" Lowengard Loebenberg, co-founder of the Florida Holocaust Museum and Holocaust survivor.

WHEREAS, Edith "Edie" Lowengard was born on March 1, 1926, into an Orthodox Jewish home in Darmstadt, Germany, the first town in that country to order shops owned by Jews to close, and

WHEREAS, due to rising anti-Semitism, Edie Lowengard's family left Germany for New York City in 1938 and subsequently moved to Chicago, Illinois, where Edie and her sister, Marion, attended public school and learned to speak English, and

WHEREAS, on June 20, 1948, Edie Lowengard married a decorated World War II veteran, Walter Loebenberg, himself a refugee from the Nazis, and

WHEREAS, Walter and Edie Loebenberg eventually settled in St. Petersburg, where they raised three children and, later, enjoyed their eight grandchildren and one great-grandson, and

WHEREAS, Edie Loebenberg worked with great passion to improve the conditions of every community in which she lived and, in 1992, was part of a group of business and community leaders who realized their vision for a living memorial dedicated to those who suffered and perished during the Holocaust, and

WHEREAS, in 1998, the Holocaust Center relocated to St. Petersburg from its original home in Madeira Beach and officially changed its name to the Florida Holocaust Museum, and

WHEREAS, the Florida Holocaust Museum has become one of the foremost institutions of its kind in this nation and, due to its efforts, Florida became the first state in the nation to mandate Holocaust education in the public schools from kindergarten through twelfth grade, and

WHEREAS, in 2003, the Loebenberg Humanitarian Award was established and named for Edie and Walter Loebenberg to honor their vision in establishing the Florida Holocaust Museum and, each year, recognizes individuals who have made an outstanding contribution to the museum to allow it to continue to realize its mission of promoting the recognition of the inherent worth and dignity of human life in order to prevent future genocide, and

WHEREAS, on April 19, 2010, Edie Loebenberg, a kind and gentle soul, left this world, NOW, THEREFORE,

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

That this legislative body does pause in its deliberations to pay its respects to the memory of Edie Loebenberg and to celebrate her passion for and commitment to ensuring that the atrocities of the past will never be repeated in the future.

—**SR 2864** was introduced, read and adopted by publication.

At the request of Senator Justice—

By Senator Justice—

SR 2866—A resolution recognizing MORE HEALTH, Inc., for its promotion of health and safety to K-12 students in Hillsborough and Pinellas Counties.

WHEREAS, MORE HEALTH, Inc., is a 501(c)3 organization that began in 1989 as a project of the Junior League of Tampa, and

WHEREAS, over the course of the past 20 years, MORE HEALTH, Inc., has developed 23 individual lessons and educated more than two million children in grades K-12 in public and private schools in Hillsborough and Pinellas Counties, and

WHEREAS, the lessons taught by MORE HEALTH, Inc., are developed using the results of needs assessments by local school systems, health departments, hospitals, law enforcement agencies, and community service agencies, and

WHEREAS, the lessons taught by MORE HEALTH, Inc., are brought to life by enthusiastic instructors and include pre- and post-visit lesson materials, with educational information distributed to students to take

home to encourage family involvement in the adoption of healthy lifestyles, and

WHEREAS, classroom evaluations by MORE HEALTH, Inc., show a 98 percent approval rating for lesson content and visuals, instructor presentations, and rapport, and

WHEREAS, generous sponsorships from more than 30 community organizations allow MORE HEALTH, Inc., to offer its lessons free of charge, with Tampa General Hospital, All Children's Hospital, and the Hillsborough and Pinellas County school districts committed to a long-term partnership, and

WHEREAS, the lessons taught by MORE HEALTH, Inc., meet the required *Florida Next Generation Sunshine State Standards for Science, Health, Language Arts, Mathematics and Physical Education* and provide students with many tools to cope with life's challenges to make the behavioral changes needed to stay healthy and safe, and

WHEREAS, MORE HEALTH, Inc., Executive Director Karen Pesce is the recipient of the 2007 National Health Educator of the Year Award by the National Association of Health Education Centers, the 2009 Centers for Disease Control and Prevention National Heroes Award, and the Governor's Point of Light award for her commitment to decreasing the childhood obesity epidemic, and

WHEREAS, future goals of MORE HEALTH, Inc., include taking its mission of "providing health and injury prevention education to children and families" to the national level and reaching students throughout the United States with MORE HEALTH lessons, NOW, THEREFORE,

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

That MORE HEALTH, Inc., is recognized for its promotion of health and safety to K-12 students in Hillsborough and Pinellas Counties and Executive Director Karen Pesce is congratulated on the recognition at the state and national level of her outstanding leadership and innovation in health and safety education and promotion.

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

—SR 2866 was introduced, read and adopted by publication.

At the request of Senator Villalobos—

By Senator Villalobos—

SR 2872—A resolution recognizing the outstanding achievement of the Miami Dade College Kendall Campus chapter of Future Business Leaders of America—Phi Beta Lambda at the 60th Annual State Leadership Conference competition.

WHEREAS, the Florida Chapter of Future Business Leaders of America—Phi Beta Lambda was established in 1948, with the goals of developing competent, aggressive business leadership; strengthening the confidence of students in themselves and their work; encouraging members to develop individual projects that contribute to the improvement of home, business, and community; and developing character, preparing for useful citizenship, and fostering patriotism, and

WHEREAS, the Miami Dade College Kendall Campus chapter of Future Business Leaders of America—Phi Beta Lambda has been active for 4 years, growing from seven members to more than 90 members during that time, and is now the largest chapter in this state, and

WHEREAS, in March 2010, the Florida Chapter of Future Business Leaders of America—Phi Beta Lambda held its 60th Annual State Leadership Conference in Tampa, where participating chapters competed in numerous categories, and

WHEREAS, the Miami Dade College Kendall Campus chapter of Future Business Leaders of America—Phi Beta Lambda finished first in the "Business Presentation" and "Small Business Management" categories, placed in the top three in the "Community Service," "Parliamentary Procedure," "Business Ethics," "Free Enterprise," "Website Development," "Desktop Publishing," and "Digital Video," categories,

and won high honors in a number of other group and individual categories, NOW, THEREFORE,

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

That the members of the Senate recognize the outstanding achievements of the Miami Dade College Kendall Campus chapter of Future Business Leaders of America—Phi Beta Lambda at the 60th Annual State Leadership Conference competition.

—SR 2872 was introduced, read and adopted by publication.

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

SPECIAL ORDER CALENDAR

Consideration of **CS for CS for CS for HB 1143** was deferred.

CS for SB 220—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.05, F.S.; deleting a requirement that a specified penalty is mandatory and may not be waived by the Department of Revenue; deleting authorization to return certain aircraft to the state for repairs without liability for taxes and penalties under certain circumstances; amending s. 212.08, F.S.; exempting from the use tax aircraft that are owned by nonresidents and that enter and remain in the state for certain purposes under certain circumstances; providing an effective date.

—was read the second time by title.

On motion by Senator Fasano, further consideration of **CS for SB 220** was deferred.

On motion by Senator Fasano—

SB 838—A bill to be entitled An act relating to the University of South Florida; creating s. 1004.387, F.S.; authorizing a doctor of pharmacy degree program at the university; providing an effective date.

—was read the second time by title.

The Committee on Higher Education Appropriations recommended the following amendment which was moved by Senator Fasano and failed:

Amendment 1 (229918) (with title amendment)—Delete line 13 and insert: *is authorized at the University of South Florida. The program shall be physically located on the new campus of the University of South Florida Polytechnic. The university is authorized to develop and implement the program within existing facilities only until the construction of a pharmacy facility on the new campus of the University of South Florida Polytechnic is completed, which shall house the doctor of pharmacy degree program.*

And the title is amended as follows:

Delete line 4 and insert: *pharmacy degree program at the university; providing for the program to be physically located on the new campus of the University of South Florida Polytechnic; authorizing the university to develop and implement the program within existing facilities until a pharmacy facility is constructed on the new campus of the University of South Florida Polytechnic; providing*

Pursuant to Rule 4.19, **SB 838** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for CS for SB 2138** was deferred.

SB 1106—A bill to be entitled An act relating to fraudulently taking or using a credit card; amending s. 817.60, F.S.; providing that a person who takes a credit card from the possession, custody, or control of another without the cardholder's consent, who possesses, receives, or re-

tains custody of the credit card with the knowledge that it has been taken, or who receives the credit card with the intent to use it, to sell it, or to transfer it to a person other than the issuer or the cardholder commits a felony of the third degree rather than a misdemeanor of the first degree; providing increased criminal penalties; providing an effective date.

—was read the second time by title.

Senator Storms moved the following amendment:

Amendment 1 (695602) (with title amendment)—Delete lines 18-34 and insert:

Section 1. Section 501.0117, Florida Statutes, is amended to read:

501.0117 Credit cards *and debit cards*; transactions in which seller or lessor prohibited from imposing surcharge; penalty.—

(1) A seller or lessor in a sales or lease transaction may not impose a surcharge on the buyer or lessee for electing to use a credit card *or debit card* in lieu of payment by cash, check, or similar means, if the seller or lessor accepts payment by credit card *or debit card*. A surcharge is any additional amount imposed at the time of a sale or lease transaction by the seller or lessor that increases the charge to the buyer or lessee for the privilege of using a credit card *or debit card* to make payment. Charges imposed pursuant to approved state or federal tariffs are not considered to be a surcharge, and charges made under such tariffs are exempt from this section. The term “credit card” includes those cards for which unpaid balances are payable on demand. *The term “debit card” means a card, code, or other device, other than a check, draft, or similar paper instrument, by the use of which a person may order, instruct, or authorize a financial institution to debit a demand deposit, savings deposit, or other asset account. The term “debit card” also includes a prepaid card or other means of access to prepaid funds that may be used to initiate an electronic funds transfer and may be used without unique identifying information such as a personal identification number to initiate access to prepaid funds.* This section does not apply to the offering of a discount for the purpose of inducing payment by cash, check, or other means not involving the use of a credit card *or debit card*, if the discount is offered to all prospective customers.

(2) A person who violates ~~the provisions of~~ subsection (1) *commits is guilty of* a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 2. Subsection (8) is added to section 817.60, Florida Statutes, to read:

817.60 Theft; obtaining credit card through fraudulent means.—

(8) **UNLAWFUL POSSESSION OF A STOLEN CREDIT OR DEBIT CARD.**—*A person who knowingly possesses, receives, or retains custody of a credit or debit card that has been taken from the possession, custody, or control of another without the cardholder’s consent and with the intent to impede the recovery of the credit or debit card by the cardholder commits unlawful possession of a stolen credit or debit card and is subject to the penalties set forth in s. 817.67(2). A retailer that takes, accepts, retains, possesses, or processes a stolen credit card or debit card does not commit a violation of this subsection if the retailer does so in the ordinary course of business and the retailer does not have actual knowledge that the credit card or debit card is stolen; provided, this exception does not apply to a retail employee who has actual knowledge that the credit card or debit card is stolen.*

And the title is amended as follows:

Delete lines 2-13 and insert: An act relating to credit and debit card crimes; amending s. 501.0117, F.S.; prohibiting a seller or lessor from imposing a surcharge on debit card transactions; defining the term “debit card”; providing nonapplicability to offers of a discount for the purpose of inducing payment by cash, check, or other means not involving the use of a debit card; providing penalties; amending s. 817.60, F.S.; prohibiting possession of a stolen credit or debit card in specified circumstances; providing penalties; providing that a retailer who takes, accepts, retains, or possesses a stolen credit or debit card without knowledge that the card is stolen and who is authorized to process transactions by the company issuing the credit or debit card does not

commit a violation under certain circumstances; providing an exception for certain retail employees; providing an effective

MOTION

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

Senator Baker moved the following substitute amendment:

Amendment 2 (802850) (with title amendment)—Delete lines 18-34 and insert:

Section 1. Section 501.0117, Florida Statutes, is amended to read:

501.0117 Credit cards; transactions in which seller or lessor prohibited from imposing surcharge; penalty.—

(1) A seller or lessor in a sales or lease transaction may not impose a surcharge on the buyer or lessee for electing to use a credit card in lieu of payment by cash, check, or similar means, if the seller or lessor accepts payment by credit card. A surcharge is any additional amount imposed at the time of a sale or lease transaction by the seller or lessor that increases the charge to the buyer or lessee for the privilege of using a credit card to make payment. Charges imposed pursuant to approved state or federal tariffs are not considered to be a surcharge, and charges made under such tariffs are exempt from this section. The term “credit card” includes those cards for which unpaid balances are payable on demand *and, for purposes of this section, the term also includes any prepaid device that contains government benefit program funds, including, but not limited to, social security, unemployment benefits, and the Special Supplemental Nutrition Program for Women, Infants, and Children.* This section does not apply to the offering of a discount for the purpose of inducing payment by cash, check, or other means not involving the use of a credit card, if the discount is offered to all prospective customers.

(2) A person who violates ~~the provisions of~~ subsection (1) *commits is guilty of* a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 2. Subsection (8) is added to section 817.60, Florida Statutes, to read:

817.60 Theft; obtaining credit card through fraudulent means.—

(8) **UNLAWFUL POSSESSION OF A STOLEN CREDIT OR DEBIT CARD.**—*A person who knowingly possesses, receives, or retains custody of a credit or debit card that has been taken from the possession, custody, or control of another without the cardholder’s consent and with the intent to impede the recovery of the credit or debit card by the cardholder commits unlawful possession of a stolen credit or debit card and is subject to the penalties set forth in s. 817.67(2). A retailer that takes, accepts, retains, possesses, or processes a stolen credit card or debit card does not commit a violation of this subsection if the retailer does so in the ordinary course of business and the retailer does not have actual knowledge that the credit card or debit card is stolen; provided, this exception does not apply to a retail employee who has actual knowledge that the credit card or debit card is stolen.*

And the title is amended as follows:

Delete lines 2-13 and insert: An act relating to credit card crimes; amending s. 501.0117, F.S.; defining the term “credit card,” for purposes of a prohibition against certain surcharges, to include any government-issued card that represents a government prepaid electronic benefits transfer; providing penalties; amending s. 817.60, F.S.; prohibiting possession of a stolen credit or debit card in specified circumstances; providing penalties; providing that a retailer who takes, accepts, retains, or possesses a stolen credit or debit card without knowledge that the card is stolen and who is authorized to process transactions by the company issuing the credit or debit card does not commit a violation under certain circumstances; providing an exception for certain retail employees; providing an effective

On motion by Senator Crist, further consideration of **SB 1106** with pending **Amendment 1 (695602)** and substitute **Amendment 2 (802850)** was deferred.

On motion by Senator Bennett, by two-thirds vote **CS for HB 1035** was withdrawn from the Committees on Regulated Industries; and Community Affairs.

On motion by Senator Bennett—

CS for HB 1035—A bill to be entitled An act relating to elevator safety; amending s. 399.01, F.S.; revising definitions; amending s. 399.02, F.S.; conforming a reference to a safety code; requiring the Division of Hotels and Restaurants of the Department of Business and Professional Regulation to adopt rules; authorizing the division to enter certain buildings; providing for variances; exempting certain elevators from specific code update requirements; providing a phase-in period for such elevators; amending s. 399.035, F.S.; conforming a reference to certain safety standards; amending s. 399.049, F.S.; specifying additional acts by a registered elevator company or certificateholder which are subject to discipline; amending s. 399.061, F.S.; requiring certain licensees to provide written responses to departmental requests relating to inspection reports; amending s. 399.105, F.S.; extending the time within which an elevator owner may comply with certain orders to correct; creating s. 399.16, F.S.; providing procedures related to citations and discipline relating to unlicensed activity; creating s. 399.17, F.S.; providing registration and continuing education requirements for certified elevator inspectors; providing an effective date.

—a companion measure, was substituted for **CS for SB 1172** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1035** was placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano, by two-thirds vote **HB 7019** was withdrawn from the Committees on Banking and Insurance; Finance and Tax; and General Government Appropriations.

On motion by Senator Fasano—

HB 7019—A bill to be entitled An act relating to trust funds; creating s. 494.00173, F.S.; creating the Mortgage Guaranty Trust Fund within the Office of Financial Regulation of the Department of Financial Services; providing for sources of funds and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—a companion measure, was substituted for **SB 1228** and read the second time by title.

Pursuant to Rule 4.19, **HB 7019** was placed on the calendar of Bills on Third Reading.

On motion by Senator Altman—

CS for SB 1408—A bill to be entitled An act relating to working waterfront property; creating s. 193.704, F.S.; providing definitions; specifying properties that are eligible for classification as working waterfront property; requiring the assessment of working waterfront property based on current use; specifying a methodology for determining assessed value; requiring property appraisers to consider specified factors in assessing certain property; providing for assessment of a portion of property within a working waterfront property which is not used as working waterfront property; requiring an application for classification of property as working waterfront property; specifying application requirements; authorizing a property appraiser to approve an application not filed by a certain deadline due to extenuating circumstances; providing for waiver of annual application requirements; providing for loss of classification upon a change of ownership or use; requiring property owners to notify the property appraiser of changes in use or ownership of property; imposing a penalty for failure to notify the property appraiser of an event resulting in the unlawful or improper classification of property as working waterfront property; requiring imposition of tax liens to recover penalties and interest; requiring property appraisers to

make a list relating to applications to certify property as working waterfront property; providing an appeal process for applications that have been denied; amending s. 195.073, F.S.; providing for the classification of land as working waterfront property on an assessment roll; amending s. 380.5105, F.S.; providing new program objectives for the Stan Mayfield Working Waterfronts Program and the Florida Forever Program which are to be considered in selecting projects; providing emergency rule-making authority; providing for severability; providing for retroactive application; specifying the date to apply for a working waterfront classification for 2010; providing effective dates.

—was read the second time by title.

MOTION

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

Senator Altman moved the following amendments which were adopted:

Amendment 1 (489136)—Delete lines 126-130 and insert:

(o) “*Waters that are navigable*” means waters that support navigation by floating vessels of any description for the purpose of transportation, recreation, or commerce.

Amendment 2 (850640)—Delete lines 50-64.

Amendment 3 (478454)—Delete lines 142-147 and insert:

7. *Water-dependent facilities located in a county defined in s. 125.011(1):*

a. *Used for the commercial transportation of goods and people to and from foreign ports; or*

b. *Used to provide towing, storage, and salvage in support of the facilities described in sub-subparagraph a.*

Pursuant to Rule 4.19, **CS for SB 1408** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for CS for SB 1544—A bill to be entitled An act relating to probate procedures; amending s. 655.934, F.S.; updating terminology relating to a durable power of attorney; amending s. 655.935, F.S.; imposing additional duties on the lessor of a safe-deposit box relating to the contents of the box when the lessee has died; authorizing the lessor to charge fees for performing such duties; amending s. 731.110, F.S.; revising requirements relating to filing a caveat; providing that a caveat may be filed before or after a person's death; providing for the expiration of the caveat; amending s. 731.201, F.S.; revising the definitions of “formal notice” and “informal notice”; amending s. 731.301, F.S.; clarifying provisions relating to notice; amending s. 732.2125, F.S.; clarifying a provision relating to the right of election; amending s. 732.401, F.S.; providing that a decedent's spouse may elect to take an interest in a homestead as a tenant in common rather than a life estate; providing procedures and forms for filing notice of such election; providing that such election is irrevocable; providing for the allocation of expenses relating to the homestead; specifying that the interests of the decedent's descendants in the homestead may not be divested if the spouse's interest is disclaimed; amending s. 732.4015, F.S.; providing that if a spouse's interest in a homestead has been disclaimed, the disclaimed interest passes in accordance with ch. 739, F.S.; creating s. 732.4017, F.S.; providing for the inter vivos transfer of homestead property; providing limitations; amending s. 732.608, F.S.; clarifying provisions relating to which laws apply when determining intestate succession in certain circumstances; creating s. 732.805, F.S.; denying certain rights or benefits to a surviving spouse who procured a marriage by fraud, duress, or undue influence; providing procedures for challenging a surviving spouse; providing for the award of costs and fees; providing for notice to obligors; providing a time limitation on bringing such actions; creating s. 733.1051, F.S.; providing for the temporary construction of the terms of a will that has specified provisions with respect to federal tax; authorizing the court to define respective shares or determine beneficiaries during a specified period if the will contains certain provisions; providing that such provision is remedial in nature and operates retroactively to Jan-

uary 1, 2010; amending s. 733.107, F.S.; providing that, in a will contest, certain affidavits and oaths are prima facie evidence relating to execution and attestation of a will; amending s. 733.2123, F.S.; deleting the requirement for attaching a copy of a will to a notice of a petition for administration; amending s. 733.608, F.S.; specifying the manner for serving notice of the personal representative's lien for expenditures and obligations incurred; amending s. 735.203, F.S.; revising provisions relating to providing notice for a petition for summary administration; amending s. 736.1102, F.S.; clarifying provisions relating to which laws apply when determining intestate succession in certain circumstances; amending s. 744.444, F.S.; conforming provisions to changes made by the act; providing effective dates.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 1544** to **CS for CS for HB 1237**.

Pending further consideration of **CS for CS for SB 1544** as amended, on motion by Senator Joyner, by two-thirds vote **CS for CS for HB 1237** was withdrawn from the Committees on Judiciary; and Banking and Insurance.

On motion by Senator Joyner—

CS for CS for HB 1237—A bill to be entitled An act relating to probate procedures; amending s. 655.934, F.S.; updating terminology relating to a durable power of attorney; amending s. 655.935, F.S.; imposing additional duties on the lessor of a safe-deposit box relating to the contents of the box when the lessee has died; authorizing the lessor to charge fees for performing such duties; amending s. 731.110, F.S.; revising requirements relating to filing a caveat; providing that a caveat may be filed before or after a person's death; providing for the expiration of the caveat; amending s. 731.201, F.S.; revising the definitions of "formal notice" and "informal notice"; amending s. 731.301, F.S.; revising provisions relating to notice; amending s. 732.2125, F.S.; revising a provision relating to the right of election; amending s. 732.401, F.S.; providing that a decedent's spouse may elect to take an interest in a homestead as a tenant in common rather than a life estate; providing procedures and forms for filing notice of such election; providing that such election is irrevocable; providing for the allocation of expenses relating to the homestead; specifying that the interests of the decedent's descendants in the homestead may not be divested if the spouse's interest is disclaimed; amending s. 732.4015, F.S.; providing that if a spouse's interest in a homestead has been disclaimed, the disclaimed interest passes in accordance with ch. 739, F.S.; creating s. 732.4017, F.S.; providing for the inter vivos transfer of homestead property; providing limitations; amending s. 732.608, F.S.; revising provisions relating to which laws apply when determining intestate succession in certain circumstances; creating s. 732.805, F.S.; denying certain rights or benefits to a surviving spouse who procured a marriage by fraud, duress, or undue influence; providing procedures for challenging a surviving spouse; providing for the award of costs and fees; providing a limitation of liability relating to distributions made without notice of a pending claim; providing for means of notice; providing a time limitation on bringing such actions; creating s. 733.1051, F.S.; authorizing a court to construe the terms of certain wills for certain purposes under certain circumstances; providing definitions; providing criteria for court construction of a will; providing for nonapplication to certain dispositions; authorizing a personal representative to take certain actions without court order pending a determination of estate distribution; limiting personal representative liability; preserving certain rights to construe a will; providing for retroactive operation; amending s. 733.107, F.S.; providing that, in a will contest, certain affidavits and oaths are prima facie evidence relating to execution and attestation of a will; amending s. 733.2123, F.S.; deleting the requirement for attaching a copy of a will to a notice of a petition for administration; amending s. 733.608, F.S.; specifying the manner for serving notice of the personal representative's lien for expenditures and obligations incurred; amending s. 735.203, F.S.; revising provisions relating to providing notice for a petition for summary administration; amending s. 736.1102, F.S.; clarifying provisions relating to which laws apply when determining intestate succession in certain circumstances; amending s. 744.444, F.S.; conforming provisions to changes made by the act; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 1544** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 1237** was placed on the calendar of Bills on Third Reading.

On motion by Senator Dean, by two-thirds vote **CS for HB 843** was withdrawn from the Committee on Commerce.

On motion by Senator Dean—

CS for HB 843—A bill to be entitled An act relating to rural enterprise zones; requiring the Office of Tourism, Trade, and Economic Development to designate certain rural catalyst sites as rural enterprise zones upon request of a host county; specifying request requirements; specifying effect of designation; specifying reporting requirements for rural catalyst sites designated as a rural enterprise zone; authorizing host county development authorities to enter into memoranda of agreement for certain purposes; providing an effective date.

—a companion measure, was substituted for **CS for SB 1724** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 843** was placed on the calendar of Bills on Third Reading.

On motion by Senator Gelber, by two-thirds vote **CS for HB 1455** was withdrawn from the Committees on Commerce; Criminal Justice; and Criminal and Civil Justice Appropriations.

On motion by Senator Gelber—

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.

—a companion measure, was substituted for **CS for SB 1824** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1455** was placed on the calendar of Bills on Third Reading.

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 read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB 1844** to **CS for CS for HB 1565**.

Pending further consideration of **CS for CS for SB 1844** as amended, on motion by Senator Bennett, by two-thirds vote **CS for CS for HB 1565** was withdrawn from the Committees on Commerce; and Governmental Oversight and Accountability.

On motion by Senator Bennett—

CS for CS for HB 1565—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 adverse impacts on small business or increases regulatory costs; providing an exception to circumstances under which an emergency rule shall not be effective; amending s. 120.541, F.S.; providing circumstances under which an agency shall prepare or revise a statement of estimated regulatory costs; providing notice requirements; providing that an agency's failure to prepare a statement of estimated regulatory costs or respond to a written lower cost regulatory alternative is a material failure to follow the applicable rulemaking procedures or requirements of the chapter; specifying circumstances under which certain challenges may not be raised; providing exceptions; specifying the requirements for an economic analysis on a proposed rule or rule changes; requiring that a rule impact analysis for small businesses include the agency's basis for not implementing alternatives to a proposed rule; providing circumstances under which a rule shall not take effect until ratified by the Legislature; providing that the act is not applicable to certain specified rules or standards; 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.

—a companion measure, was substituted for **CS for CS for SB 1844** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 1565** was placed on the calendar of Bills on Third Reading.

CS for CS for CS for CS for SB 2000—A bill to be entitled An act relating to seaports; creating s. 373.4133, F.S.; providing legislative findings; providing for port conceptual permits; providing which ports may apply for a port conceptual permit; authorizing a private entity that has adjacent property to apply for a permit; specifying the length of time for which permit may be issued; providing that a permit is a conceptual certification of compliance with state water quality standards and a conceptual determination of consistency with the state coastal zone management program; providing for permit applications and application requirements; requiring the Department of Environmental Protection to effect a certain balance between the benefits of the facility and the environment; providing that a permit provides certain assurances with respect to construction permits if certain requirements are met; providing for advance mitigation; providing that approval of certain submerged lands authorization by the Board of Trustees of the Internal Improvement Trust Fund constitutes the delegation of authority to the department for final agency action; providing an exception; providing procedures for the approval or denial of an application; providing for administrative challenges; authorizing the department and the board to issue certain permits and authorizations before certain actions are taken under the Endangered Species Act; authorizing certain alternative stormwater treatment and design criteria; providing requirements for proposing such criteria; authorizing the department and the board to adopt rules; providing for implementation; amending s. 311.07, F.S.; revising matching-fund requirements for projects to rehabilitate wharves, docks, berths, bulkheads, or similar structures; amending s. 311.09, F.S.; requiring the Department of Transportation to include certain projects' funding allocations in its legislative budget request and to submit specified work program amendments within a certain timeframe; providing for the transfer of unexpended budget between seaport projects; amending s. 403.061, F.S.; removing the requirement to enter into a memorandum of agreement with the Florida Ports Council from the authority granted to the Department of Environmental Protection to provide supplemental permitting processes for the issuance of certain permits; amending s. 403.813, F.S.; revising requirements relating to maintenance dredging at seaports; expanding the parameters for mixing zones and return-water discharges; prohibiting mixing zones from en-

tering wetland communities; increasing the time allowance for maintenance dredging following a storm event; amending ss. 161.055 and 253.002, F.S.; conforming provisions to changes made by the act; authorizing seaports to enter into public-private agreements for port-related public infrastructure projects; providing effective dates.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for CS for CS for SB 2000** to **CS for CS for CS for HB 963**.

Pending further consideration of **CS for CS for CS for CS for SB 2000** as amended, on motion by Senator Ring, by two-thirds vote **CS for CS for CS for HB 963** was withdrawn from the Committees on Commerce; Environmental Preservation and Conservation; and Transportation and Economic Development Appropriations; and the Policy and Steering Committee on Ways and Means.

On motion by Senator Ring—

CS for CS for CS for HB 963—A bill to be entitled An act relating to seaports; creating s. 373.4133, F.S.; providing legislative findings; providing for port conceptual permits; providing which ports may apply for a port conceptual permit; authorizing a private entity that has adjacent property to apply for a permit; specifying the length of time for which permit may be issued; providing that a permit is a conceptual certification of compliance with state water quality standards and a conceptual determination of consistency with the state coastal zone management program; providing for permit applications and application requirements; requiring the Department of Environmental Protection to effect a certain balance between the benefits of the facility and the environment; providing that a permit provides certain assurances with respect to construction permits if certain requirements are met; providing for advance mitigation; providing that approval of certain submerged lands authorization by the Board of Trustees of the Internal Improvement Trust Fund constitutes the delegation of authority to the department for final agency action; providing an exception; providing procedures for the approval or denial of an application; providing for administrative challenges; authorizing the department and the board to issue certain permits and authorizations before certain actions are taken under the Endangered Species Act; authorizing certain alternative stormwater treatment and design criteria; providing requirements for proposing such criteria; authorizing the department and the board to adopt rules; providing for implementation; amending s. 311.07, F.S.; revising matching-fund requirements for projects to rehabilitate wharves, docks, berths, bulkheads, or similar structures; amending s. 311.09, F.S.; requiring the Department of Transportation to include certain projects' funding allocations in its legislative budget request and to submit specified work program amendments within a certain timeframe; providing for the transfer of unexpended budget between seaport projects; amending s. 403.061, F.S.; removing the requirement to enter into a memorandum of agreement with the Florida Ports Council from the authority granted to the Department of Environmental Protection to provide supplemental permitting processes for the issuance of certain permits; amending s. 403.813, F.S.; revising requirements relating to maintenance dredging at seaports; expanding the parameters for mixing zones and return-water discharges; prohibiting mixing zones from entering wetland communities; increasing the time allowance for maintenance dredging following a storm event; amending ss. 161.055 and 253.002, F.S.; conforming provisions to changes made by the act; authorizing seaports to enter into public-private agreements for port-related public infrastructure projects; providing effective dates.

—a companion measure, was substituted for **CS for CS for CS for CS for SB 2000** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for HB 963** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 2102—A bill to be entitled An act relating to postsecondary education; amending s. 501.0117, F.S.; providing that a convenience fee imposed upon a student or family paying tuition, fees, and other student account charges by credit card to an institution that is eligible to participate in the William L. Boyd, IV, Florida Resident Access Grant Program is not considered to be a surcharge under certain circumstances; amending s. 1004.26, F.S.; prohibiting a cause of action against a state university for the actions or decisions of a state university

student government; amending s. 1009.26, F.S.; authorizing state universities and community colleges to waive tuition and fees for certain public school teachers for certain courses; requiring that the State Board of Education adopt a rule that prescribes the process for the approval of courses by the Department of Education; providing an effective date.

—was read the second time by title.

Senator Wise moved the following amendment:

Amendment 1 (156596) (with title amendment)—Between lines 57 and 58 insert:

Section 3. Subsection (15) of section 1009.23, Florida Statutes, is amended to read:

1009.23 Community college student fees.—

(15) Each community college may assess a service charge for the payment of tuition and fees in installments *and a convenience fee for the processing of automated or online credit card payments. However, the amount of the convenience fee may not exceed the total cost charged by the credit card company to the community college.* Such service charge or convenience fee must be approved by the community college board of trustees.

And the title is amended as follows:

Delete line 12 and insert: university student government; amending s. 1009.23, F.S.; authorizing a community college to assess a convenience fee for the processing of automated or online credit card payments; providing a restriction on the amount of the convenience fee and requiring approval by the community college board of trustees; amending s. 1009.26,

On motion by Senator Wise, further consideration of **CS for CS for SB 2102** with pending **Amendment 1 (156596)** was deferred.

On motion by Senator Gardiner, by two-thirds vote **CS for CS for HB 1073 and HB 81** was withdrawn from the Committees on Education Pre-K - 12; and Children, Families, and Elder Affairs.

On motion by Senator Gardiner—

CS for CS for HB 1073 and HB 81—A bill to be entitled An act relating to persons with disabilities; amending s. 393.067, F.S.; revising provisions relating to licensure and standards for facilities and programs for persons with developmental disabilities; amending s. 393.13, F.S.; revising rights for persons with developmental disabilities; amending s. 402.305, F.S.; requiring minimum training for child care personnel to include the identification and care of children with developmental disabilities; creating s. 1003.573, F.S.; requiring that each school prepare an incident report within a specified period after each occasion of student restraint or seclusion; specifying the contents of such report; requiring that each school notify a student's parent or guardian if manual physical restraint or seclusion is used; requiring certain reporting and monitoring; requiring that each school district develop and revise policies and procedures governing the incident reports, data collection, and the monitoring and reporting of such data; prohibiting school personnel from using a mechanical restraint or a manual physical restraint that restricts a student's breathing; prohibiting school personnel from closing, locking, or physically blocking a student in a room that is unlit and does not meet the rules of the State Fire Marshal for seclusion time-out rooms; amending s. 1004.55, F.S.; requiring regional autism centers to provide certain support for serving children with developmental disabilities; creating s. 1012.582, F.S.; requiring the Commissioner of Education to develop recommendations to incorporate instruction relating to developmental disabilities into continuing education or in-service training requirements for instructional personnel; requiring the Department of Education to incorporate the course curricula into existing requirements for such education or training; authorizing the State Board of Education to adopt rules; requiring the Division of Vocational Rehabilitation within the Department of Education to develop an implementation plan for the establishment of a state vocational college for persons with developmental disabilities subject to legislative authorization and appropriation of funding; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2118** and read the second time by title.

Senator Gardiner moved the following amendment which was adopted:

Amendment 1 (296124) (with title amendment)—Delete lines 332-336.

And the title is amended as follows:

Delete lines 36-41 and insert: the State Board of Education to adopt rules;

Pursuant to Rule 4.19, **CS for CS for HB 1073 and HB 81** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Joyner—

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 read the second time by title.

Senator Joyner moved the following amendment which was adopted:

Amendment 1 (774604) (with title amendment)—Delete lines 352-369 and insert:

(e) *Notwithstanding s. 120.56(1)(c), the failure of the agency to prepare a statement of estimated regulatory costs or to respond to a written lower cost regulatory alternative as provided in this subsection is a material failure to follow the applicable rulemaking procedures or requirements set forth in this chapter.*

(f)(e) *An agency's failure to prepare a statement of estimated regulatory costs or to respond to a written lower cost regulatory alternative may not be raised in a proceeding challenging the validity of a rule pursuant to s. 120.52(8)(a) No rule shall be declared invalid because it imposes regulatory costs on the regulated person, county, or city which could be reduced by the adoption of less costly alternatives that substantially accomplish the statutory objectives, and no rule shall be declared invalid based upon a challenge to the agency's statement of estimated regulatory costs, unless:*

1. ~~The issue is~~ *Raised in a petition filed no later than an administrative proceeding within 1 year after the effective date of the rule; and*
2. *Raised by a person whose substantial interests are affected by the rule's regulatory costs. The substantial*

And the title is amended as follows:

Delete line 24 and insert: estimated regulatory costs or to respond to a written lower cost regulatory alternative; providing that a rule that

Pursuant to Rule 4.19, **CS for SB 2140** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Alexander, by two-thirds vote **HB 7085** was withdrawn from the Committees on Ethics and Elections; and Governmental Oversight and Accountability.

On motion by Senator Alexander—

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.

—a companion measure, was substituted for **CS for SB 2170** and read the second time by title.

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

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

CS for CS for CS for HB 1143—A bill to be entitled An act relating to health care; amending s. 112.0455, F.S., relating to the Drug-Free Workplace Act; deleting an obsolete provision; amending s. 318.21, F.S.; revising distribution of funds from civil penalties imposed for traffic infractions by county courts; amending s. 381.00315, F.S.; directing the Department of Health to accept funds from counties, municipalities, and certain other entities for the purchase of certain products made available under a contract of the United States Department of Health and Human Services for the manufacture and delivery of such products in response to a public health emergency; amending s. 381.0072, F.S.; limiting Department of Health food service inspections in nursing homes; requiring the department to coordinate inspections with the Agency for Health Care Administration; repealing s. 383.325, F.S., relating to confidentiality of inspection reports of licensed birth center facilities; amending s. 395.002, F.S.; revising and deleting definitions applicable to regulation of hospitals and other licensed facilities; conforming a cross-reference; amending s. 395.003, F.S.; deleting an obsolete provision; conforming a cross-reference; amending s. 395.0193, F.S.; requiring a licensed facility to report certain peer review information and final disciplinary actions to the Division of Medical Quality Assurance of the Department of Health rather than the Division of Health Quality Assurance of the Agency for Health Care Administration; amending s. 395.1023, F.S.; providing for the Department of Children and Family Services rather than the Department of Health to perform certain functions with respect to child protection cases; requiring certain hospitals to notify the Department of Children and Family Services of compliance; amending s. 395.1041, F.S., relating to hospital emergency services and care; deleting obsolete provisions; repealing s. 395.1046, F.S., relating to complaint investigation procedures; amending s. 395.1055, F.S.; requiring licensed facility beds to conform to standards specified by the Agency for Health Care Administration, the Florida Building Code, and the Florida Fire Prevention Code; amending s. 395.10972, F.S.; revising a reference to the Florida Society of Healthcare Risk Management to conform to the current designation; amending s. 395.2050, F.S.; revising a reference to the federal Health Care Financing Administration to conform to the current designation; amending s. 395.3036, F.S.; correcting a reference; repealing s. 395.3037, F.S., relating to redundant definitions; amending ss. 154.11, 394.741, 395.3038, 400.925, 400.9935, 408.05, 440.13, 627.645, 627.668, 627.669, 627.736, 641.495, and 766.1015, F.S.; revising references to the Joint Commission on Accreditation of Healthcare Organizations, the Commission on Accreditation of Rehabilitation Facilities, and the Council on Accreditation to conform to their current designations; amending s. 395.602, F.S.; revising the definition of the term “rural hospital” to delete an obsolete provision; amending s. 400.021, F.S.; revising the definition of the term

“geriatric outpatient clinic”; amending s. 400.0255, F.S.; correcting an obsolete cross-reference to administrative rules; amending s. 400.063, F.S.; deleting an obsolete provision; amending ss. 400.071 and 400.0712, F.S.; revising applicability of general licensure requirements under part II of ch. 408, F.S., to applications for nursing home licensure; revising provisions governing inactive licenses; amending s. 400.111, F.S.; providing for disclosure of controlling interest of a nursing home facility upon request by the Agency for Health Care Administration; amending s. 400.1183, F.S.; revising grievance record maintenance and reporting requirements for nursing homes; amending s. 400.141, F.S.; providing criteria for the provision of respite services by nursing homes; requiring a written plan of care; requiring a contract for services; requiring resident release to caregivers to be designated in writing; providing an exemption to the application of discharge planning rules; providing for residents’ rights; providing for use of personal medications; providing terms of respite stay; providing for communication of patient information; requiring a physician order for care and proof of a physical examination; providing for services for respite patients and duties of facilities with respect to such patients; conforming a cross-reference; requiring facilities to maintain clinical records that meet specified standards; providing a fine relating to an admissions moratorium; deleting requirement for facilities to submit certain information related to management companies to the agency; deleting a requirement for facilities to notify the agency of certain bankruptcy filings to conform to changes made by the act; amending s. 400.142, F.S.; deleting language relating to agency adoption of rules; amending 400.147, F.S.; revising reporting requirements for licensed nursing home facilities relating to adverse incidents; repealing s. 400.148, F.S., relating to the Medicaid “Up-or-Out” Quality of Care Contract Management Program; amending s. 400.162, F.S., requiring nursing homes to provide a resident property statement annually and upon request; amending s. 400.179, F.S.; revising requirements for nursing home lease bond alternative fees; deleting an obsolete provision; amending s. 400.19, F.S.; revising inspection requirements; repealing s. 400.195, F.S., relating to agency reporting requirements; amending s. 400.23, F.S.; deleting an obsolete provision; correcting a reference; directing the agency to adopt rules for minimum staffing standards in nursing homes that serve persons under 21 years of age; providing minimum staffing standards; amending s. 400.275, F.S.; revising agency duties with regard to training nursing home surveyor teams; revising requirements for team members; amending s. 400.484, F.S.; revising the schedule of home health agency inspection violations; amending s. 400.606, F.S.; revising the content requirements of the plan accompanying an initial or change-of-ownership application for licensure of a hospice; revising requirements relating to certificates of need for certain hospice facilities; amending s. 400.607, F.S.; revising grounds for agency action against a hospice; amending s. 400.915, F.S.; correcting an obsolete cross-reference to administrative rules; amending s. 400.931, F.S.; deleting a requirement that an applicant for a home medical equipment provider license submit a surety bond to the agency; amending s. 400.932, F.S.; revising grounds for the imposition of administrative penalties for certain violations by an employee of a home medical equipment provider; amending s. 400.967, F.S.; revising the schedule of inspection violations for intermediate care facilities for the developmentally disabled; providing a penalty for certain violations; amending s. 400.9905, F.S.; providing that part X of ch. 400, F.S., the Health Care Clinic Act, does not apply to an entity owned by a corporation with a specified amount of annual sales of health care services under certain circumstances or to an entity owned or controlled by a publicly traded entity with a specified amount of annual revenues; amending s. 400.991, F.S.; conforming terminology; revising application requirements relating to documentation of financial ability to operate a mobile clinic; amending s. 408.034, F.S.; revising agency authority relating to licensing of intermediate care facilities for the developmentally disabled; amending s. 408.036, F.S.; deleting an exemption from certain certificate-of-need review requirements for a hospice or a hospice inpatient facility; amending s. 408.043, F.S.; revising requirements for certain freestanding inpatient hospice care facilities to obtain a certificate of need; amending s. 408.061, F.S.; revising health care facility data reporting requirements; amending s. 408.10, F.S.; removing agency authority to investigate certain consumer complaints; amending s. 408.802, F.S.; removing applicability of part II of ch. 408, F.S., relating to general licensure requirements, to private review agents; amending s. 408.804, F.S.; providing penalties for altering, defacing, or falsifying a license certificate issued by the agency or displaying such an altered, defaced, or falsified certificate; amending s. 408.806, F.S.; revising agency responsibilities for notification of licensees of impending expiration of a license; requiring payment of a late fee for a license application to be considered

complete under certain circumstances; amending s. 408.810, F.S.; revising provisions relating to information required for licensure; requiring proof of submission of notice to a mortgagor or landlord regarding provision of services requiring licensure; requiring disclosure of information by a controlling interest of certain court actions relating to financial instability within a specified time period; amending s. 408.813, F.S.; authorizing the agency to impose fines for unclassified violations of part II of ch. 408, F.S.; amending s. 408.815, F.S.; authorizing the agency to extend a license expiration date under certain circumstances; amending s. 409.221, F.S.; deleting a reporting requirement relating to the consumer-directed care program; amending s. 409.91196, F.S.; conforming a cross-reference; amending s. 409.912, F.S.; revising procedures for implementation of a Medicaid prescribed-drug spending-control program; amending s. 429.07, F.S.; deleting the requirement for an assisted living facility to obtain an additional license in order to provide limited nursing services; deleting the requirement for the agency to conduct quarterly monitoring visits of facilities that hold a license to provide extended congregate care services; deleting the requirement for the department to report annually on the status of and recommendations related to extended congregate care; deleting the requirement for the agency to conduct monitoring visits at least twice a year to facilities providing limited nursing services; increasing the licensure fees and the maximum fee required for the standard license; increasing the licensure fees for the extended congregate care license; eliminating the license fee for the limited nursing services license; transferring from another provision of law the requirement that a biennial survey of an assisted living facility include specific actions to determine whether the facility is adequately protecting residents' rights; providing that an assisted living facility that has a class I or class II violation is subject to monitoring visits; requiring a registered nurse to participate in certain monitoring visits; amending s. 429.11, F.S.; revising licensure application requirements for assisted living facilities to eliminate provisional licenses; amending s. 429.12, F.S.; revising notification requirements for the sale or transfer of ownership of an assisted living facility; amending s. 429.14, F.S.; removing a ground for the imposition of an administrative penalty; clarifying provisions relating to a facility's request for a hearing under certain circumstances; authorizing the agency to provide certain information relating to the licensure status of assisted living facilities electronically or through the agency's Internet website; amending s. 429.17, F.S.; deleting provisions relating to the limited nursing services license; revising agency responsibilities regarding the issuance of conditional licenses; amending s. 429.19, F.S.; clarifying that a monitoring fee may be assessed in addition to an administrative fine; amending s. 429.23, F.S.; deleting reporting requirements for assisted living facilities relating to liability claims; amending s. 429.255, F.S.; eliminating provisions authorizing the use of volunteers to provide certain health-care-related services in assisted living facilities; authorizing assisted living facilities to provide limited nursing services; requiring an assisted living facility to be responsible for certain recordkeeping and staff to be trained to monitor residents receiving certain health-care-related services; amending s. 429.28, F.S.; deleting a requirement for a biennial survey of an assisted living facility, to conform to changes made by the act; amending s. 429.35, F.S.; authorizing the agency to provide certain information relating to the inspections of assisted living facilities electronically or through the agency's Internet website; amending s. 429.41, F.S., relating to rulemaking; conforming provisions to changes made by the act; amending s. 429.53, F.S.; revising provisions relating to consultation by the agency; revising a definition; amending s. 429.54, F.S.; requiring licensed assisted living facilities to electronically report certain data semiannually to the agency in accordance with rules adopted by the department; amending s. 429.71, F.S.; revising schedule of inspection violations for adult family-care homes; amending s. 429.911, F.S.; deleting a ground for agency action against an adult day care center; amending s. 429.915, F.S.; revising agency responsibilities regarding the issuance of conditional licenses; amending s. 483.294, F.S.; revising frequency of agency inspections of multiphasic health testing centers; amending s. 499.003, F.S.; defining the term "medical convenience kit" for purposes of pt. I of ch. 499, F.S.; providing an exception to applicability of the term; removing a requirement that certain prescription drug purchasers maintain a separate inventory of certain prescription drugs; amending s. 499.01212, F.S.; providing an exception to the requirement that a wholesale distributor of prescription drugs provide a pedigree paper to the person who receives the drug for wholesale distribution of prescription drugs contained within a medical convenience kit under specified conditions; providing that the exception does not apply to any kit that contains certain controlled substances; amending s. 626.9541, F.S.; authorizing an insurer offering a group or

individual health benefit plan to offer a wellness program; authorizing rewards or incentives; providing that such rewards or incentives are not insurance benefits; providing for verification of a member's inability to participate for medical reasons; amending s. 633.081, F.S.; limiting Fire Marshal inspections of nursing homes to once a year; providing for additional inspections based on complaints and violations identified in the course of orientation or training activities; amending s. 766.202, F.S.; adding persons licensed under part XIV of ch. 468, F.S., to the definition of "health care provider"; amending ss. 394.4787, 400.0239, 408.07, 430.80, and 651.118, F.S.; conforming terminology and cross-references; revising a reference; providing an effective date.

—which was previously considered April 27 with pending **Amendment 1 (147056)** by Senator Gaetz. **Amendment 1 (147056)** was adopted.

MOTION

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

Senator Gardiner moved the following amendment:

Amendment 2 (841564) (with title amendment)—Between lines 433 and 434 insert:

Section 9. Subsection (3) of section 390.0111, Florida Statutes, is amended to read:

390.0111 Termination of pregnancies.—

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

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

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

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

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

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

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

(III) *The woman has a right to decline to view the ultrasound images after she is informed of her right and offered an opportunity to view them. If the woman declines to view the ultrasound images, the woman shall complete a form, as determined by department rule, acknowledging that*

she was offered an opportunity to view her ultrasound but that she rejected that opportunity. The form must also indicate that the woman's decision not to view the ultrasound was not based on any undue influence from any third party to discourage her from viewing the images and that she declined to view the images of her own free will.

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

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

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

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

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

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

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

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

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

Section 10. Paragraph (d) of subsection (3) of section 390.012, Florida Statutes, is amended to read:

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

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

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

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

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

3. The appropriate laboratory tests, including:

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

b. A test for anemia.

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

d. Other tests as indicated from the physical examination.

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

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

And the title is amended as follows:

Delete line 18 and insert: reports of licensed birth center facilities; amending s. 390.0111, F.S.; requiring that an ultrasound be performed on any woman obtaining an abortion; specifying who must perform an ultrasound; requiring that the ultrasound be reviewed with the patient prior to the woman giving informed consent; specifying who must review the ultrasound with the patient; requiring that the woman certify in writing that she declined to review the ultrasound and did so of her own free will and without undue influence; providing an exemption from the requirement to view the ultrasound for women who are the victims of rape, incest, domestic violence, or human trafficking or for women who have a serious medical condition necessitating the abortion; revising requirements for written materials; amending s. 390.012, F.S.; requiring ultrasounds for all patients; requiring that live ultrasound images be reviewed and explained to the patient; requiring that all other provisions in s. 390.0111, F.S., be complied with if the patient declines to view her live ultrasound images; amending s.

POINT OF ORDER

Senator Aronberg raised a point of order that pursuant to Rule 4.8 the amendment was out of order because of a fiscal impact and should be referred to the Policy and Steering Committee on Ways and Means.

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

MOTION

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

Senators Gelber, Rich, Joyner, and Sobel offered the following amendment to **Amendment 2** which was moved by Senator Gelber and failed:

Amendment 2A (246124) (with title amendment)—Delete lines 25-29 and insert:

(I) *If the physician determines an ultrasound is medically necessary, then the ultrasound shall be performed by the physician who is to perform the abortion or by a person having documented evidence that he or she has completed a course in the operation of ultrasound equipment, as prescribed by rule by the Department of Health, and who is working in conjunction with the physician.*

And the title is amended as follows:

Delete line 150 and insert: specifying who must perform an ultrasound under certain conditions; requiring

The vote was:

Yeas—17

Alexander	Hill	Rich
Aronberg	Jones	Ring
Bennett	Joyner	Smith
Detert	Justice	Sobel
Dockery	Lawson	Wilson
Gelber	Lynn	

Nays—21

Mr. President	Fasano	Peadar
Altman	Gaetz	Richter
Baker	Garcia	Siplin
Constantine	Gardiner	Storms
Crist	Haridopolos	Thrasher
Dean	Negron	Villalobos
Diaz de la Portilla	Oelrich	Wise

Vote after roll call:

Yea—Bullard

MOTION

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

Senators Gelber, Rich, Joyner, and Sobel offered the following amendment to **Amendment 2** which was moved by Senator Gelber and failed:

Amendment 2B (788030) (with title amendment)—Delete lines 30-141 and insert:

(II) The person performing the ultrasound shall provide the woman with an opportunity to view the live ultrasound images. If the woman decides to view the live ultrasound images, a physician or a registered nurse, licensed practical nurse, advanced registered nurse practitioner, or physician assistant working in conjunction with the physician shall review and explain the live ultrasound images.

And the title is amended as follows:

Delete lines 151-167 and insert: the person performing the ultrasound to provide the woman with an opportunity to view the live ultrasound images; specifying who must review and explain the ultrasound images to the patient under certain conditions; amending s.

The vote was:

Yeas—15

Aronberg	Jones	Rich
Detert	Joyner	Ring
Dockery	Justice	Smith
Gelber	Lawson	Sobel
Hill	Lynn	Wilson

Nays—21

Alexander	Fasano	Peadar
Altman	Gaetz	Richter
Baker	Garcia	Siplin
Bennett	Gardiner	Storms
Crist	Haridopolos	Thrasher
Dean	Negron	Villalobos
Diaz de la Portilla	Oelrich	Wise

Vote after roll call:

Nay—Mr. President

MOTION

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

Senators Gelber, Rich, Joyner, and Sobel offered the following amendment to **Amendment 2** which was moved by Senator Gelber and failed:

Amendment 2C (253626) (with title amendment)—Delete line 24 and insert: performed. *If an abortion clinic regulated under chapter 390 does not have an ultrasound machine, the Department of Health shall provide an ultrasound machine at no cost to the clinic.*

And the title is amended as follows:

Delete line 149 and insert: performed on any woman obtaining an abortion; requiring the Department of Health to provide an ultrasound machine at no cost to an abortion clinic under certain circumstances;

The vote was:

Yeas—14

Aronberg	Joyner	Siplin
Dockery	Justice	Smith
Gelber	Lawson	Sobel
Hill	Rich	Wilson
Jones	Ring	

Nays—24

Mr. President	Detert	Negron
Alexander	Diaz de la Portilla	Oelrich
Altman	Fasano	Peadar
Baker	Gaetz	Richter
Bennett	Garcia	Storms
Constantine	Gardiner	Thrasher
Crist	Haridopolos	Villalobos
Dean	Lynn	Wise

Vote after roll call:

Yea—Bullard

MOTION

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

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

Amendment 3 (355772) (with title amendment)—Between lines 3616 and 3617 insert:

Section 98. *(1) It is hereby declared the public policy of this state that a federal, state, or local government may not compel a person to purchase health insurance or health services, except as a condition of:*

(a) Public employment;

(b) Voluntary participation in a state or local benefit;

(c) Operating a dangerous instrumentality;

(d) Undertaking an occupation having a risk of occupational injury or illness; or

(e) An order of child support.

A federal, state, or local government may also compel a person to purchase health services in the case of an actual emergency declared by the Governor when the public health is immediately endangered.

(2) This section does not prohibit collection of debts lawfully incurred for health insurance or health services.

(3) The Attorney General may implement or otherwise advocate the public policy described in this section in any state or federal court or administrative forum on behalf of one or more persons within the state whose constitutional rights may be subject to infringement by an Act of Congress with respect to health insurance coverage, or subject to the implementation of a federal legislative program relating to or impacting the rights or interests of persons with respect to health insurance coverage.

And the title is amended as follows:

Delete line 272 and insert: cross-references; revising a reference; providing a statement of public policy protecting persons from government compulsion relating to purchasing health insurance coverage; preserving the right to collect certain debts incurred for health insurance or health services; authorizing the Attorney General to implement or advocate such public policy in federal or state court or administrative forums on behalf of certain persons; providing an effective

MOTION

On motion by Senator Villalobos, the rules were waived and time of recess was extended until 6:00 p.m.

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 to Amendment 3 which failed:

Amendment 3A (134482) (with title amendment)—Delete line 30 and insert: coverage. The Attorney General may not, however, use the already strained resources of his office to advance a meritless or frivolous lawsuit that distracts attention from prosecuting violent street gangs, health care fraud, child predators, economic crimes, and the other pressing security needs facing of the State of Florida.

And the title is amended as follows:

Delete line 44 and insert: certain persons; prohibiting the Attorney General from using the resources of the Office of Legal Affairs to advance a meritless or frivolous lawsuit that distracts attention from certain specified pressing security needs facing the State of Florida; providing an effective

The vote was:

Yeas—13

Table with 3 columns: Aronberg, Gelber, Hill, Jones, Joyner, Justice, Lawson, Rich, Ring, Siplin, Smith, Sobel, Wilson

Nays—23

Table with 3 columns: Mr. President, Alexander, Altman, Baker, Bennett, Crist, Dean, Detert, Diaz de la Portilla, Fasano, Gaetz, Garcia, Gardiner, Haridopolos, Lynn, Negron, Oelrich, Peaden, Richter, Storms, Thrasher, Villalobos, Wise

Vote after roll call:

Yea—Bullard

Nay—Dockery

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 to Amendment 3 which failed:

Amendment 3B (777068) (with title amendment)—Delete lines 13 and 14 and insert: injury or illness;

(e) An order of child support; or

(f) The Federal Insurance Contributors Act (FICA) or similar United States payroll or employment taxes imposed by the Federal Government on employees and employers to fund Medicare.

And the title is amended as follows:

Delete line 39 and insert: insurance coverage; providing exceptions; preserving the right to collect

The vote was:

Yeas—16

Table with 3 columns: Aronberg, Bennett, Detert, Gelber, Hill, Jones, Joyner, Justice, Lawson, Lynn, Rich, Ring, Siplin, Smith, Sobel, Wilson

Nays—21

Table with 3 columns: Mr. President, Alexander, Altman, Baker, Constantine, Crist, Dean, Diaz de la Portilla, Dockery, Fasano, Gaetz, Gardiner, Haridopolos, Negron, Oelrich, Peaden, Richter, Storms, Thrasher, Villalobos, Wise

Vote after roll call:

Yea—Bullard

The question recurred on Amendment 3 (355772) which was adopted.

The vote was:

Yeas—23

Table with 3 columns: Mr. President, Alexander, Altman, Baker, Constantine, Crist, Dean, Diaz de la Portilla, Dockery, Fasano, Gaetz, Garcia, Gardiner, Haridopolos, Jones, Negron, Oelrich, Peaden, Richter, Storms, Thrasher, Villalobos, Wise

Nays—15

Table with 3 columns: Aronberg, Bennett, Detert, Gelber, Hill, Joyner, Justice, Lawson, Lynn, Rich, Ring, Siplin, Smith, Sobel, Wilson

Vote after roll call:

Nay—Bullard

RULING ON POINT OF ORDER

On recommendation of Senator Villalobos, Chair of the Committee on Rules, President Atwater ruled the point not well taken and the amendment not out of order. The question recurred on **Amendment 2 (841564)** which was adopted.

The vote was:

Yeas—22

Mr. President	Fasano	Richter
Alexander	Gaetz	Siplin
Altman	Garcia	Storms
Baker	Gardiner	Thrasher
Constantine	Haridopolos	Villalobos
Crist	Negron	Wise
Dean	Oelrich	
Diaz de la Portilla	Peaden	

Nays—17

Aronberg	Hill	Rich
Bennett	Jones	Ring
Bullard	Joyner	Smith
Detert	Justice	Sobel
Dockery	Lawson	Wilson
Gelber	Lynn	

MOTION

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

Senator Haridopolos moved the following amendment:

Amendment 4 (753340) (with title amendment)—Between lines 3616 and 3617 insert:

Section 98. Section 627.64995, Florida Statutes, is created to read:

627.64995 *Restrictions on use of funds for state exchanges.*—

(1) *A health insurance policy or group health insurance policy purchased in whole or in part with state or federal funds through an exchange created pursuant to the federal Patient Protection and Affordable Care Act may not provide coverage for an abortion as defined in s. 390.011(1). A policy is deemed to be purchased with state or federal funds if it is a policy toward which any tax credit or cost-sharing credit is applied.*

(2) *This section does not prohibit coverage for an abortion that is performed to save the life or physical health of the mother or if the pregnancy resulted from an act of rape or incest.*

(3) *This section may not be construed to prevent a health insurance plan or group health insurance plan from providing any private person or entity with separate coverage for abortions, provided such coverage is not purchased, in whole or in part, with state or federal funds.*

(4) *For purposes of this section, the term “state” means the State of Florida or any of its political subdivisions.*

Section 99. Section 641.31099, Florida Statutes, is created to read:

641.31099 *Restrictions on the use of funds for state exchanges.*—

(1) *A health maintenance contract under which coverage is purchased in whole or in part with state or federal funds through an exchange created pursuant to the federal Patient Protection and Affordable Care Act may not provide coverage for an abortion as defined in s. 390.011(1). Coverage under a health maintenance contract is deemed to be purchased with state or federal funds if the coverage is provided under a contract toward which any tax credit or cost-sharing credit is applied.*

(2) *This section does not prohibit coverage for an abortion that is performed to save the life or physical health of the mother or if the pregnancy resulted from an act of rape or incest.*

(3) *This section may not be construed to prevent a health maintenance contract from providing any private person or entity with separate coverage for abortions, provided such coverage is not purchased, in whole or in part, with state or federal funds.*

(4) *For purposes of this section, the term “state” means the State of Florida or any of its political subdivisions.*

And the title is amended as follows:

Delete line 272 and insert: references; revising a reference; creating s. 627.64995, F.S.; prohibiting the use of state or federal funds to provide coverage for abortions in an exchange created pursuant to federal law; specifying conditions under which a health insurance policy or group health insurance policy is deemed to be purchased with state or federal funds; providing exceptions; creating s. 641.31099, F.S.; prohibiting the use of state or federal funds to provide coverage for abortions in an exchange created pursuant to federal law; specifying conditions under which a health maintenance contract is deemed to provide coverage purchased with state or federal funds; providing exceptions; providing an effective

MOTION

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

Senators Gelber, Rich, and Joyner offered the following substitute amendment which was moved by Senator Gelber and failed:

Amendment 5 (666048) (with title amendment)—Between lines 3616 and 3617 insert:

Section 98. Section 627.64995, Florida Statutes, is created to read:

627.64995 *Restrictions on use of funds for state exchanges.*—*Public dollars may not be used to directly fund abortions in the exchange, except:*

- (1) *To save the life or physical health of the mother;*
- (2) *If the pregnancy results in a fetal anomaly; or*
- (3) *If the pregnancy resulted from an act of rape or incest.*

And the title is amended as follows:

Delete line 272 and insert: references; revising a reference; creating s. 627.64995, F.S.; prohibiting the direct use of public funds to fund abortions; providing exceptions; providing an effective

The vote was:

Yeas—15

Aronberg	Joyner	Ring
Bullard	Justice	Siplin
Gelber	Lawson	Smith
Hill	Lynn	Sobel
Jones	Rich	Wilson

Nays—23

Mr. President	Detert	Oelrich
Alexander	Dockery	Peaden
Altman	Fasano	Richter
Baker	Gaetz	Storms
Bennett	Garcia	Thrasher
Constantine	Gardiner	Villalobos
Crist	Haridopolos	Wise
Dean	Negron	

The question recurred on **Amendment 4 (753340)** which was adopted.

The vote was:

Yeas—24

Mr. President	Diaz de la Portilla	Oelrich
Alexander	Dockery	Peaden
Altman	Fasano	Richter
Baker	Gaetz	Siplin
Constantine	Garcia	Storms
Crist	Gardiner	Thrasher
Dean	Haridopolos	Villalobos
Detert	Negron	Wise

Nays—11

Aronberg	Joyner	Smith
Bullard	Justice	Sobel
Gelber	Rich	Wilson
Hill	Ring	

Pursuant to Rule 4.19, **CS for CS for CS for HB 1143** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Baker, by two-thirds vote **CS for HB 1145** was withdrawn from the Committee on Environmental Preservation and Conservation.

On motion by Senator Baker—

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.

—a companion measure, was substituted for **CS for SB 2256** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1145** was placed on the calendar of Bills on Third Reading.

MOTIONS

On motions by Senator Villalobos, by two-thirds vote **CS for SB 1284** and **CS for SB 1866** were placed on the Special Order Calendar to be considered this day.

RECESS

On motion by Senator Villalobos, the Senate recessed at 1:22 p.m. to reconvene at 2:15 p.m. or upon call of the President.

AFTERNOON SESSION

The Senate was called to order by President Atwater at 2:38 p.m. A quorum present—36:

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

SPECIAL ORDER CALENDAR, continued

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

CS for CS for SB 2102—A bill to be entitled An act relating to postsecondary education; amending s. 501.0117, F.S.; providing that a convenience fee imposed upon a student or family paying tuition, fees, and other student account charges by credit card to an institution that is eligible to participate in the William L. Boyd, IV, Florida Resident Access Grant Program is not considered to be a surcharge under certain circumstances; amending s. 1004.26, F.S.; prohibiting a cause of action against a state university for the actions or decisions of a state university student government; amending s. 1009.26, F.S.; authorizing state universities and community colleges to waive tuition and fees for certain public school teachers for certain courses; requiring that the State Board of Education adopt a rule that prescribes the process for the approval of courses by the Department of Education; providing an effective date.

—which was previously considered this day. Pending **Amendment 1 (156596)** by Senator Wise was adopted.

Pending further consideration of **CS for CS for SB 2102**, as amended on motion by Senator Wise, by two-thirds vote **CS for CS for HB 723** was withdrawn from the Committees on Education Pre-K - 12; Higher Education; and Higher Education Appropriations.

On motion by Senator Wise—

CS for CS for HB 723—A bill to be entitled An act relating to postsecondary education; amending s. 1009.26, F.S.; authorizing state universities and community colleges to waive tuition and fees for certain public school classroom teachers for undergraduate courses approved by the Department of Education; requiring State Board of Education rule-making; amending s. 1004.26, F.S.; prohibiting a cause of action against a state university for the actions or decisions of a state university student government; amending s. 501.0117, F.S.; providing that a convenience fee imposed on a student or family making payment by credit card to certain postsecondary institutions is not considered a surcharge for purposes of certain restrictions; amending s. 1009.23, F.S.; authorizing a community college to assess a convenience fee for the processing of automated or online credit card payments; providing a restriction on the amount of the convenience fee and requiring approval by the community college board of trustees; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2102** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 723** was placed on the calendar of Bills on Third Reading.

MOTIONS

On motion by Senator Villalobos, by two-thirds vote **CS for CS for SB 648** and **CS for SB 1672** were placed on the Special Order Calendar to be considered this day.

SPECIAL ORDER CALENDAR, continued

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.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SJR 2288** to **HJR 7231**.

Pending further consideration of **CS for CS for SJR 2288** as amended, on motion by Senator Haridopolos, by two-thirds vote **HJR 7231** was withdrawn from the Committees on Reapportionment; and Ethics and Elections.

On motion by Senator Haridopolos—

HJR 7231—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.

—a companion measure, was substituted for CS for CS for SJR 2288 as amended and read the second time by title.

Siplin Thrasher
Storms Wise

Senator Gelber moved the following amendment which failed:

Vote after roll call:

Amendment 1 (691316)—Delete lines 20-38 and insert: *standards in this constitution. District boundaries shall, wherever feasible, follow existing city, county, or other political or geographical boundaries. The state shall take into consideration the ability of racial and language minorities to participate in the political process and elect candidates of their choice, and communities of common interest other than political parties may be respected and promoted, both without subordination to any other provision of this article. Districts and plans are valid if the balancing and implementation of standards is rationally related to the standards contained in this constitution and is consistent with federal law.*

Nay—Diaz de la Portilla, Richter

Senator Lawson moved the following amendment which failed:

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

Amendment 3 (216242) (with ballot amendment)—Delete lines 23-25 and insert: *their choice, and communities of common interest shall be respected. No apportionment plan or district shall be drawn with the intent to favor or disfavor a political party or an incumbent. District boundaries and plans shall, where feasible, utilize existing geographical boundaries. The legislature shall balance and apply standards in this constitution to establish senatorial, representative, and congressional districts. District boundaries*

CONSTITUTIONAL AMENDMENT

ARTICLE III, SECTION 20

STANDARDS FOR LEGISLATURE TO FOLLOW IN LEGISLATIVE AND CONGRESSIONAL REDISTRICTING.—In establishing congressional and legislative district boundaries or plans, the state shall apply federal requirements and balance and implement the standards in the State Constitution. Districts shall, wherever feasible, follow existing city, county, or other political or geographical boundaries, whenever feasible. The state shall take into consideration

And the ballot statement is amended as follows:

Delete lines 41-44 and insert: *communities of common interest other than political parties shall be respected. An apportionment plan or district may not be drawn with the intent to favor or disfavor a political party or incumbent. District boundaries and plans shall, where feasible use existing geographical boundaries. Districts and plans are valid if the balancing and*

Senator Gelber moved the following amendment which failed:

The vote was:

Amendment 2 (734826)—Delete lines 20-38 and insert: *standards in this constitution. Districts shall not be drawn with intent to favor or disfavor incumbents or political parties. The state shall take into consideration the ability of racial and language minorities to participate in the political process and elect candidates of their choice, and communities of common interest other than political parties may be respected and promoted, both without subordination to any other provision of this article. Districts and plans are valid if the balancing and implementation of standards is rationally related to the standards contained in this constitution and is consistent with federal law.*

Yeas—13

Aronberg Joyner Smith
Bullard Justice Sobel
Dockery Lawson Wilson
Gelber Rich
Hill Ring

Nays—22

Mr. President Detert Peaden
Alexander Gaetz Richter
Altman Gardiner Siplin
Baker Haridopolos Storms
Bennett Jones Thrasher
Constantine Lynn Wise
Crist Negron
Dean Oelrich

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

CONSTITUTIONAL AMENDMENT

ARTICLE III, SECTION 20

STANDARDS FOR LEGISLATURE TO FOLLOW IN LEGISLATIVE AND CONGRESSIONAL REDISTRICTING.—In establishing congressional and legislative district boundaries or plans, the state shall apply federal requirements and balance and implement the standards in the State Constitution. Districts may not be drawn with intent to favor or disfavor incumbents or political parties. The state shall take into consideration

Vote after roll call:

Nay—Diaz de la Portilla

Senator Gelber moved the following amendments which failed:

Amendment 4 (635868)—Delete lines 23-57 and insert: *their choice without subordination to any other provision of this article. Districts and plans are valid if the balancing and implementation of standards is rationally related to the standards contained in this constitution and is consistent with federal law.*

The vote was:

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

Yeas—13

Aronberg Joyner Smith
Bullard Justice Sobel
Dockery Lawson Wilson
Gelber Rich
Hill Ring

CONSTITUTIONAL AMENDMENT

ARTICLE III, SECTION 20

Nays—22

STANDARDS FOR LEGISLATURE TO FOLLOW IN LEGISLATIVE AND CONGRESSIONAL REDISTRICTING.—In establishing congressional and legislative district boundaries or plans, the state shall apply federal requirements and balance and implement the standards in the State Constitution. The state shall take into consideration the ability of racial and language minorities to participate in the political process and elect candidates of their choice without subordination to any other provision of Article III of the State Constitution. Districts and plans are valid if the balancing and implementation of standards is rationally

Mr. President Crist Haridopolos
Alexander Dean Jones
Altman Detert Lynn
Baker Fasano Negron
Bennett Gaetz Oelrich
Constantine Gardiner Peaden

related to the standards contained in the State Constitution and is consistent with federal law.

Amendment 5 (112956)—Delete lines 24-43 and insert: *political parties may be respected and promoted. Districts and plans are valid if the balancing and implementation of standards is rationally related to the standards contained in this constitution and is consistent with federal law.*

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

CONSTITUTIONAL AMENDMENT

ARTICLE III, SECTION 20

STANDARDS FOR LEGISLATURE TO FOLLOW IN LEGISLATIVE AND CONGRESSIONAL REDISTRICTING.—In establishing congressional and legislative district boundaries or plans, the state shall apply federal requirements and balance and implement the standards in the State Constitution. The state shall take into consideration the ability of racial and language minorities to participate in the political process and elect candidates of their choice, and communities of common interest other than political parties may be respected and promoted.

Amendment 6 (349604)—Delete lines 26-50 and insert: *and plans are valid if they are consistent with federal law and all other provisions of this constitution.*

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

CONSTITUTIONAL AMENDMENT

ARTICLE III, SECTION 20

STANDARDS FOR LEGISLATURE TO FOLLOW IN LEGISLATIVE AND CONGRESSIONAL REDISTRICTING.—In establishing congressional and legislative district boundaries or plans, the state shall apply federal requirements and balance and implement the standards in the State Constitution. The state shall take into consideration the ability of racial and language minorities to participate in the political process and elect candidates of their choice, and communities of common interest other than political parties may be respected and promoted, both without subordination to any other provision of Article III of the State Constitution. Districts and plans are valid if they are consistent with federal law and other provisions of the State Constitution.

SENATOR FASANO PRESIDING

Pursuant to Rule 4.19, **HJR 7231** was placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Villalobos, by two-thirds vote **SB 1226**, **CS for CS for HB 423**, **HB 431**, **CS for CS for HB 511**, **HB 759**, **CS for CS for CS for HB 831**, **CS for HB 859**, **HB 937**, **CS for HB 955**, **CS for HB 957**, **HB 1045**, **HB 1047**, **HB 1049**, **HB 1051**, **HB 1053**, **HB 1055**, **HB 1121**, **CS for HB 1129**, **HB 1215**, **CS for HB 1247**, **HB 1249**, **HB 1295**, **CS for HB 1403**, **CS for HB 1473**, **CS for CS for HB 1483**, **HB 1485**, **CS for HB 1487**, **HB 1519**, **CS for HB 1547**, **CS for HB 1621**, **HB 1625**, **CS for HB 1627**, **HB 1629**, **HB 1631**, and **HB 1635** were withdrawn from the Committee on Rules and by two-thirds vote placed on the Local Bill Calendar.

LOCAL BILL CALENDAR

SB 1226—A bill to be entitled An act relating to sewage requirements in Monroe County; amending chapter 99-395, Laws of Florida; providing exceptions to requirements of the Department of Environmental Protection regarding minimum casing for injection wells used by facilities

that have a specified design capacity; providing requirements for an injection well used as a backup to a primary injection well; providing an effective date.

—was read the second time by title. On motion by Senator Bullard, by two-thirds vote **SB 1226** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

CS for CS for HB 423—A bill to be entitled An act relating to the Seminole County Port Authority, Seminole County; codifying, amending, reenacting, and repealing chapters 65-2270, 67-2073, 67-2074, 67-2078, 70-946, 71-923, 72-695, 72-696, 75-504, 76-487, and 88-447, Laws of Florida; providing for warrants to be signed by the chairperson, treasurer, or certain other persons; providing that the authority may hold its books open for a specified period after the end of the fiscal year; providing that the authority shall comply with general law for cost of construction and supplies; providing for execution of documents and examination of claims; providing for charter to supersede chapter 315, F.S., in certain circumstances; providing an effective date.

—was read the second time by title. On motion by Senator Baker, by two-thirds vote **CS for CS for HB 423** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

HB 431—A bill to be entitled An act relating to the Peace Creek Drainage District, Polk County; abolishing the district; providing for transfer of assets and indebtedness; repealing special acts relating to the district; providing an effective date.

—was read the second time by title. On motion by Senator Alexander, by two-thirds vote **HB 431** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Altman	Baker
Alexander	Aronberg	Bennett

Bullard	Haridopolos	Richter
Constantine	Hill	Ring
Crist	Jones	Siplin
Dean	Joyner	Smith
Detert	Justice	Sobel
Diaz de la Portilla	Lawson	Storms
Dockery	Lynn	Thrasher
Fasano	Negron	Villalobos
Gaetz	Oelrich	Wilson
Gardiner	Peaden	Wise
Gelber	Rich	

Nays—None

CS for CS for HB 511—A bill to be entitled An act relating to Collier County; providing a charter; creating an independent special district to provide children’s services in the county; providing for a governing board; providing for membership, terms, and powers and duties of the board; authorizing reimbursement for per diem and travel expenses; requiring certain reports and audits; specifying a fiscal year; providing financial requirements and budget procedures; authorizing the levy of ad valorem assessments and providing a millage cap; requiring a surety bond of certain persons; providing requirements for amendment or dissolution of the district; providing for referendums; providing an effective date.

—was read the second time by title. On motion by Senator Richter, by two-thirds vote **CS for CS for HB 511** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

HB 759—A bill to be entitled An act relating to the Northern Palm Beach County Improvement District, Palm Beach County; amending chapter 2000-467, Laws of Florida, as amended; revising procedures for the election of members of the district’s board of supervisors; updating obsolete language; revising application of the definition of “electors”; revising board member qualification and residency requirements; excluding certain lands from those lands for which a landowner is entitled to a vote at a meeting of landowners; providing an effective date.

—was read the second time by title. On motion by Senator Negron, by two-thirds vote **HB 759** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Bullard	Dockery
Alexander	Constantine	Fasano
Altman	Crist	Gaetz
Aronberg	Dean	Gardiner
Baker	Detert	Gelber
Bennett	Diaz de la Portilla	Haridopolos

Hill	Oelrich	Sobel
Jones	Peaden	Storms
Joyner	Rich	Thrasher
Justice	Richter	Villalobos
Lawson	Ring	Wilson
Lynn	Siplin	Wise
Negron	Smith	

Nays—None

CS for CS for CS for HB 831—A bill to be entitled An act relating to Nassau County; providing that certain single-family docks located in the Nassau River-St. Johns River Marshes Aquatic Preserve must meet specified criteria; authorizing the Department of Environmental Protection to take action against owners of docks that do not meet such criteria after a specified date; providing an effective date.

—was read the second time by title. On motion by Senator Thrasher, by two-thirds vote **CS for CS for CS for HB 831** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

CS for HB 859—A bill to be entitled An act relating to the West Palm Beach Police Pension Fund of the City of West Palm Beach, Palm Beach County; amending chapter 24981 (1947), Laws of Florida, as amended; revising the definition of the term “salary”; authorizing other fiduciary designees to sign fund drafts; clarifying an exception relating to the adoption of experience tables and interest rates; providing for the adjustment of benefits when changing joint annuitants or beneficiaries; removing the requirement for a spouse’s consent to waive a joint and survivor benefit; providing for quarterly adjustment of share accounts; providing an exception to an exclusion for disabled members; revising provisions relating to the payment of certain death benefits; providing for bimonthly refund repayments; requiring the board of trustees to identify and report any holdings in a scrutinized company; requiring divestiture of certain securities within a specified time; limiting board liability relating to such divestiture; authorizing the withholding of certain retirement funds for certain purposes upon request of a retiree; reducing the amount of small retirement income that may be paid in a lump sum; authorizing certain city police officers to recontribute to the fund; revising provisions relating to determination of creditable service for members who die or become disabled while on active duty military service; providing for distribution of the fund in the event of termination of the pension plan; providing an effective date.

—was read the second time by title. On motion by Senator Negron, by two-thirds vote **CS for HB 859** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

HB 937—A bill to be entitled An act relating to the City of West Palm Beach, Palm Beach County; amending chapter 24981 (1947), Laws of Florida, as amended; revising definitions relating to the West Palm Beach Firefighters Pension Fund; revising terms of the board of trustees; providing that an authorized fiduciary may sign drafts for fund disbursements; providing additional requirements for the board relating to certain holdings; deleting certain requirements relating to service pension for normal retirement, including optional transition benefits for certain employees; providing that a retired member may change certain designation of joint annuitant or beneficiary relating to payment of benefits; providing that members who are disabled due to specified military service are not excluded from disability pensions; providing that the board may authorize withholdings from retirement pay under certain circumstances; providing that a firefighter for a federal fire department constitutes prior firefighter service; providing for termination of the fund and distribution of assets; providing an effective date.

—was read the second time by title. On motion by Senator Negron, by two-thirds vote **HB 937** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

CS for HB 955—A bill to be entitled An act relating to Marion County; repealing chapters 85-466 and 88-459, Laws of Florida, relating to the levy of special assessments for road and drainage improvements in certain unincorporated areas; providing an effective date.

—was read the second time by title. On motion by Senator Lynn, by two-thirds vote **CS for HB 955** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

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

Nays—None

CS for HB 957—A bill to be entitled An act relating to Marion County; repealing chapter 85-467, Laws of Florida, relating to municipal service taxing units for road improvements in unincorporated areas and the levying of special assessments within the territorial boundaries of such units; providing an effective date.

—was read the second time by title. On motion by Senator Lynn, by two-thirds vote **CS for HB 957** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

HB 1045—A bill to be entitled An act relating to Palm Beach County; amending chapter 59-1698, Laws of Florida, as amended; revising and providing definitions; providing requirements for the operation and licensing of large family child care homes; providing for the issuance of provisional licenses to child care facilities, large family child care homes, and family day care homes; updating obsolete language; revising requirements for Child Care Advisory Council membership; providing an effective date.

—was read the second time by title. On motion by Senator Negron, by two-thirds vote **HB 1045** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

HB 1047—A bill to be entitled An act relating to the City of Clearwater, Pinellas County; providing for use of specified city-owned property for recreational and commercial working waterfronts; providing for use of revenue from specified city-owned property; providing for development of specified city-owned property consistent with the Florida Coastal Management Program, the Waterfronts Florida Program, the city comprehensive plan and code of ordinances, and other applicable law; providing for preservation of referendum requirement of use of certain city-owned property; requiring a referendum for lease, license, sale, or transfer of certain land and for any alteration to existing public land use map designation for such land; providing an effective date.

—was read the second time by title. On motion by Senator Jones, by two-thirds vote **HB 1047** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

HB 1049—A bill to be entitled An act relating to the City of Eustis, Lake County; authorizing the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to issue up to a specified number of temporary permits to a nonprofit civic organization to sell alcoholic beverages for consumption on the premises at outdoor events on public right-of-way in the downtown area of Eustis; providing that such events require a street-closure permit from the City of Eustis; providing that the permits authorized by the act are in addition to certain other authorized temporary permits; requiring the nonprofit civic organization to comply with certain statutory requirements in obtaining the permits authorized by the act; requiring the division to adopt rules; providing an effective date.

—was read the second time by title. On motion by Senator Baker, by two-thirds vote **HB 1049** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

HB 1051—A bill to be entitled An act relating to the City of Tavares, Lake County; authorizing the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to issue up to a specified number of temporary permits to a nonprofit civic

organization to sell alcoholic beverages for consumption on the premises at outdoor events on public right-of-way in the downtown area of Tavares; providing that such events require a street-closure permit from the City of Tavares; providing that the permits authorized by the act are in addition to certain other authorized temporary permits; requiring the nonprofit civic organization to comply with certain statutory requirements in obtaining the permits authorized by the act; requiring the division to adopt rules; providing an effective date.

—was read the second time by title. On motion by Senator Baker, by two-thirds vote **HB 1051** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

HB 1053—A bill to be entitled An act relating to the Melbourne-Tillman Water Control District, Brevard County; amending chapter 2001-336, Laws of Florida, as amended; revising the boundaries of the district; providing an effective date.

—was read the second time by title. On motion by Senator Altman, by two-thirds vote **HB 1053** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

HB 1055—A bill to be entitled An act relating to Brevard County; amending chapter 87-423, Laws of Florida, as amended; changing the name of the Brevard Police Testing and Certification Center to the Brevard Police Testing and Selection Center; providing for change in composition and membership of the board of directors; providing the board has authority to recommend approval of agreements with and acceptance of funds or services from any federal, state, or local governmental entity or political subdivision, any college or university, or any private or civic source; clarifying the center's primary mission; providing for applicant testing, screening, and information services for criminal justice and public safety positions; authorizing certain applicant fees; revising provisions relating to establishment, approval, and use of user fees; providing an effective date.

—was read the second time by title. On motion by Senator Altman, by two-thirds vote **HB 1055** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

HB 1121—A bill to be entitled An act relating to the Town of Grant-Valkaria, Brevard County; amending chapter 2006-348, Laws of Florida; specifying certain revenue sources for qualification to receive revenue-sharing funds under shared revenue programs of the state; providing severability; providing an effective date.

—was read the second time by title. On motion by Senator Altman, by two-thirds vote **HB 1121** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

CS for HB 1129—A bill to be entitled An act relating to City of Tamarac, Broward County; extending and enlarging the corporate limits of the City of Tamarac to include specified unincorporated lands within such corporate limits; providing for an effective date of annexation; providing for an interlocal agreement; providing for land use and zoning governance; providing legislative findings; providing requirements for the levying of fire rescue special assessments; providing for an assessment methodology review and report on the fire rescue special assessment; prohibiting the charging of certain impact fees; providing applicability to existing contracts; providing for transfer of public roads and rights-of-way; providing an effective date.

—was read the second time by title. On motion by Senator Smith, by two-thirds vote **CS for HB 1129** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Aronberg	Bullard
Alexander	Baker	Constantine
Altman	Bennett	Crist

Dean	Jones	Ring
Detert	Joyner	Siplin
Diaz de la Portilla	Justice	Smith
Dockery	Lawson	Sobel
Fasano	Lynn	Storms
Gaetz	Negron	Thrasher
Gardiner	Oelrich	Villalobos
Gelber	Peaden	Wilson
Haridopolos	Rich	Wise
Hill	Richter	

Nays—None

HB 1215—A bill to be entitled An act relating to Broward County; amending chapter 98-521, Laws of Florida, as amended; requiring each member of the South Broward Utility Advisory Board appointed by the Town of Southwest Ranches to be a water or sewer user within the service area of the former South Broward Utility; providing an effective date.

—was read the second time by title. On motion by Senator Smith, by two-thirds vote **HB 1215** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

CS for HB 1247—A bill to be entitled An act relating to Hillsborough County; authorizing the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to issue an alcoholic beverage license to the Children’s Museum of Tampa, Inc., to use within the museum’s building and on its grounds; providing that the license may be used only for special events; providing for payment of the license fee; providing for sale of beverages for consumption within the museum’s building and on its grounds; prohibiting sales for consumption off premises; authorizing transfer and providing for subsequent reversion of the license under certain circumstances; providing an effective date.

—was read the second time by title. On motion by Senator Joyner, by two-thirds vote **CS for HB 1247** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Storms Villalobos Wise
Thrasher Wilson

Nays—None

HB 1249—A bill to be entitled An act relating to the Lee County Sheriff's Office; amending chapter 74-522, Laws of Florida, as amended; providing that the sheriff has the burden of proving just cause in an appeal of disciplinary action; providing that certain retirement health insurance benefits shall not be available to employees commencing employment after a specified date; providing an effective date.

—was read the second time by title. On motion by Senator Richter, by two-thirds vote **HB 1249** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

HB 1295—A bill to be entitled An act relating to the City of Lauderdalehill, Broward County; extending and enlarging the corporate limits of the city to include specified unincorporated lands; providing an effective date of annexation; providing an effective date.

—was read the second time by title. On motion by Senator Smith, by two-thirds vote **HB 1295** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

CS for HB 1403—A bill to be entitled An act relating to the Sarasota Manatee Airport Authority; amending chapter 2003-309, Laws of Florida; authorizing attendance and participation at certain emergency meetings of the Sarasota Manatee Airport Authority by teleconference under certain circumstances; providing for a quorum; providing for compliance with public meetings requirements; providing an effective date.

—was read the second time by title. On motion by Senator Detert, by two-thirds vote **CS for HB 1403** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

CS for HB 1473—A bill to be entitled An act relating to Manatee County; amending chapter 30561 (1955), Laws of Florida, as amended; revising the legal boundaries of the City of Anna Maria to remove land that is currently included in the boundaries of the City of Holmes Beach and to include described submerged lands; exempting Manatee County from certain regulations of the City of Anna Maria; revising the boundaries of the City of Holmes Beach to include unincorporated land owned by the Department of Transportation; providing an effective date.

—was read the second time by title. On motion by Senator Bennett, by two-thirds vote **CS for HB 1473** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

CS for CS for HB 1483—A bill to be entitled An act relating to the Spring Hill Fire Rescue and Emergency Medical Services District, Hernando County; amending chapter 2009-261, Laws of Florida; revising district boundaries; providing an effective date.

—was read the second time by title. On motion by Senator Dockery, by two-thirds vote **CS for CS for HB 1483** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Storms Villalobos Wise
Thrasher Wilson

Nays—None

HB 1485—A bill to be entitled An act relating to Hillsborough County; amending chapter 2001-299, Laws of Florida, relating to the Public Transportation Commission; revising definitions; providing an effective date.

—was read the second time by title. On motion by Senator Crist, by two-thirds vote **HB 1485** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

CS for HB 1487—A bill to be entitled An act relating to Spring Lake Improvement District, Highlands County; amending chapter 2005-342, Laws of Florida; deleting obsolete language and language inconsistent with or repetitive of general law; providing for minimum charter requirements; amending board, election, and term of office provisions; amending the compensation for board members to comply with general law; deleting obsolete district powers and providing additional district powers including mosquito control, fire and emergency services, and construction and maintenance of school facilities; providing for applicability of general laws; providing a ballot statement; requiring a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Alexander, by two-thirds vote **CS for HB 1487** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

HB 1519—A bill to be entitled An act relating to the Sarasota County Tourist Development Council; providing legislative findings; providing for appointment of additional members to the membership of the Sarasota County Tourist Development Council; specifying requirements for the council members; providing for duties, responsibilities, and proce-

dures of the council; providing for superseding certain provisions of general law; providing construction; providing an effective date.

—was read the second time by title. On motion by Senator Detert, by two-thirds vote **HB 1519** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

CS for HB 1547—A bill to be entitled An act relating to the Lake Asbury Municipal Service Benefit District, Clay County; amending chapter 86-392, Laws of Florida; authorizing the board of district trustees to increase the cap on special assessments against lots in the district, subject to voter approval at a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Lynn, by two-thirds vote **CS for HB 1547** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

CS for HB 1621—A bill to be entitled An act relating to the North Springs Improvement District, Broward County; amending chapter 2005-341, Laws of Florida; extending and enlarging the boundaries of the district; providing an effective date.

—was read the second time by title. On motion by Senator Smith, by two-thirds vote **CS for HB 1621** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

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

Nays—None

HB 1625—A bill to be entitled An act relating to Brevard County; authorizing the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to issue an alcoholic beverage license to the East Coast Zoological Society of Florida, Inc., for use within the Brevard Zoo buildings and grounds; providing for payment of the license fee; providing for sale of beverages for consumption within the zoo buildings and grounds; providing for transfer of the license; providing an effective date.

—was read the second time by title. On motion by Senator Altman, by two-thirds vote **HB 1625** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

CS for HB 1627—A bill to be entitled An act relating to the Hardee County Economic Development Authority, Hardee County; amending chapter 2004-394, Laws of Florida; revising provisions relating to the authority's purpose and grant application criteria; correcting cross-references; providing an effective date.

—was read the second time by title. On motion by Senator Dockery, by two-thirds vote **CS for HB 1627** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

HB 1629—A bill to be entitled An act relating to Hillsborough County; amending chapter 2001-299, Laws of Florida; clarifying that administrative determination by the Division of Administrative Hearings of the Department of Management Services of the invalidity of rules or proposed rules of the Hillsborough County Public Transportation Commission is authorized; providing an effective date.

—was read the second time by title. On motion by Senator Storms, by two-thirds vote **HB 1629** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

HB 1631—A bill to be entitled An act relating to the Lake Padgett Estates Independent Special District, Pasco County; amending chapter 2006-317, Laws of Florida; correcting the legal description of the boundaries of the district; providing an effective date.

—was read the second time by title. On motion by Senator Crist, by two-thirds vote **HB 1631** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

HB 1635—A bill to be entitled An act relating to Panama City–Bay County Airport and Industrial District; amending chapter 2005-311, Laws of Florida; revising definitions; adding one member to the district governing board who will represent Walton County and be appointed by the Walton County Commission; providing the term for such member; adding two board members who will represent Panama City Beach and be appointed by the Panama City Beach City Council; providing terms for such members; providing for subsequent appointment procedures for such members; revising the quorum requirement; providing that indebtedness of the district for bonds issued shall not be considered a debt of a city or county; providing that issuance of revenue bonds by the district shall not obligate a city or county to levy any ad valorem taxes or to make any appropriations for their payment or for the operation and maintenance of the facilities of the district; providing an effective date.

—was read the second time by title. On motion by Senator Gaetz, by two-thirds vote **HB 1635** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

SPECIAL ORDER CALENDAR, continued

CS for CS for CS for SB 2322—A bill to be entitled An act relating to qualifying improvements to real property; creating s. 163.08, F.S.; providing legislative findings and intent; providing definitions; authorizing a local government to levy non-ad valorem assessments to fund certain improvements; authorizing a property owner to apply for funding and enter into a financing agreement with a local government to finance certain improvements; authorizing a local government to collect moneys for such purposes through non-ad valorem assessments; providing collection requirements; authorizing local governments to enter into partnerships with other local governments to provide and finance certain improvements; authorizing a qualifying improvement program to be administered by a for-profit entity or not-for-profit organization under certain circumstances; authorizing a local government to incur debt payable from revenues received from the improved property; providing a financing restriction for local governments; requiring a financial agreement to be recorded in a county’s public records within 5 days after execution of the agreement; specifying responsibilities for local governments before entering into financing agreements; requiring qualifying improvements to be affixed to a building or facility on the property and be performed by a properly certified or registered contractor; excluding certain projects from financing agreement coverage; limiting the amount of the non-ad valorem assessment to a percentage of the just value of the property; providing exceptions; specifying information to be provided to property owners before entering into financing agreements; prohibiting acceleration of a mortgage under certain circumstances; providing assessment disclosure requirements; specifying unenforceability of certain agreement provisions; providing for the act to be construed as preserving a local government’s home rule authority; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for CS for SB 2322** to **CS for HB 7179**.

Pending further consideration of **CS for CS for CS for SB 2322** as amended, on motion by Senator Bennett, by two-thirds vote **CS for HB 7179** was withdrawn from the Committees on Community Affairs; Communications, Energy, and Public Utilities; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

On motion by Senator Bennett—

CS for HB 7179—A bill to be entitled An act relating to qualifying improvements to real property; creating s. 163.08, F.S.; providing legislative purposes and findings and intent; providing definitions; authorizing a local government to levy non-ad valorem assessments to fund certain improvements; authorizing a property owner to apply for funding and enter into a financing agreement with a local government to finance certain improvements; authorizing a local government to collect moneys for such purposes through non-ad valorem assessments; providing collection requirements; authorizing local governments to partner with other local governments to provide and finance certain improvements;

authorizing a qualifying improvement program to be administered by a for-profit entity or not-for-profit organization under certain circumstances; authorizing a local government to incur debt payable from revenues received from the improved property; providing a financing restriction for local governments; requiring a financial agreement to be recorded in a county’s public records within 5 days after execution of the agreement; specifying responsibilities for local governments before entering into financing agreements; requiring qualifying improvements to be affixed to a building or facility on the property and be performed by a properly certified or registered contractor; excluding certain projects from financing agreement coverage; limiting the amount of the non-ad valorem assessment to a percentage of the just value of the property; providing exceptions; specifying information provision requirements for property owners before entering into financing agreements; prohibiting acceleration of a mortgage under certain circumstances; providing assessment disclosure requirements; specifying unenforceability of certain agreement provisions; providing construction preserving a local government’s home rule authority; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 2322** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 7179** was placed on the calendar of Bills on Third Reading.

On motion by Senator Dockery, by two-thirds vote **HB 7035** was withdrawn from the Committees on Criminal Justice; and Criminal and Civil Justice Appropriations.

On motion by Senator Dockery—

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.

—a companion measure, was substituted for **CS for SB 2350** and read the second time by title.

Pursuant to Rule 4.19, **HB 7035** was placed on the calendar of Bills on Third Reading.

CS for CS for CS for SB 2362—A bill to be entitled An act relating to transportation; amending s. 212.055, F.S.; including counties within a regional transportation or transit authority with those counties that are authorized to levy a discretionary sales surtax for transportation systems under certain conditions; providing that the county commission may apply the proceeds from the transportation system surtax to the planning, development, construction, operation, and maintenance of on-demand transportation services; amending s. 310.0015, F.S., relating to piloting regulation; conforming provisions to changes made by the act; amending s. 310.002, F.S.; changing the name of the Board of Pilot Commissioners to the “Florida Pilotage Board”; amending s. 310.011, F.S.; providing for the membership of the board; amending s. 310.042, F.S.; providing that the business of the board must be presented to the

board in the form of a written agenda; amending s. 310.151, F.S.; eliminating the Pilotage Rate Review Board and for its duties to be assumed by the Florida Pilotage Board; authorizing the Florida Pilotage Board to adopt rules; amending s. 316.1001, F.S.; clarifying the method to be used in providing notice following the issuance of a citation for failure to pay a toll; providing that receipt of the citation rather than its mailing constitutes notification; authorizing any governmental entity, including the clerk of court, to provide specified data to the Department of Highway Safety and Motor Vehicles regarding outstanding violations for failure to pay tolls; amending s. 316.302, F.S.; updating a reference to current federal safety regulations for commercial motor vehicles; amending s. 316.545, F.S.; providing for a reduction in the gross weight of certain vehicles equipped with idle-reduction technologies when calculating a penalty for exceeding maximum weight limits; requiring that an operator provide certification of the weight of the idle-reduction technology and demonstrate or certify that the idle-reduction technology is fully functional at all times; amending s. 316.550, F.S.; authorizing the Department of Transportation to issue permits for certain vehicles to operate on certain routes; providing restrictions on routes; providing conditions when vehicles must be unloaded; amending s. 318.18, F.S.; revising provisions for distribution of proceeds collected by the clerk of the court for disposition of citations for failure to pay a toll; providing alternative procedures for disposition of such citations; providing for adjudication to be withheld and no points assessed against the driver's license unless adjudication is imposed by a court; authorizing a court to direct the department to suspend a person's driver's license for violations involving the failure to pay tolls; amending s. 320.03, F.S.; clarifying provisions requiring that the tax collector withhold issuance of a license plate or revalidation sticker if certain fines are outstanding; amending s. 320.08058, F.S.; revising authorized uses of revenue received from the sale of United We Stand license plates; amending s. 322.27, F.S.; providing for assessment of points against a driver's license for specified violations of requirements to pay a toll only when the points are imposed by a court; repealing s. 332.14, F.S., relating to the Secure Airports for Florida's Economy Council; providing for the use of funds accrued by the Secure Airports for Florida's Economy Council; amending s. 337.14, F.S.; clarifying provisions relating to the submission of interim financial statements to the department along with applications for contractor qualification; amending s. 337.195, F.S.; declaring certain provisions in motor carrier transportation contracts related to indemnification of promisees void and unenforceable; amending s. 337.401, F.S.; providing for the placement of and access to transmission lines that are adjacent to and within the right-of-way of any public road controlled by the Department of Transportation; amending s. 338.155, F.S.; authorizing the Department of Transportation to adopt rules related to the payment, collection, and enforcement of tolls; amending ss. 341.051 and 341.3025, F.S.; requiring the use of universal common contactless fare media on new or upgraded public rail transit systems or public transit systems connecting to such rail systems; amending s. 343.64, F.S.; authorizing the Central Florida Regional Transportation Authority to borrow funds under certain circumstances; amending s. 348.51, F.S.; setting forth the limited nature of the obligations issued by the Tampa-Hillsborough County Expressway Authority; amending s. 348.545, F.S.; clarifying authorization for the authority to issue bonds to finance improvements; amending s. 348.56, F.S.; prescribing additional authorization for the authority to issue bonds by or on behalf of the authority; authorizing the public or negotiated sale of bonds by the authority; amending s. 348.565, F.S.; revising revenue bond-issuance authority with respect to specific legislatively approved projects; amending s. 348.57, F.S.; prescribing additional authorization for the authority to issue refunding bonds; amending s. 348.70, F.S.; exempting the authority from certain provisions relating to issuance of bonds by state agencies; creating part XI of ch. 348, F.S.; creating s. 348.9950, F.S.; providing a short title; creating s. 348.9951, F.S.; providing that certain terms have the same meaning as in the Florida Expressway Authority Act for certain purposes; creating s. 348.9952, F.S.; creating the Osceola County Expressway Authority as an agency of the state; providing for a governing body of the authority; providing for membership, terms, organization, personnel, and administration; authorizing payment of travel and other expenses; directing the authority to cooperate with and participate in any efforts to establish a regional expressway authority; declaring that the authority is not eligible for voting membership in certain metropolitan planning organizations; creating s. 348.9953, F.S.; providing purposes and powers of the authority; creating s. 348.9954, F.S.; authorizing the issuance of bonds to pay or secure certain obligations; creating s. 348.9955, F.S.; authorizing the authority to enter into certain agreements; creating s. 348.9956, F.S.; authorizing the department to act as the authority's

appointed agent under certain circumstances; creating s. 348.9957, F.S.; authorizing the authority to acquire certain lands and property; authorizing the authority to exercise eminent domain; creating s. 348.9958, F.S.; authorizing certain entities to enter into agreements with the authority; creating s. 348.9959, F.S.; providing legislative intent and a pledge of the state to bondholders; creating s. 348.9960, F.S.; exempting the authority from taxation; creating s. 348.9961, F.S.; providing for dissolution of the authority under certain circumstances; amending s. 373.41492, F.S.; increasing the mitigation fee for mining activities in the Miami-Dade County Lake Belt; suspending an annual increase in the mitigation fee; revising the frequency of an interagency committee report; designating parts I and II of ch. 479, F.S.; amending s. 479.01, F.S.; clarifying the definitions of "commercial or industrial zone" and "main-traveled way"; defining the terms "allowable uses," "commercial use," "industrial use," and "zoning category" for specified purposes; amending s. 479.261, F.S.; removing a provision authorizing the Department of Transportation to rotate certain logo signs relating to gas, food, and lodging services on the rights-of-way of the interstate highway system in the state during a specified period; reducing the annual permit fees for businesses participating in the interstate logo sign program; creating part III of ch. 479, F.S.; creating s. 479.310, F.S.; providing legislative intent; creating s. 479.311, F.S.; providing that the county court and circuit court have concurrent jurisdiction; creating ss. 479.312, 479.313, and 479.314, F.S.; requiring that all costs incurred by the department to remove signs in certain locations on the interstate highway system, the federal-aid primary highway system, or the state highway system to be assessed and collected from certain persons under certain conditions; amending s. 705.18, F.S.; deleting provisions relating to public-use airports or its directors, as well as the required disposition of moneys from sale of property abandoned at a public-use airport; creating s. 705.182, F.S.; providing an eligibility period for personal property found on public-use airports to be claimed; providing options for disposing of personal property; providing procedures for selling abandoned personal property; providing for the notice of sale; authorizing an airport tenant to establish its own lost and found procedures; providing that a purchaser of certain property holds title to such property; creating s. 705.183, F.S.; creating procedures for the disposal of derelict or abandoned aircraft on the premises of a public-use airport; requiring that the director of an airport or the director's designee keep a record of such aircraft found at an airport; defining the terms "derelict aircraft" and "abandoned aircraft"; requiring that the director of an airport or the director's designee make a determination of the identity of an aircraft owner and persons having legal interest in the aircraft; requiring notification of the aircraft owner and all persons having an equitable or legal interest in the aircraft; requiring that certain items be included in the notice; providing an exception; providing for notice if the owner of the aircraft is unknown or cannot be found; providing the form of such notice; providing for the placement of the notice; providing procedures for failure to remove an aircraft and pay fees; requiring that any sale of aircraft be made at a public auction; providing notice requirements for such public auction; providing procedures for disposing of an aircraft; providing for liability if the sale price is less than the charges and costs related to the aircraft; providing that a lien in favor of the airport exists under certain circumstances; providing for the payment of fees and charges related to the aircraft; requiring notice of any such lien; requiring the filing of a claim of lien; providing a form of the claim of lien; providing for service of the claim of lien; providing that the purchaser of the aircraft takes the property free of rights of persons holding legal or equitable interest in the aircraft; requiring that the purchaser or recipient notify the Federal Aviation Administration of the change in ownership; providing for the deduction of costs if an aircraft is sold at a public sale; requiring that the balance be deposited into an interest-bearing account; providing a deadline for the owner to claim the funds; authorizing the airport to retain the balance under certain circumstances; authorizing an airport to issue documents relating to the aircraft disposal; creating s. 705.184, F.S.; creating procedures for the disposal of derelict or abandoned motor vehicles on public-use airports; defining the terms "derelict motor vehicle" and "abandoned motor vehicle"; authorizing the removal of such a vehicle from the airport premises; requiring that the director of an airport or the director's designee make a determination of the identity of the owner of the motor vehicle and the insurance company insuring the motor vehicle; requiring notification of the owner, insurer, and lienholder; requiring that certain information be included in the notice; providing an exception; providing a form for the notice; providing for the placement of such notice; authorizing an airport to take certain action if the owner or lienholder fails to remove the motor vehicle and pay applicable fees; requiring that any

sale of a motor vehicle be made at a public auction; providing notice requirements for such auction; providing procedures for disposing of the motor vehicle; providing for liability if the sale price is less than the charges and costs related to the motor vehicle; providing for a lien in favor of the airport for all fees and charges related to the motor vehicle under certain circumstances; providing for notice of such lien; requiring the filing of a claim of lien; providing a form for the claim of such lien; specifying requirements for service of a claim of lien; providing that a purchaser of a motor vehicle takes the property free of rights of persons holding legal or equitable interest in the motor vehicle; 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 2362** to **CS for CS for CS for HB 1271**.

Pending further consideration of **CS for CS for CS for SB 2362** as amended, on motion by Senator Gardiner, by two-thirds vote **CS for CS for CS for HB 1271** was withdrawn from the Committees on Transportation; Community Affairs; and Transportation and Economic Development Appropriations.

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

CS for CS for CS for HB 1271—A bill to be entitled An act relating to transportation; amending s. 212.055, F.S.; authorizing counties within or under an interlocal agreement with a regional transportation or transit authority to levy a discretionary sales surtax for transportation systems under certain conditions; providing that the county commission may apply the proceeds from the charter county transportation system surtax to the planning, development, construction, expansion, operation, and maintenance of on-demand transportation services; defining the term “on-demand transportation services”; amending s. 310.0015, F.S., relating to pilotage rates; providing for such rates to be set by the Pilotage Rate Review Committee to conform to changes made by the act; amending s. 310.002, F.S.; revising the definition of the term “pilotage” to conform to changes made by the act; amending s. 310.011, F.S.; revising the membership of the Board of Pilot Commissioners; amending s. 310.151, F.S.; redesignating the “Pilotage Rate Review Board” as the “Pilotage Rate Review Committee”; providing that the committee is part of the Board of Pilot Commissioners; revising membership and providing for appointment of members from among the commissioners; requiring members to comply with specified disclosure requirements; providing that decisions of the committee regarding rates are not appealable to the board; directing the Governor to make certain appointments to the Board of Pilot Commissioners before a certain date; providing requirements for the transfer of pending matters; repealing s. 315.03(12)(c), F.S., relating to legislative review of a loan program of the Florida Seaport Transportation and Economic Development Council; amending s. 316.003, F.S.; defining the term “motor carrier transportation contract” for purposes of the Florida Uniform Traffic Control Law; amending s. 316.1001, F.S.; revising the method to be used to provide notice following the issuance of a citation for failure to pay a toll; providing that receipt of the citation rather than its mailing constitutes notification; authorizing any governmental entity, including the clerk of court, to provide certain data to the Department of Highway Safety and Motor Vehicles regarding outstanding violations for failure to pay tolls; amending s. 316.302, F.S.; revising reference to specified federal rules and regulations applicable to owners and drivers of commercial motor vehicles engaged in intrastate commerce; providing that certain indemnification provisions in motor carrier transportation contracts are against public policy and are void and unenforceable; defining the term “promisee,” as used in motor carrier transportation contracts; provides an exception to such definition; providing for application to certain contracts; amending s. 316.515, F.S.; conforming a cross-reference; amending s. 316.545, F.S.; providing for a reduction in the gross weight of certain vehicles equipped with idle-reduction technologies when calculating a penalty for exceeding maximum weight limits; requiring the operator to provide certification of the weight of the idle-reduction technology and to demonstrate or certify that the idle-reduction technology is fully functional at all times; amending s. 316.550, F.S.; authorizing the department or local authority to issue permits for certain vehicles to operate on certain routes; requiring issuance of permits within a specified period after a request; providing restrictions on routes; providing conditions when vehicles must be unloaded; conforming a cross-reference; amending s. 318.18, F.S.; revising provisions for distribution of proceeds collected by the clerk of the court for disposition of

citations for failure to pay a toll; providing alternative procedures for disposition of such citation; providing for adjudication to be withheld and no points assessed against the driver’s license unless adjudication is imposed by a court; authorizing a court to direct the department to suspend a person’s driver’s license for violations involving the failure to pay tolls; amending s. 320.03, F.S.; clarifying provisions requiring that the tax collector withhold issuance of a license plate or revalidation sticker if certain fines are outstanding; amending s. 320.08, F.S.; providing that specified license tax provisions apply to wreckers used for certain purposes; amending s. 320.08058, F.S.; revising authorized uses of revenue received from the sale of United We Stand license plates; amending s. 322.27, F.S.; providing for assessment of points against a driver’s license for specified violations of requirements to pay a toll only when the points are imposed by a court; repealing s. 332.14, F.S., relating to the Secure Airports for Florida’s Economy Council; providing for the use of funds accrued by the Secure Airports for Florida’s Economy Council; amending s. 337.14, F.S.; revising application procedures for the qualification of contractors; requiring any required interim financial statement to be accompanied by an updated application; amending s. 337.401, F.S.; revising provisions for rules of the department that provide for the placement of and access to certain electrical transmission lines on the right-of-way of department-controlled roads; authorizing the rules to include that the use of the limited access right-of-way for longitudinal placement of such transmission lines is reasonable based upon consideration of certain economic and environmental factors; providing that removal or relocation of a transmission line shall be at the expense of the utility; amending s. 337.406, F.S.; prohibiting camping on certain parts of the right-of-way of the State Highway System; amending s. 338.155, F.S.; authorizing the department to adopt rules relating to the payment, collection, and enforcement of tolls; amending ss. 341.051 and 341.3025, F.S.; requiring the use of universally accepted contactless fare media on new or upgraded public rail transit systems or public transit systems connecting to such rail systems; amending s. 343.64, F.S.; authorizing the Central Florida Regional Transportation Authority to borrow funds under certain circumstances; amending s. 348.51, F.S.; revising the definition for the term “bonds” when used in the Tampa-Hillsborough County Expressway Authority Law; amending s. 348.545, F.S.; authorizing certain costs to be financed by bonds issued on behalf of the Tampa-Hillsborough County Expressway Authority pursuant to the State Bond Act or bonds issued by the authority under specified provisions; amending s. 348.56, F.S.; authorizing bonds to be issued on behalf of the authority pursuant to the State Bond Act or issued by the authority under specified provisions; revising requirements for such bonds; requiring the bonds to be sold at public sale; authorizing the authority to negotiate the sale of bonds with underwriters under certain circumstances; amending s. 348.565, F.S.; providing that facilities of the expressway system are approved to be refinanced by the revenue bonds issued by the Division of Bond Finance of the State Board of Administration and the State Bond Act or by revenue bonds issued by the authority; providing that certain projects of the authority are approved for financing or refinancing by revenue bonds; amending s. 348.57, F.S.; authorizing the authority to provide for the issuance of certain bonds for the refunding of bonds outstanding regardless of whether the bonds being refunded were issued by the authority or on behalf of the authority; amending s. 348.70, F.S.; providing that the Tampa-Hillsborough County Expressway Authority Law does not repeal, rescind, or modify any other laws; providing that such law supersedes laws that are inconsistent with the provisions of that law; creating part XI of ch. 348, F.S.; creating s. 348.9950, F.S.; providing a short title; creating s. 348.9951, F.S.; providing that certain terms have the same meaning as in the Florida Expressway Authority Act for certain purposes; creating s. 348.9952, F.S.; creating the Osceola County Expressway Authority as an agency of the state; providing for a governing body of the authority; providing for membership, terms, organization, personnel, and administration; authorizing payment of travel and other expenses; directing the authority to cooperate with and participate in any efforts to establish a regional expressway authority; declaring that the authority is not eligible for voting membership in certain metropolitan planning organizations; creating s. 348.9953, F.S.; providing purposes and powers of the authority; creating s. 348.9954, F.S.; authorizing the issuance of bonds to pay or secure certain obligations; creating s. 348.9955, F.S.; authorizing the authority to enter into certain agreements; creating s. 348.9956, F.S.; authorizing the department to act as the authority’s appointed agent under certain circumstances; creating s. 348.9957, F.S.; authorizing the authority to acquire certain lands and property; authorizing the authority to exercise eminent domain; creating s. 348.9958, F.S.; authorizing certain entities to enter into agreements with the au-

thority; creating s. 348.9959, F.S.; providing legislative intent and a pledge of the state to bondholders; creating s. 348.9960, F.S.; exempting the authority from taxation; providing an exemption from taxes for bonds issued by or on behalf of the authority and the income therefrom; providing an exception; creating s. 348.9961, F.S.; providing for dissolution of the authority under certain circumstances; amending s. 369.317, F.S.; providing that certain activity relating to mitigation of certain environmental impacts in the Wekiva Study Area or the Wekiva parkway alignment corridor meet specified impact requirements under certain conditions; amending s. 373.41492, F.S.; increasing the mitigation fee for mining activities in the Miami-Dade County Lake Belt; suspending an annual increase in the mitigation fee; revising the frequency of an interagency committee report; amending s. 403.4131, F.S.; removing provisions relating to a report on the adopt-a-highway program; amending s. 479.01, F.S.; defining the terms “allowable uses,” “commercial use,” “industrial use,” and “zoning category” and revising the definition of the terms “commercial or industrial zone” and “main-traveled way” for purposes of provisions relating to outdoor advertising; conforming cross-references; amending s. 479.07, F.S.; providing for the placement of new or replacement signs erected on an interstate highway in certain areas; requiring such sign to be located on land designated for commercial or industrial use under the future land use map and land use development regulations; exempting such location from specified evaluation criteria; amending s. 479.261, F.S.; removing a provision authorizing the Department of Transportation to rotate certain logo signs relating to gas, food, and lodging services on the rights-of-way of the interstate highway system during a specified period; reducing the annual permit fees for businesses participating in the interstate highway logo sign program; designating pts. I and II of ch. 479, F.S., entitled “General Provisions” and “Special Programs,” respectively; creating pt. III of ch. 479, F.S., entitled “Sign Removal”; creating s. 479.310, F.S.; providing intent relating to unpermitted and illegal signs; placing financial responsibility for the removal of such signs; providing the department authority to recover costs of removal of such signs; creating s. 479.311, F.S., providing jurisdiction to consider claims to recover costs; defining the term “venue” for the purposes of a claim filed by the department; creating s. 479.312, F.S.; providing that costs incurred by the department in removing certain signs shall be assessed against certain individuals; providing presumption of a ownership; creating s. 479.313, F.S.; providing for the assessment of the cost of removal for signs following the revocation of a sign permit; creating s. 479.315, F.S.; providing for the assessment of the cost of removal of signs located within a highway right-of-way; amending s. 705.18, F.S.; removing provisions for disposal of personal property lost or abandoned at certain public-use airports; creating s. 705.182, F.S.; providing for disposal of personal property found on premises owned or controlled by the operator of a public-use airport; providing a timeframe for the property to be claimed; providing options for disposing of such personal property; providing procedures for selling abandoned personal property; providing for notice of sale; providing that the rightful owner of such property may reclaim the property at any time prior to sale; permitting airport tenants to establish lost and found procedures; providing that purchaser holds title to the property free of the rights of persons then holding any legal or equitable interest thereto; creating s. 705.183, F.S.; providing for disposition of derelict or abandoned aircraft on the premises of public-use airports; providing procedures for such disposition; requiring a record of when the aircraft is found; defining the terms “derelict aircraft” and “abandoned aircraft”; providing for notification of aircraft owner and all persons having an equitable or legal interest in the aircraft; providing for notice if the owner of the aircraft is unknown or cannot be found; providing for disposition if the aircraft is not removed upon payment of required fees; requiring any sale of the aircraft to be at a public auction; providing notice requirements for such public auction; providing procedures for disposal of the aircraft; providing for liability if charges and costs related to the disposition are more than that obtained from the sale; providing for a lien by the airport for fees and charges; providing for notice of lien; requiring recording of a claim of lien; providing for the form of the claim of lien; providing for service of the claim of lien; providing that the purchaser of the aircraft takes the property free of rights of persons holding legal or equitable interest in the aircraft; requiring purchaser or recipient to notify the Federal Aviation Administration of change in ownership; providing for disposition of moneys received for an aircraft sold at public sale; authorizing the airport to issue documents relating to the aircraft’s disposal; creating s. 705.184, F.S.; providing for disposition of derelict or abandoned motor vehicles on the premises of public-use airports; providing procedures; requiring recording of the abandoned motor vehicle; defining the terms “derelict motor vehicle” and

“abandoned motor vehicle”; providing for removal of such motor vehicle from airport premises; providing for notice to the owner, the company insuring the motor vehicle, and any lienholder; providing for disposition if the motor vehicle is not removed upon payment of required fees; requiring any sale of the motor vehicle to be at a public auction; providing notice requirements for such public auction; providing procedures for disposal of the motor vehicle; providing for a lien by the airport or a licensed independent wrecker for fees and charges; providing for notice of lien; requiring recording of a claim of lien; providing for the form of the claim of lien; providing for service of claim of lien; providing that the purchaser of the motor vehicle takes the property free of the rights of persons holding legal or equitable interest in the motor vehicle; amending s. 479.156, F.S.; conforming cross-references; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 2362** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for HB 1271** was placed on the calendar of Bills on Third Reading.

On motion by Senator Altman—

CS for CS for SB 2556—A bill to be entitled An act relating to medical devices; amending s. 401.2915, F.S.; requiring certain entities to notify local emergency services medical directors of the locations of automated external defibrillators; requiring local emergency medical services medical directors to maintain registries of certain automated external defibrillator locations; amending s. 499.01, F.S.; revising the list of exemptions from the requirement that certain persons engaged in the manufacture, repackaging, or assembly of medical devices hold a device manufacturer permit; amending s. 768.1326, F.S.; directing the State Surgeon General, with the assistance of the Department of Management Services, to adopt rules to establish guidelines for the appropriate placement and deployment of automated external defibrillators in places of public assembly; providing a definition; providing exceptions; providing for construction; providing an effective date.

—was read the second time by title.

Senator Constantine moved the following amendment which was adopted:

Amendment 1 (538164)—Delete lines 124 and 125 and insert: *For purposes of this section, the term “place of public assembly” means an educational facility used as an emergency shelter or a location that has a seating capacity of at least*

Senator Altman moved the following amendment which was adopted:

Amendment 2 (897348)—Delete lines 155-162 and insert:

(2) *This section may not be construed to:*

(a) *Prohibit a county or municipal government from enacting, implementing, and enforcing any local ordinance that expands the requirements of this section for the placement of automated external defibrillators in a place of public assembly;*

(b) *Mandate the placement of any automated external defibrillator in any place of public assembly; or*

(c) *Authorize the adoption of rules, guidelines, or recommendations that would establish any legal standard of care in civil actions.*

Pursuant to Rule 4.19, **CS for CS for SB 2556** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Aronberg—

CS for SB 2560—A bill to be entitled An act relating to the offense of sexting; providing that a minor commits the offense of sexting if he or she knowingly uses a computer, or any other device capable of electronic data transmission or distribution, to transmit or distribute to another minor any photograph or video of himself or herself which depicts nudity and is harmful to minors; providing noncriminal and criminal penalties;

providing that the act does not prohibit prosecution of a minor for conduct relating to material that includes the depiction of sexual conduct or sexual excitement or for stalking; providing an effective date.

—was read the second time by title.

Senator Aronberg moved the following amendment which was adopted:

Amendment 1 (706564) (with title amendment)—Between lines 50 and 51 insert:

(4) For purposes of this section, “conviction” means a determination of guilt that is the result of a plea or trial, or a finding of delinquency that is the result of a plea or adjudicatory hearing, regardless of whether adjudication is withheld.

And the title is amended as follows:

Delete line 13 and insert: excitement or for stalking; defining the term “found to have committed a misdemeanor”; providing an effective

Pursuant to Rule 4.19, **CS for SB 2560** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Gelber—

CS for SB 522—A bill to be entitled An act relating to the use of an electronic wireless communications device while driving; providing a short title; creating s. 316.3035, F.S.; prohibiting a person younger than 18 years of age from operating a motor vehicle while using a wireless communications device or telephone; providing exceptions; providing for enforcement as a secondary action; providing penalties; amending s. 322.27, F.S.; providing for the suspension of a person’s driver’s license for a violation of s. 316.3035, F.S.; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 522** was placed on the calendar of Bills on Third Reading.

On motion by Senator Gelber, by two-thirds vote **CS for HB 393** was withdrawn from the Committees on Community Affairs; and Governmental Oversight and Accountability.

On motion by Senator Gelber—

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.

—a companion measure, was substituted for **CS for SB 688** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 393** was placed on the calendar of Bills on Third Reading.

On motion by Senator Gelber, by two-thirds vote **CS for HB 7109** was withdrawn from the Committees on Commerce; Finance and Tax; and Transportation and Economic Development Appropriations.

On motion by Senator Gelber—

CS for HB 7109—A bill to be entitled An act relating to the tax refund program for qualified target industry businesses; amending s. 288.106, F.S.; providing legislative findings and declarations; revising and providing definitions; establishing a schedule for the Office of Tourism, Trade, and Economic Development to review and revise the list of target industries and submit a report to the Governor and Legislature; revising the criteria for evaluating applications for the program; requiring consideration of the state’s return on investment in evaluating applications for participation in the program; requiring the Office of

Economic and Demographic Research to submit reports to the Legislature evaluating the calculation of the state’s return on investment for the program; requiring that additional provisions be included in tax refund agreements; redesignating the economic-stimulus exemption as the “economic recovery extension”; revising the date by which qualified target industry businesses may request economic recovery extensions; authorizing waiver of a requirement that qualified target industry businesses annually provide proof of taxes paid under certain conditions; requiring the Office of Tourism, Trade, and Economic Development to submit reports to the Governor and Legislature concerning the failure of qualified target industry businesses to complete their tax refund agreements; deleting obsolete provisions; revising the date by which a target industry business may be certified as qualified for the program; conforming cross-references; amending ss. 288.1089 and 290.00677, F.S.; conforming provisions to changes made by the act; amending ss. 159.803, 220.191, and 288.107, F.S.; conforming cross-references; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1856** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 7109** was placed on the calendar of Bills on Third Reading.

SM 314—A memorial to the Congress of the United States, urging Congress to encourage the Government of Turkey to grant the Ecumenical Patriarch appropriate international recognition, ecclesiastical succession, and the right to train clergy of all nationalities and to respect the property rights and human rights of the Ecumenical Patriarchate.

—was read the second time by title. Amendments were considered and adopted to conform **SM 314** to **CS for HM 191**.

Pending further consideration of **SM 314** as amended, on motion by Senator Gaetz, by two-thirds vote **CS for HM 191** was withdrawn from the Committee on Judiciary.

On motion by Senator Gaetz—

CS for HM 191—A memorial to the Congress of the United States, urging Congress to encourage the Government of Turkey to grant the Ecumenical Patriarch appropriate international recognition, ecclesiastical succession, and the right to train clergy of all nationalities and to respect the property rights and human rights of the Ecumenical Patriarchate.

WHEREAS, the Ecumenical Patriarchate, located in Istanbul, Turkey, is the Sacred See that presides in a spirit of brotherhood over a communion of self-governing churches of the Orthodox Christian world, and

WHEREAS, the See is led by Ecumenical Patriarch Bartholomew, who is the 269th in direct succession to the Apostle Andrew and holds titular primacy as *primus inter pares*, meaning “first among equals,” in the community of Orthodox churches worldwide, and

WHEREAS, in 1994, Ecumenical Patriarch Bartholomew, along with leaders of the Appeal of Conscience Foundation, cosponsored the Conference on Peace and Tolerance, which brought together Christian, Jewish, and Muslim religious leaders for an interfaith dialogue to help end the Balkan conflict and the ethnic conflict in the Caucasus region, and

WHEREAS, in 1997, the Congress of the United States awarded Ecumenical Patriarch Bartholomew the Congressional Gold Medal, and

WHEREAS, following the terrorist attacks on our nation on September 11, 2001, Ecumenical Patriarch Bartholomew gathered a group of international religious leaders to produce the first joint statement with Muslim leaders that condemned those attacks as “antireligious,” and

WHEREAS, in November 2005, the Ecumenical Patriarch, along with Christian, Jewish, and Muslim leaders, cosponsored the Conference on Peace and Tolerance II to further promote peace and stability in southeastern Europe, the Caucasus region, and Central Asia via religious leaders’ interfaith dialogue, understanding, and action, and

WHEREAS, the Orthodox Christian Church, in existence for nearly 2,000 years, numbers approximately 300 million members worldwide, with more than 2 million members in the United States, and

WHEREAS, since 1453, the continuing presence of the Ecumenical Patriarchate in Turkey has been a living testament to the religious co-existence of Christians and Muslims, and

WHEREAS, this religious coexistence is in jeopardy because the Ecumenical Patriarchate is considered a minority religion by the Turkish government, and

WHEREAS, the Government of Turkey has limited the candidates available to hold the office of Ecumenical Patriarch to only Turkish nationals; and, out of the millions of Orthodox Christians who were living in Turkey at the turn of the 20th century, there remain as a result of the policies of the Turkish government during this period fewer than 3,000 of the Ecumenical Patriarch's flock left in that country today, and

WHEREAS, the Government of Turkey closed the Theological School on the island of Halki in 1971 and has refused to allow it to reopen, thus impeding training for Orthodox Christian clergy, and

WHEREAS, the Turkish government has confiscated nearly 94 percent of the Ecumenical Patriarchate's properties and has placed a 42 percent tax, retroactive to 1999, on the Baloukli Hospital and Home for the Aged, a charity hospital run by the Ecumenical Patriarchate, and

WHEREAS, the European Union, a group of nations with a common goal of promoting peace and the well-being of its peoples, began accession negotiations with Turkey on October 3, 2005, and

WHEREAS, the European Union defined membership criteria for accession at the Copenhagen European Council in 1993, obligating candidate countries to achieve certain levels of reform, including stability of institutions guaranteeing democracy, adherence to the rule of law, and respect for and protection of minorities and human rights, and

WHEREAS, the Turkish government's current treatment of the Ecumenical Patriarchate is inconsistent with the membership conditions and goals of the European Union, and

WHEREAS, Orthodox Christians in this state and throughout the United States stand to lose their spiritual leader because of the continued actions of the Turkish government, and

WHEREAS, the Archons of the Ecumenical Patriarchate of the Order of St. Andrew the Apostle, a group of laymen who each have been honored with a patriarchal title, or "offikion," by the Ecumenical Patriarch for their outstanding service to the Orthodox Church, participated in a Religious Freedom Mission to the European Union in pursuit of human rights and religious freedom for the Ecumenical Patriarch from January 26 to February 7, 2010, NOW, THEREFORE

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

That the Congress of the United States is urged to encourage the Government of Turkey to:

- (1) Uphold and safeguard religious and human rights without compromise.
- (2) Cease its discrimination of the Ecumenical Patriarchate.
- (3) Grant the Ecumenical Patriarch appropriate international recognition, ecclesiastic succession, and the right to train clergy of all nationalities.
- (4) Respect the property rights and human rights of the Ecumenical Patriarchate.

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 314** as amended and read the second time in full.

On motion by Senator Gaetz, **CS for HM 191** was adopted and certified to the House.

On motion by Senator Aronberg, by two-thirds vote **CS for HB 491** was withdrawn from the Committees on Health Regulation; Higher Education; and Health and Human Services Appropriations.

On motion by Senator Aronberg—

CS for HB 491—A bill to be entitled An act relating to teaching nursing homes; amending s. 430.80, F.S.; revising the term "teaching nursing home" as it relates to the implementation of a teaching nursing home pilot project; revising the requirements to be designated as a teaching nursing home; amending s. 400.141, F.S.; conforming a cross-reference; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 816** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 491** was placed on the calendar of Bills on Third Reading.

On motion by Senator Justice—

CS for SB 834—A bill to be entitled An act relating to child care facilities; amending s. 402.302, F.S.; revising and providing definitions; providing for certain household children to be included in calculations regarding the capacity of licensed family day care homes and large family child care homes; providing conditions for supervision of household children of operators of family day care homes and large family child care homes; amending s. 402.318, F.S.; revising advertising requirements applicable to child care facilities; providing penalties; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 834** was placed on the calendar of Bills on Third Reading.

On motion by Senator Aronberg, by two-thirds vote **CS for HB 615** was withdrawn from the Committees on Criminal Justice; Judiciary; and Criminal and Civil Justice Appropriations.

On motion by Senator Aronberg—

CS for HB 615—A bill to be entitled An act relating to substantial assistance; creating s. 921.186, F.S.; permitting the state attorney to request the sentencing court to reduce or suspend the sentence of a person who has been convicted of violating any felony offense and who provides substantial assistance in the identification, arrest, or conviction of any accomplice, accessory, coconspirator, or principal of the person or other felon; providing that the arresting agency shall be given an opportunity to be heard in aggravation or mitigation in reference to any such motion; providing that the motion may be filed and heard in camera for good cause shown; providing that a judge may reduce or suspend the sentence if the judge finds that the defendant rendered substantial assistance; providing an effective date.

—a companion measure, was substituted for **CS for SB 874** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 615** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 924** was deferred.

On motion by Senator Constantine, by two-thirds vote **CS for HB 449** was withdrawn from the Committees on Judiciary; and Criminal and Civil Justice Appropriations.

On motion by Senator Constantine—

CS for HB 449—A bill to be entitled An act relating to sanctions for certain court pleadings; amending s. 57.105, F.S.; prohibiting a mone-

tary sanction against a represented party for a claim that is presented as a good faith argument but that is found to not be supported by the application of then-existing law to material facts; prohibiting sanctions against a party or its attorneys by a court on its own initiative if the case has already been settled or voluntarily dismissed by that party; providing an effective date.

—a companion measure, was substituted for **CS for SB 1108** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 449** was placed on the calendar of Bills on Third Reading.

SM 1328—A memorial to the Congress of the United States, urging Congress to amend federal law to eliminate the offset for Dependency and Indemnity Compensation administered by the United States Department of Veterans Affairs imposed on benefits received by military widows and widowers through the Survivor Benefit Plan administered by the United States Department of Defense.

WHEREAS, President Abraham Lincoln advised the nation in his second inaugural address to “care for him who shall have borne the battle and for his widow and his orphan,” and

WHEREAS, in 1957 Congress established the Dependency and Indemnity Compensation (DIC) program in the Department of Veterans Affairs for survivors of servicemembers who died as the result of military service, and

WHEREAS, the stated purpose of DIC was to compensate for the loss of family income and to indemnify the deceased servicemember’s family for the pain, suffering, and diminished quality of life caused by the servicemember’s death, and

WHEREAS, DIC payments to surviving spouses are based on the individual servicemember’s pay grade and time in service, and

WHEREAS, in 1972, Congress created the Survivor Benefit Plan (SBP) within the Department of Defense as a retirement benefit earned when a servicemember died on active duty as “retired eligible” with 20 years of military service, retired with a disability retirement of less than 20 years of military service, or retired with 20 years of military service, and

WHEREAS, SBP is an insurance-style program created to be similar to the federal Civil Service Retirement System’s survivor benefit plan that allows eligible servicemembers and military retirees to elect to have premiums deducted from their pay in order to provide the servicemember’s family with a continued portion of his or her earned retirement pay after the servicemember’s death, and

WHEREAS, since 1972 there have been a number of legislative actions and court cases that have had an impact on both the Department of Veterans Affairs’ Dependency and Indemnity Compensation program, the Department of Defense’s Survivor Benefit Plan, and what is commonly referred to as the “DIC-SBP offset,” and

WHEREAS, at present, military widows and widowers who are eligible to receive both DIC and SBP are being unfairly deprived of monetary benefits to which they are entitled through the reduction, in the form of an offset, of Dependency and Indemnity Compensation from benefits they receive through the United States Department of Defense’s Survivor Benefit Plan, and

WHEREAS, however, this offset is not imposed upon veterans or military retirees employed as civil servants by the Federal Government who enroll in the Federal Civil Service survivor benefit plan and die of service-connected causes, and

WHEREAS, many of these military widows and widowers have their entire annuity eliminated by the DIC-SBP offset, and

WHEREAS, many of these military widows and widowers are elderly and live on a fixed income and, as a result of the DIC-SBP offset, are being deprived of their full benefits, thus further compounding their pain and suffering by making them bear an unjust financial hardship, and

WHEREAS, in 2009, a Federal Court of Appeals affirmed the findings of the United States Court of Federal Claims in *Sharp v. United States*, recognizing a partial repeal of the DIC-SBP offset and directing the Department of Defense to pay full survivor benefit plan annuities to widows and widowers who remarry on or after December 16, 2003, and on or after attaining age 57, and

WHEREAS, however, over 53,000 military widows and widowers are still subject to the DIC-SBP offset, and

WHEREAS, this nation should never fail to recognize and acknowledge the need for the equitable and appropriate care and treatment of military widows and widowers whose spouses have died in battle defending the United States or as a result of service-connected causes in service to our nation, and

WHEREAS, to that end, it is imperative that Congress amend federal law to eliminate the offset for Dependency and Indemnity Compensation administered by the United States Department of Veterans Affairs imposed on benefits received by military widows and widowers through the United States Department of Defense’s Survivor Benefit Plan, NOW, THEREFORE,

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

That the Congress of the United States is requested to amend federal law to eliminate the offset for Dependency and Indemnity Compensation established within the Department of Veterans Affairs imposed on benefits received by military widows and widowers through the United States Department of Defense’s Survivor Benefit Plan.

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

—was read the second time in full. On motion by Senator Storms, **SM 1328** was adopted and certified to the House.

Consideration of **CS for CS for SB 1330** was deferred.

On motion by Senator Wise—

CS for SB 1356—A bill to be entitled An act relating to transitional services for youth; amending s. 985.03, F.S.; defining the term “transition to adulthood”; creating s. 985.461, F.S.; providing legislative intent concerning transition to adulthood services for youth in the custody of the Department of Juvenile Justice; providing for eligibility for services from both departments for youth served by the department who are legally in the custody of the Department of Children and Family Services; providing that an adjudication of delinquency does not, by itself, disqualify a youth in foster care from certain services from the Department of Children and Family Services; providing powers and duties of the Department of Juvenile Justice for transition services; providing for assessments; providing for a plan for a youth leading to independence; amending s. 985.0301, F.S.; providing for retention of court jurisdiction over a child for a specified period beyond the child’s 19th birthday if the child is participating in a transition to adulthood program; providing that certain services require voluntary participation by affected youth and are not intended to create an involuntary court-sanctioned residential commitment; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1356** was placed on the calendar of Bills on Third Reading.

On motion by Senator Wise, by two-thirds vote **CS for HB 731** was withdrawn from the Committees on Commerce; Banking and Insurance; and Judiciary.

On motion by Senator Wise—

CS for HB 731—A bill to be entitled An act relating to commercial transactions; amending s. 627.7295, F.S.; revising application of certain

provisions relating to motor vehicle insurance contracts; revising and providing provisions of the Uniform Commercial Code relating to electronic documents of title, warehouse receipts, bills of lading, and other documents of title to conform to the revised Article 7 of the Uniform Commercial Code as prepared by the National Conference of Commissioners on Uniform State Laws; amending ss. 668.50 and 671.304, F.S.; correcting cross-references; amending ss. 671.201, 672.103, 672.104, 674.104, 677.102, and 679.1021, F.S.; revising and providing definitions; revising provisions pertaining to definitions applicable to certain provisions of the code, to conform cross-references to revisions made by this act; amending s. 672.310, F.S.; revising time when certain delivery payments are due; amending ss. 559.9232, 672.323, 672.401, 672.503, 672.505, 672.506, 672.509, 672.605, 672.705, 674.2101, 677.201, 677.202, 677.203, 677.205, 677.206, 677.207, 677.208, 677.301, 677.302, 677.304, 677.305, 677.401, 677.402, 677.403, 677.404, 677.502, 677.503, 677.505, 677.506, 677.507, 677.508, 677.509, 677.602, 677.603, 679.2031, 679.2071, 679.3011, 679.3101, 679.3121, 679.3131, 679.3141, 679.3171, 679.338, 680.1031, 680.514, and 680.526, F.S.; revising provisions to conform to changes made by this act; making editorial changes; amending s. 677.103, F.S.; revising and providing application in relation of chapter to treaty, statute, classification, or regulation; amending s. 677.104, F.S.; providing when certain documents of title are nonnegotiable; amending s. 677.105, F.S.; authorizing an issuer of the electronic document to issue a tangible document of title as a substitute for the electronic document under certain conditions; authorizing an issuer of a tangible document to issue an electronic document of title as a substitute for the tangible document under certain conditions; creating s. 677.106, F.S.; providing when certain persons have control of an electronic document of title; amending s. 677.204, F.S.; revising liability of certain damages; authorizing a warehouse receipt or storage agreement to provide certain requirements; amending s. 677.209, F.S.; revising conditions for a warehouse to establish a lien against a bailor; providing when and against whom the lien is effective; amending s. 677.210, F.S.; revising provisions relating to the enforcement of warehouse's liens; amending s. 677.303, F.S.; prohibiting liability for certain carriers; amending s. 677.307, F.S.; revising conditions under which a carrier has a lien on goods covered by a bill of lading; amending s. 677.308, F.S.; revising provisions relating to the enforcement of a carrier's lien; amending s. 677.309, F.S.; revising provisions relating to the contractual limitation of a carrier's liability; amending s. 677.501, F.S.; providing requirements for negotiable tangible documents of title and negotiable electronic documents of title; amending s. 677.504, F.S.; providing condition under which the rights of the transferee may be defeated; amending s. 677.601, F.S.; revising provisions relating to lost, stolen, or destroyed documents of title; amending s. 678.1031, F.S.; providing that certain documents of title are not financial assets; amending s. 679.2081, F.S.; providing requirements for secured parties having control of an electronic document; providing an effective date.

—a companion measure, was substituted for **CS for SB 1366** and read the second time by title.

On motion by Senator Wise, further consideration of **CS for HB 731** was deferred.

CS for CS for SB 2746—A bill to be entitled An act relating to education programs for children with disabilities; amending s. 1002.39, F.S.; revising provisions relating to the John M. McKay Scholarships for Students with Disabilities Program; authorizing students who receive certain services under the Voluntary Prekindergarten Education Program to receive a John M. McKay Scholarship; authorizing the Commissioner of Education to deny, suspend, or revoke a private school's participation in the scholarship program if the owner or operator of such school has operated an educational institution in this state or another in a manner contrary to the health, safety, or welfare of the public; providing factors for the commissioner to consider in making a determination; providing a definition for the term "owner or operator"; conforming cross-references; amending s. 1002.51, F.S.; providing definitions for the terms "disability" and "specialized instructional services provider" for purposes of the Voluntary Prekindergarten Education Program; amending s. 1002.53, F.S.; providing that a parent may enroll his or her child in a specialized instructional services program for children who have disabilities if the child is eligible for the Voluntary Prekindergarten Education Program; creating s. 1002.66, F.S.; establishing specialized instructional services for children with disabilities; providing eligibility criteria for such services; requiring that such services be delivered in

accordance with certain standards; requiring that the Department of Education approve specialized instructional service providers; authorizing the expenditure of funds for specialized instructional services; amending s. 1002.71, F.S.; revising provisions for the funding of a child receiving specialized instructional services to conform to changes made by the act; amending s. 1002.73, F.S.; requiring that the Department of Education adopt procedures for approving specialized instructional services providers; amending s. 1002.75, F.S.; requiring that the Agency for Workforce Innovation adopt procedures for enrolling children in and determining the eligibility of children for the Voluntary Prekindergarten Education Program and paying specialized instructional services providers; providing an effective date.

—was read the second time by title.

MOTION

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

Senator Gardiner moved the following amendment:

Amendment 1 (641996)—Delete lines 70-88 and insert: *Disabilities Program*;

2. Spent the prior school year in attendance at a Florida public school or the Florida School for the Deaf and the Blind. *For purposes of this subparagraph*, prior school year in attendance means that the student was:

1- enrolled and reported by:

a. A school district for funding during the preceding October and February Florida Education Finance Program surveys in kindergarten through grade 12, which ~~includes~~ ~~shall include~~ time spent in a Department of Juvenile Justice commitment program if funded under the Florida Education Finance Program;

b. ~~Enrolled and reported by~~ The Florida School for the Deaf and the Blind during the preceding October and February student membership surveys in kindergarten through grade 12; or

c. ~~Enrolled and reported by~~ A school district for funding during the preceding October and February Florida Education Finance Program surveys, was at least 4 years of age ~~old~~ when so enrolled and reported, and was eligible for services under s. 1003.21(1)(e); or-

3. *Been enrolled and reported by a school district for funding, during the October and February Florida Education Finance Program surveys, in any of the 5 years prior to the 2010-2011 fiscal year; has a current individualized educational plan developed by the district school board in accordance with rules of the State Board of Education for the John M. McKay Scholarship Program no later than June 30, 2011; and receives a first-time John M. McKay scholarship for the 2011-2012 school year.*

On motion by Senator Gardiner, further consideration of **CS for CS for SB 2746** with pending **Amendment 1 (641996)** was deferred.

On motion by Senator Rich—

CS for CS for SB 1382—A bill to be entitled An act relating to child care facilities; amending s. 402.281, F.S.; providing that certain child care facilities, large family child care homes, and family day care homes that are accredited by a nationally recognized accrediting association may apply to the Department of Children and Family Services to receive a "Gold Seal Quality Care" designation; requiring the department to use certain standards and to consult with specified organizations when developing the Gold Seal Quality Care program standards; requiring the department to notify accrediting associations if the department proposes to revise the Gold Seal Quality Care program standards; requiring each accrediting association to notify the department within a stated time of its intent to revise its accreditation standards or discontinue participation in the Gold Seal Quality Care program; requiring an accrediting association that intends to revise its accreditation standards to do so within 90 days after notification from the department; amending s. 402.305, F.S.; prohibiting a person under the age of 18 from being the operator of a child care facility; requiring the department to address

minimum age requirements for before-school and after-school care; providing exceptions; stating the minimum educational standards for child care facility employees; providing exceptions; requiring employees who do not meet the minimum educational standards by a specified date to do so within 1 year; requiring child care staff to possess specified credentials; reenacting s. 1007.23(5), F.S., relating to child development associate credentials, to incorporate the amendment made to s. 402.305, F.S., in a reference thereto; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1382** was placed on the calendar of Bills on Third Reading.

CS for CS for CS for SB 1520—A bill to be entitled An act relating to screening; amending s. 39.001, F.S.; revising an exemption from screening requirements for volunteers who assist providers under contract with the Department of Children and Family Services; amending s. 39.821, F.S.; revising background screening requirements for the Guardian Ad Litem Program; amending s. 215.5586, F.S.; removing reference to ch. 435, F.S., for background screening of hurricane mitigation inspectors; amending s. 393.0655, F.S.; revising an exemption from screening requirements for volunteers; removing a temporary exemption from screening requirements for direct service providers awaiting completion of a background screening; adding additional disqualifying offenses for the screening of direct service providers for persons with developmental disabilities; amending s. 394.4572, F.S.; revising background screening requirements for mental health personnel; amending s. 400.215, F.S.; revising background screening requirements for nursing home personnel; amending s. 400.506, F.S.; conforming provisions to changes made by the act; amending s. 400.512, F.S.; revising background screening requirements for home health agency personnel, nurse registry personnel, and companions and homemakers; amending s. 400.6065, F.S.; revising background screening requirements for hospice personnel; amending s. 400.801, F.S.; revising background screening requirements for personnel at homes for special services; amending s. 400.805, F.S.; revising background screening requirements for transitional living facility personnel; creating s. 400.9065, F.S.; providing background screening requirements for prescribed pediatric extended care center personnel; amending s. 400.934, F.S.; revising minimum standards for home medical equipment providers; amending s. 400.953, F.S.; revising background screening requirements for home medical equipment provider personnel; repealing s. 400.955, F.S., relating to the procedures for screening of home medical equipment provider personnel; amending s. 400.964, F.S.; revising background screening requirements for personnel at intermediate care facilities for developmentally disabled persons; amending s. 400.980, F.S.; revising background screening requirements for personnel at health care services pools; amending s. 400.991, F.S.; revising background screening requirements for applicants and personnel at health care clinics; amending s. 408.806, F.S.; adding a requirement for an affidavit relating to background screening to the license application process under the Agency for Health Care Administration; amending s. 408.808, F.S.; conforming provisions to changes made by the act; amending s. 408.809, F.S.; revising background screening requirements under the Agency for Health Care Administration; requiring electronic submission of fingerprints; amending s. 402.302, F.S.; revising exemptions from screening requirements for volunteers and students; amending s. 409.175, F.S.; revising an exemption from screening requirements for volunteers; revising background screening requirements for employees and volunteers in summer day camps and summer 24-hour camps; requiring periodic drug testing for licensed foster parents; requiring payment by the foster parent; amending s. 409.221, F.S.; revising background screening requirements for persons who render consumer-directed care; amending s. 409.907, F.S.; revising background screening requirements for Medicaid providers; amending s. 409.912, F.S.; requiring Medicaid providers to obtain a level 2 background screening for each provider employee in direct contact with or providing direct services to Medicaid recipients; amending s. 411.01, F.S.; requiring school districts to make a list of eligible substitute teachers available to early learning coalitions; amending s. 429.14, F.S.; revising administrative penalty provisions relating to assisted living facilities; amending s. 429.174, F.S.; revising background screening requirements for assisted living facility personnel; amending s. 429.67, F.S.; revising licensure requirements for adult family-care home personnel and household members; amending s. 429.69, F.S.; revising background screening requirements for adult family-care

home personnel; amending s. 429.911, F.S.; revising administrative penalty provisions relating to adult day care centers; amending s. 429.919, F.S.; revising background screening requirements for adult day care center personnel; creating s. 430.0402, F.S.; providing background screening requirements for direct service providers under the Department of Elderly Affairs; amending s. 435.01, F.S.; revising provisions related to the applicability of ch. 435, F.S., statutory references to the chapter, and rulemaking; providing construction with respect to the doctrine of incorporation by reference; amending s. 435.02, F.S.; revising and adding definitions; amending s. 435.03, F.S.; revising level 1 screening standards; adding disqualifying offenses; amending s. 435.04, F.S.; revising level 2 screening standards; requiring electronic submission of fingerprints after a certain date; authorizing agencies to contract for electronic fingerprinting; adding disqualifying offenses; amending s. 435.05, F.S.; revising background check requirements for covered employees and employers; amending s. 435.06, F.S.; revising provisions relating to exclusion from employment; providing that an employer may not hire, select, or otherwise allow an employee contact with any vulnerable person until the screening process is completed; requiring removal of an employee arrested for disqualifying offenses from roles requiring background screening until the employee's eligibility for employment is determined; amending s. 435.07, F.S.; revising provisions relating to exemptions from disqualification; amending s. 435.08, F.S.; revising provisions relating to the payment for processing of fingerprints and criminal history records checks; amending s. 464.203, F.S.; conforming provisions to changes made by the act; amending s. 489.115, F.S.; removing reference to ch. 435, F.S., for background screening of construction contractors; amending s. 943.05, F.S.; revising provisions relating to the Criminal Justice Information Program under the Department of Law Enforcement; authorizing agencies to request the retention of certain fingerprints by the department; providing for rulemaking to require employers to keep the agencies informed of any change in the affiliation, employment, or contractual status of each person whose fingerprints are retained in certain circumstances; providing departmental duties upon notification that a federal fingerprint retention program is in effect; amending s. 943.053, F.S.; removing obsolete references relating to the dissemination of criminal justice information; amending s. 984.01, F.S.; revising an exemption from screening requirements for volunteers who assist with programs for children; amending s. 985.644, F.S.; revising background screening requirements for the Department of Juvenile Justice; authorizing rulemaking; amending ss. 381.60225, 409.912, 464.018, 468.3101, 744.309, 744.474, and 985.04, F.S.; conforming provisions to changes made to ch. 435, F.S., by the act; repealing s. 409.1758, F.S., relating to screening of summer camp personnel; repealing s. 456.039(4)(d), F.S., relating to information required for licensure of designated health care professionals; providing for prospective application of the act; 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 1520** to **CS for HB 7069**.

Pending further consideration of **CS for CS for CS for SB 1520** as amended, on motion by Senator Storms, by two-thirds vote **CS for HB 7069** was withdrawn from the Committees on Children, Families, and Elder Affairs; Criminal Justice; and Health and Human Services Appropriations.

On motion by Senator Storms—

CS for HB 7069—A bill to be entitled An act relating to background screening; amending s. 39.001, F.S.; revising an exemption from screening requirements for volunteers; amending s. 39.821, F.S.; revising background screening requirements for the Guardian Ad Litem Program; amending s. 215.5586, F.S.; removing reference to chapter 435, F.S., for background screening of hurricane mitigation inspectors; amending s. 393.0655, F.S.; revising an exemption from screening requirements for volunteers, removing a temporary exemption for direct service providers awaiting completion of a background screening, and adding additional disqualifying offenses for the screening of direct service providers for persons with developmental disabilities; amending s. 394.4572, F.S.; revising background screening requirements for mental health personnel; amending s. 400.215, F.S.; revising background screening requirements for nursing home personnel; amending s. 400.506, F.S.; conforming provisions to changes made by the act; amending s. 400.512, F.S.; revising background screening requirements

for home health agency personnel, nurse registry personnel, and companions and homemakers; amending s. 400.6065, F.S.; revising background screening requirements for hospices; amending s. 400.801, F.S.; revising background screening requirements for homes for special services; amending s. 400.805, F.S.; revising background screening requirements for transitional living facilities; creating s. 400.9065, F.S.; providing background screening requirements for prescribed pediatric extended care centers; amending s. 400.934, F.S.; revising minimum standards for home medical equipment providers; amending s. 400.953, F.S.; revising background screening requirements for home medical equipment providers; repealing s. 400.955, F.S., relating to the procedures for screening of home medical equipment provider personnel; amending s. 400.964, F.S.; revising background screening requirements for intermediate care facilities for developmentally disabled persons; amending s. 400.980, F.S.; revising background screening requirements for health care services pools; amending s. 400.991, F.S.; revising background screening requirements for health care clinics; amending s. 408.806, F.S.; adding a requirement for an affidavit relating to background screening to the license application process under the Agency for Health Care Administration; amending s. 408.808, F.S.; conforming provisions to changes made by the act; amending s. 408.809, F.S.; revising background screening requirements under the Agency for Health Care Administration; requiring electronic submission of fingerprints; amending s. 402.302, F.S.; revising exemptions from screening requirements for volunteers and students; amending s. 409.175, F.S.; revising an exemption from screening requirements for volunteers; revising background screening requirements for employees and volunteers in summer day camps and summer 24-hour camps; repealing s. 409.1758, F.S., relating to screening of summer camp personnel; amending s. 409.221, F.S.; revising background screening requirements for persons who render consumer-directed care; amending s. 409.907, F.S.; revising background screening requirements for Medicaid providers; amending s. 429.14, F.S.; revising administrative penalty provisions relating to assisted living facilities; amending s. 429.174, F.S.; revising background screening requirements for assisted living facilities; amending s. 429.67, F.S.; revising licensure requirements for adult family-care homes; amending s. 429.69, F.S.; revising background screening requirements for adult family-care homes; amending s. 429.911, F.S.; revising administrative penalty provisions relating to adult day care centers; amending s. 429.919, F.S.; revising background screening requirements for adult day care centers; creating s. 430.60, F.S.; providing background screening requirements for direct service providers under the Department of Elderly Affairs; amending s. 435.01, F.S.; revising provisions related to the applicability of the chapter, statutory references to the chapter, and rulemaking; providing construction with respect to the doctrine of incorporation by reference; amending s. 435.02, F.S.; revising and adding definitions; amending s. 435.03, F.S.; revising level 1 screening standards; adding disqualifying offenses; amending s. 435.04, F.S.; revising level 2 screening standards; requiring electronic submission of fingerprints after a certain date; authorizing agencies to contract for electronic fingerprinting; adding disqualifying offenses; amending s. 435.05, F.S.; revising background check requirements for covered employees and employers; amending s. 435.06, F.S.; revising provisions relating to exclusion from employment; providing that an employer may not hire, select, or otherwise allow an employee contact with any vulnerable person until the screening process is completed; requiring removal of an employee arrested for disqualifying offenses from roles requiring background screening until the employee's eligibility for employment is determined; amending s. 435.07, F.S.; revising provisions relating to exemptions from disqualification; providing that disqualification from employment may not be removed from, nor an exemption be granted to, any person who has been designated as a sexual predator, career offender, or sexual offender; amending s. 435.08, F.S.; revising provisions relating to the payment for processing of fingerprints and criminal history records checks; amending s. 456.039, F.S.; deleting language relating to criminal history records checks of designated health care professionals; amending s. 464.203, F.S.; conforming provisions to changes made by the act; amending s. 489.115, F.S.; removing reference to chapter 435, F.S., for background screening of construction contractors; amending s. 943.05, F.S.; revising provisions relating to the Criminal Justice Information Program under the Department of Law Enforcement; authorizing agencies to request the retention of certain fingerprints by the department; providing for rulemaking to require employers to keep the agencies informed of any change in the affiliation, employment, or contractual status of each person whose fingerprints are retained in certain circumstances; providing departmental duties upon notification that a federal fingerprint retention program is in effect;

amending s. 943.053, F.S.; removing obsolete references relating to the dissemination of criminal justice information; amending s. 984.01, F.S.; revising an exemption from screening requirements for volunteers with programs for children; amending s. 985.644, F.S.; revising background screening requirements for the Department of Juvenile Justice; authorizing rulemaking; amending ss. 381.60225, 409.912, 464.018, 468.3101, 744.309, 744.474, and 985.04, F.S.; conforming provisions to changes made to ch. 435, F.S., by this act; providing for prospective application of the act; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 1520** as amended and read the second time by title.

Senator Storms moved the following amendment which was adopted:

Amendment 1 (552470) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (a) of subsection (2) of section 39.001, Florida Statutes, is amended to read:

39.001 Purposes and intent; personnel standards and screening.—

(2) DEPARTMENT CONTRACTS.—The department may contract with the Federal Government, other state departments and agencies, county and municipal governments and agencies, public and private agencies, and private individuals and corporations in carrying out the purposes of, and the responsibilities established in, this chapter.

(a) ~~If~~ ~~When~~ the department contracts with a provider for any program for children, all personnel, including owners, operators, employees, and volunteers, in the facility must be of good moral character. A volunteer who assists on an intermittent basis for less than 10 40 hours per month need not be screened ~~if a person who meets the screening requirement of this section is always present and has the volunteer within his or her line of sight if the volunteer is under direct and constant supervision by persons who meet the screening requirements.~~

Section 2. Subsection (1) of section 39.821, Florida Statutes, is amended to read:

39.821 Qualifications of guardians ad litem.—

(1) Because of the special trust or responsibility placed in a guardian ad litem, the Guardian Ad Litem Program may use any private funds collected by the program, or any state funds so designated, to conduct a security background investigation before certifying a volunteer to serve. A security background investigation must include, but need not be limited to, employment history checks, checks of references, local criminal records checks through local law enforcement agencies, and statewide criminal records checks through the Department of Law Enforcement. Upon request, an employer shall furnish a copy of the personnel record for the employee or former employee who is the subject of a security background investigation conducted under this section. The information contained in the personnel record may include, but need not be limited to, disciplinary matters and the reason why the employee was terminated from employment. An employer who releases a personnel record for purposes of a security background investigation is presumed to have acted in good faith and is not liable for information contained in the record without a showing that the employer maliciously falsified the record. A security background investigation conducted under this section must ensure that a person is not certified as a guardian ad litem if the person has *an arrest awaiting final disposition for*, been convicted of, regardless of adjudication, ~~or~~ entered a plea of nolo contendere or guilty to, *or been adjudicated delinquent and the record has not been sealed or expunged for*, any offense prohibited under the provisions listed in s. 435.04. *All applicants certified on or after August 1, 2010, must undergo a level 2 background screening pursuant to chapter 435 before being certified the provisions of the Florida Statutes specified in s. 435.04(2) or under any similar law in another jurisdiction. Before certifying an applicant to serve as a guardian ad litem, the Guardian Ad Litem Program may request a federal criminal records check of the applicant through the Federal Bureau of Investigation.* In analyzing and evaluating the information obtained in the security background investigation, the program must give particular emphasis to past activities involving children, including, but not limited to, child-related criminal offenses or child abuse. The program has the sole discretion in determining whether to certify a person based on his or her security background investigation.

The information collected pursuant to the security background investigation is confidential and exempt from s. 119.07(1).

Section 3. Paragraph (b) of subsection (1) of section 215.5586, Florida Statutes, is amended to read:

215.5586 My Safe Florida Home Program.—There is established within the Department of Financial Services the My Safe Florida Home Program. The department shall provide fiscal accountability, contract management, and strategic leadership for the program, consistent with this section. This section does not create an entitlement for property owners or obligate the state in any way to fund the inspection or retrofitting of residential property in this state. Implementation of this program is subject to annual legislative appropriations. It is the intent of the Legislature that the My Safe Florida Home Program provide trained and certified inspectors to perform inspections for owners of site-built, single-family, residential properties and grants to eligible applicants as funding allows. The program shall develop and implement a comprehensive and coordinated approach for hurricane damage mitigation that may include the following:

(1) HURRICANE MITIGATION INSPECTIONS.—

(b) To qualify for selection by the department as a wind certification entity to provide hurricane mitigation inspections, the entity shall, at a minimum, meet the following requirements:

1. Use hurricane mitigation inspectors who:
 - a. Are certified as a building inspector under s. 468.607;
 - b. Are licensed as a general or residential contractor under s. 489.111;
 - c. Are licensed as a professional engineer under s. 471.015 and who have passed the appropriate equivalency test of the building code training program as required by s. 553.841;
 - d. Are licensed as a professional architect under s. 481.213; or
 - e. Have at least 2 years of experience in residential construction or residential building inspection and have received specialized training in hurricane mitigation procedures. Such training may be provided by a class offered online or in person.
2. Use hurricane mitigation inspectors who also:
 - a. Have undergone drug testing and a ~~level 2 background screening checks pursuant to s. 435.04~~ background screening checks pursuant to s. 435.04. The department may conduct criminal record checks of inspectors used by wind certification entities. Inspectors must submit a set of the fingerprints to the department for state and national criminal history checks and must pay the fingerprint processing fee set forth in s. 624.501. The fingerprints shall be sent by the department to the Department of Law Enforcement and forwarded to the Federal Bureau of Investigation for processing. The results shall be returned to the department for screening. The fingerprints shall be taken by a law enforcement agency, designated examination center, or other department-approved entity; and
 - b. Have been certified, in a manner satisfactory to the department, to conduct the inspections.
3. Provide a quality assurance program including a reinspection component.

Section 4. Paragraphs (a) and (e) of subsection (1) of section 393.0655, Florida Statutes, are amended, and subsection (5) is added to that section, to read:

393.0655 Screening of direct service providers.—

(1) MINIMUM STANDARDS.—The agency shall require level 2 employment screening pursuant to chapter 435 for direct service providers who are unrelated to their clients, including support coordinators, and managers and supervisors of residential facilities or comprehensive transitional education programs licensed under this chapter and any other person, including volunteers, who provide care or services, who have access to a client's living areas, or who have access to a client's funds or personal property. Background screening shall include em-

ployment history checks as provided in s. 435.03(1) and local criminal records checks through local law enforcement agencies.

(a) A volunteer who assists on an intermittent basis for less than 10 40 hours per month does not have to be screened if a person who meets the screening requirement of this section is always present and has the volunteer within his or her line of sight if the volunteer is under the direct and constant visual supervision of persons who meet the screening requirements of this section.

~~(e) A direct service provider who is awaiting the completion of background screening is temporarily exempt from the screening requirements under this section if the provider is under the direct and constant visual supervision of persons who meet the screening requirements of this section. Such exemption expires 90 days after the direct service provider first provides care or services to clients, has access to a client's living areas, or has access to a client's funds or personal property.~~

(5) DISQUALIFYING OFFENSES.—The background screening conducted under this section must ensure that, in addition to the disqualifying offenses listed in s. 435.04, no person subject to the provisions of this section has an arrest awaiting final disposition for, has been found guilty of, regardless of adjudication, or entered a plea of *nolo contendere* or guilty to, or has been adjudicated delinquent and the record has not been sealed or expunged for, any offense prohibited under any of the following provisions of state law or similar law of another jurisdiction:

- (a) Any authorizing statutes, if the offense was a felony.
- (b) This chapter, if the offense was a felony.
- (c) Section 409.920, relating to Medicaid provider fraud.
- (d) Section 409.9201, relating to Medicaid fraud.
- (e) Section 817.034, relating to fraudulent acts through mail, wire, radio, electromagnetic, photoelectronic, or photooptical systems.
- (f) Section 817.234, relating to false and fraudulent insurance claims.
- (g) Section 817.505, relating to patient brokering.
- (h) Section 817.568, relating to criminal use of personal identification information.
- (i) Section 817.60, relating to obtaining a credit card through fraudulent means.
- (j) Section 817.61, relating to fraudulent use of credit cards, if the offense was a felony.
- (k) Section 831.01, relating to forgery.
- (l) Section 831.02, relating to uttering forged instruments.
- (m) Section 831.07, relating to forging bank bills, checks, drafts, or promissory notes.
- (n) Section 831.09, relating to uttering forged bank bills, checks, drafts, or promissory notes.

Section 5. Section 394.4572, Florida Statutes, is amended to read:

394.4572 Screening of mental health personnel.—

(1)(a) The department and the Agency for Health Care Administration shall require ~~level 2 background employment screening pursuant to chapter 435 for mental health personnel using the standards for level 2 screening set forth in chapter 435~~ level 2 background screening pursuant to chapter 435 for mental health personnel. "Mental health personnel" includes all program directors, professional clinicians, staff members, and volunteers working in public or private mental health programs and facilities who have direct contact with individuals held for examination or admitted for mental health treatment ~~unmarried patients under the age of 18 years~~. For purposes of this chapter, employment screening of mental health personnel ~~shall also include~~ include, but is not limited to, employment screening as provided under chapter 435 and s. 408.809.

(b) Students in the health care professions who are interning in a mental health facility licensed under chapter 395, where the primary purpose of the facility is not the treatment of minors, are exempt from

the fingerprinting and screening requirements ~~if, provided~~ they are under direct supervision in the actual physical presence of a licensed health care professional.

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

~~(c)(d) A volunteer who assists on an intermittent basis for less than 10 40 hours per month is exempt from the fingerprinting and screening requirements if a person who meets the screening requirement of paragraph (a) is always present and has the volunteer within his or her line of sight, provided the volunteer is under direct and constant supervision by persons who meet the screening requirements of paragraph (a).~~

(2) The department or the Agency for Health Care Administration may grant exemptions from disqualification as provided in *chapter 435 s. 435.06*.

~~(3) Prospective mental health personnel who have previously been fingerprinted or screened pursuant to this chapter, chapter 393, chapter 397, chapter 402, or chapter 409, or teachers who have been fingerprinted pursuant to chapter 1012, who have not been unemployed for more than 90 days thereafter, and who under the penalty of perjury attest to the completion of such fingerprinting or screening and to compliance with the provisions of this section and the standards for level 1 screening contained in chapter 435, shall not be required to be re-fingerprinted or rescreened in order to comply with any screening requirements of this part.~~

Section 6. Section 400.215, Florida Statutes, is amended to read:

400.215 Personnel screening requirement.—

(1) The agency shall require level 2 background screening for personnel as required in *s. 408.809(1)(e)* pursuant to ~~as provided in~~ chapter 435 and *s. 408.809*, for all employees or prospective employees of facilities licensed under this part who are expected to, or whose responsibilities may require them to:

- ~~(a) Provide personal care or services to residents;~~
- ~~(b) Have access to resident living areas; or~~
- ~~(c) Have access to resident funds or other personal property.~~

(2) ~~Employers and employees shall comply with the requirements of s. 435.05.~~

~~(a) Notwithstanding the provisions of s. 435.05(1), facilities must have in their possession evidence that level 1 screening has been completed before allowing an employee to begin working with patients as provided in subsection (1). All information necessary for conducting background screening using level 1 standards as specified in s. 435.03 shall be submitted by the nursing facility to the agency. Results of the background screening shall be provided by the agency to the requesting nursing facility.~~

~~(b) Employees qualified under the provisions of paragraph (a) who have not maintained continuous residency within the state for the 5 years immediately preceding the date of request for background screening must complete level 2 screening, as provided in chapter 435. Such employees may work in a conditional status up to 180 days pending the receipt of written findings evidencing the completion of level 2 screening. Level 2 screening shall not be required of employees or prospective employees who attest in writing under penalty of perjury that they meet the residency requirement. Completion of level 2 screening shall require the employee or prospective employee to furnish to the nursing facility a full set of fingerprints to enable a criminal background investigation to be conducted. The nursing facility shall submit the completed fingerprint card to the agency. The agency shall establish a record of the request in the database provided for in paragraph (c) and forward the request to the Department of Law Enforcement, which is authorized to submit the fingerprints to the Federal Bureau of Investigation for a national criminal history records check. The results of~~

~~the national criminal history records check shall be returned to the agency, which shall maintain the results in the database provided for in paragraph (c). The agency shall notify the administrator of the requesting nursing facility or the administrator of any other facility licensed under chapter 393, chapter 394, chapter 395, chapter 397, chapter 429, or this chapter, as requested by such facility, as to whether or not the employee has qualified under level 1 or level 2 screening. An employee or prospective employee who has qualified under level 2 screening and has maintained such continuous residency within the state shall not be required to complete a subsequent level 2 screening as a condition of employment at another facility.~~

~~(c) The agency shall establish and maintain a database of background screening information which shall include the results of both level 1 and level 2 screening. The Department of Law Enforcement shall timely provide to the agency, electronically, the results of each statewide screening for incorporation into the database. The agency shall, upon request from any facility, agency, or program required by or authorized by law to screen its employees or applicants, notify the administrator of the facility, agency, or program of the qualifying or disqualifying status of the employee or applicant named in the request.~~

~~(d) Applicants and employees shall be excluded from employment pursuant to s. 435.06.~~

~~(3) The applicant is responsible for paying the fees associated with obtaining the required screening. Payment for the screening shall be submitted to the agency. The agency shall establish a schedule of fees to cover the costs of level 1 and level 2 screening. Facilities may reimburse employees for these costs. The Department of Law Enforcement shall charge the agency for a level 1 or level 2 screening a rate sufficient to cover the costs of such screening pursuant to s. 943.053(3). The agency shall, as allowable, reimburse nursing facilities for the cost of conducting background screening as required by this section. This reimbursement is will not be subject to any rate ceilings or payment targets in the Medicaid Reimbursement plan.~~

~~(4)(a) As provided in s. 435.07, the agency may grant an exemption from disqualification to an employee or prospective employee who is subject to this section and who has not received a professional license or certification from the Department of Health.~~

~~(b) As provided in s. 435.07, the appropriate regulatory board within the Department of Health, or that department itself when there is no board, may grant an exemption from disqualification to an employee or prospective employee who is subject to this section and who has received a professional license or certification from the Department of Health or a regulatory board within that department.~~

~~(5) Any provision of law to the contrary notwithstanding, persons who have been screened and qualified as required by this section and who have not been unemployed for more than 180 days thereafter, and who under penalty of perjury attest to not having been convicted of a disqualifying offense since the completion of such screening, shall not be required to be rescreened. An employer may obtain, pursuant to s. 435.10, written verification of qualifying screening results from the previous employer or other entity which caused such screening to be performed.~~

~~(6) The agency and the Department of Health shall have authority to adopt rules pursuant to the Administrative Procedure Act to implement this section.~~

~~(7) All employees shall comply with the requirements of this section by October 1, 1998. No current employee of a nursing facility as of the effective date of this act shall be required to submit to rescreening if the nursing facility has in its possession written evidence that the person has been screened and qualified according to level 1 standards as specified in s. 435.03(1). Any current employee who meets the level 1 requirement but does not meet the 5-year residency requirement as specified in this section must provide to the employing nursing facility written attestation under penalty of perjury that the employee has not been convicted of a disqualifying offense in another state or jurisdiction. All applicants hired on or after October 1, 1998, shall comply with the requirements of this section.~~

~~(8) There is no monetary or unemployment liability on the part of, and no cause of action for damages arising against an employer that,~~

upon notice of a disqualifying offense listed under chapter 435 or an act of domestic violence, terminates the employee against whom the report was issued, whether or not the employee has filed for an exemption with the Department of Health or the Agency for Health Care Administration.

Section 7. Subsection (9) of section 400.506, Florida Statutes, is amended to read:

400.506 Licensure of nurse registries; requirements; penalties.—

(9) Each nurse registry must comply with the *background screening requirements* procedures set forth in s. 400.512 for maintaining records of the work history of all persons referred for contract and is subject to the standards and conditions set forth in that section. However, an initial screening may not be required for persons who have been continuously registered with the nurse registry since October 1, 2000.

Section 8. Section 400.512, Florida Statutes, is amended to read:

400.512 Screening of home health agency personnel; nurse registry personnel and contractors; and companions and homemakers.—The agency, registry, or service shall require level 2 background screening for employees or contractors as required in s. 408.809(1)(e) pursuant to chapter 435 and s. 408.809 employment or contractor screening as provided in that chapter, for home health agency personnel; persons referred for employment by nurse registries; and persons employed by companion or homemaker services registered under s. 400.509.

(1)(a) The Agency for Health Care Administration may, upon request, grant exemptions from disqualification from employment or contracting under this section as provided in s. 435.07, except for health care practitioners licensed by the Department of Health or a regulatory board within that department.

(b) The appropriate regulatory board within the Department of Health, or that department itself when there is no board, may, upon request of the licensed health care practitioner, grant exemptions from disqualification from employment or contracting under this section as provided in s. 435.07.

(2) The administrator of each home health agency, the managing employee of each nurse registry, and the managing employee of each companion or homemaker service registered under s. 400.509 must sign an affidavit annually, under penalty of perjury, stating that all personnel hired or contracted with or registered on or after October 1, 2000, who enter the home of a patient or client in their service capacity have been screened.

(3) As a prerequisite to operating as a home health agency, nurse registry, or companion or homemaker service under s. 400.509, the administrator or managing employee, respectively, must submit to the agency his or her name and any other information necessary to conduct a complete screening according to this section. The agency shall submit the information to the Department of Law Enforcement for state processing. The agency shall review the record of the administrator or manager with respect to the offenses specified in this section and shall notify the owner of its findings. If disposition information is missing on a criminal record, the administrator or manager, upon request of the agency, must obtain and supply within 30 days the missing disposition information to the agency. Failure to supply missing information within 30 days or to show reasonable efforts to obtain such information will result in automatic disqualification.

(4) Proof of compliance with the screening requirements of chapter 435 shall be accepted in lieu of the requirements of this section if the person has been continuously employed or registered without a breach in service that exceeds 180 days, the proof of compliance is not more than 2 years old, and the person has been screened by the Department of Law Enforcement. A home health agency, nurse registry, or companion or homemaker service registered under s. 400.509 shall directly provide proof of compliance to another home health agency, nurse registry, or companion or homemaker service registered under s. 400.509. The recipient home health agency, nurse registry, or companion or homemaker service registered under s. 400.509 may not accept any proof of compliance directly from the person who requires screening. Proof of compliance with the screening requirements of this section shall be provided upon request to the person screened by the home health agencies; nurse

registries; or companion or homemaker services registered under s. 400.509.

(5) There is no monetary liability on the part of, and no cause of action for damages arises against, a licensed home health agency, licensed nurse registry, or companion or homemaker service registered under s. 400.509, that, upon notice that the employee or contractor has been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under s. 435.03 or under any similar statute of another jurisdiction, terminates the employee or contractor, whether or not the employee or contractor has filed for an exemption with the agency in accordance with chapter 435 and whether or not the time for filing has expired.

(6) The costs of processing the statewide correspondence criminal records checks must be borne by the home health agency; the nurse registry; or the companion or homemaker service registered under s. 400.509, or by the person being screened, at the discretion of the home health agency, nurse registry, or s. 400.509 registrant.

Section 9. Section 400.6065, Florida Statutes, is amended to read:

400.6065 Background screening.—The agency shall require level 2 background employment or contractor screening for personnel as required in s. 408.809(1)(e) pursuant to chapter 435 and s. 408.809 as provided in chapter 435, using the level 1 standards for screening set forth in that chapter, for hospice personnel.

Section 10. Subsection (2) of section 400.801, Florida Statutes, is amended to read:

400.801 Homes for special services.—

(2)(a) The requirements of part II of chapter 408 apply to the provision of services that require licensure pursuant to this section and part II of chapter 408 and entities licensed by or applying for such licensure from the agency pursuant to this section. A license issued by the agency is required in order to operate a home for special services in this state.

(b) The agency shall require level 2 background screening for personnel as required in s. 408.809(1)(e) pursuant to chapter 435 and s. 408.809.

Section 11. Paragraph (d) is added to subsection (2) of section 400.805, Florida Statutes, to read:

400.805 Transitional living facilities.—

(2)

(d) The agency shall require level 2 background screening for personnel as required in s. 408.809(1)(e) pursuant to chapter 435 and s. 408.809.

Section 12. Section 400.9065, Florida Statutes, is created to read:

400.9065 Background screening.—The agency shall require level 2 background screening for personnel as required in s. 408.809(1)(e) pursuant to chapter 435 and s. 408.809.

Section 13. Subsection (16) of section 400.934, Florida Statutes, is amended to read:

400.934 Minimum standards.—As a requirement of licensure, home medical equipment providers shall:

(16) Establish procedures for maintaining a record of the employment history, including background screening as required by ss. 400.953 and 408.809(1) and chapter 435; of all home medical equipment provider personnel. A home medical equipment provider must require its personnel to submit an employment history to the home medical equipment provider and must verify the employment history for at least the previous 5 years, unless through diligent efforts such verification is not possible. There is no monetary liability on the part of, and no cause of action for damages arising against a former employer, a prospective employee, or a prospective independent contractor with a licensed home medical equipment provider, who reasonably and in good faith communicates his or her honest opinions about a former employee's job per-

formance. This subsection does not affect the official immunity of an officer or employee of a public corporation.

Section 14. Section 400.953, Florida Statutes, is amended to read:

400.953 Background screening of home medical equipment provider personnel.—The agency shall require *level 2 background screening for personnel as required in s. 408.809(1)(e) pursuant to chapter 435 and s. 408.809* employment screening as provided in chapter 435, using the level 1 standards for screening set forth in that chapter, for home medical equipment provider personnel.

(1) ~~The agency may grant exemptions from disqualification from employment under this section as provided in s. 435.07.~~

(2) ~~The general manager of each home medical equipment provider must sign an affidavit annually, under penalty of perjury, stating that all home medical equipment provider personnel hired on or after July 1, 1999, who enter the home of a patient in the capacity of their employment have been screened and that its remaining personnel have worked for the home medical equipment provider continuously since before July 1, 1999.~~

(3) ~~Proof of compliance with the screening requirements of s. 110.1127, s. 393.0655, s. 394.4572, s. 397.451, s. 402.305, s. 402.313, s. 409.175, s. 464.008, or s. 985.644 or this part must be accepted in lieu of the requirements of this section if the person has been continuously employed in the same type of occupation for which he or she is seeking employment without a breach in service that exceeds 180 days, the proof of compliance is not more than 2 years old, and the person has been screened by the Department of Law Enforcement. An employer or contractor shall directly provide proof of compliance to another employer or contractor, and a potential employer or contractor may not accept any proof of compliance directly from the person requiring screening. Proof of compliance with the screening requirements of this section shall be provided, upon request, to the person screened by the home medical equipment provider.~~

(4) ~~There is no monetary liability on the part of, and no cause of action for damages arising against, a licensed home medical equipment provider that, upon notice that an employee has been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under s. 435.03 or under any similar statute of another jurisdiction, terminates the employee, whether or not the employee has filed for an exemption with the agency and whether or not the time for filing has expired.~~

(5) ~~The costs of processing the statewide correspondence criminal records checks must be borne by the home medical equipment provider or by the person being screened, at the discretion of the home medical equipment provider.~~

(6) ~~Neither the agency nor the home medical equipment provider may use the criminal records or juvenile records of a person for any purpose other than determining whether that person meets minimum standards of good moral character for home medical equipment provider personnel.~~

(7)(a) ~~It is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, for any person willfully, knowingly, or intentionally to:~~

1. ~~Fail, by false statement, misrepresentation, impersonation, or other fraudulent means, to disclose in any application for paid employment a material fact used in making a determination as to the person's qualifications to be an employee under this section;~~

2. ~~Operate or attempt to operate an entity licensed under this part with persons who do not meet the minimum standards for good moral character as contained in this section; or~~

3. ~~Use information from the criminal records obtained under this section for any purpose other than screening that person for employment as specified in this section, or release such information to any other person for any purpose other than screening for employment under this section.~~

(b) ~~It is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, for any person willfully, knowingly, or~~

~~intentionally to use information from the juvenile records of a person obtained under this section for any purpose other than screening for employment under this section.~~

Section 15. ~~Section 400.955, Florida Statutes, is repealed.~~

Section 16. Section 400.964, Florida Statutes, is amended to read:

400.964 Personnel screening requirement.—

(1) ~~The agency shall require level 2 background screening for personnel as required in s. 408.809(1)(e) pursuant to chapter 435 and s. 408.809 as provided in chapter 435 for all employees or prospective employees of facilities licensed under this part who are expected to be, or whose responsibilities are such that they would be considered to be, a direct service provider.~~

(2) ~~Employers and employees shall comply with the requirements of chapter 435.~~

(3) ~~Applicants and employees shall be excluded from employment pursuant to s. 435.06.~~

(4) ~~The applicant is responsible for paying the fees associated with obtaining the required screening. Payment for the screening must be submitted to the agency as prescribed by the agency.~~

(5) ~~Notwithstanding any other provision of law, persons who have been screened and qualified as required by this section and who have not been unemployed for more than 180 days thereafter, and who under penalty of perjury attest to not having been convicted of a disqualifying offense since the completion of such screening are not required to be rescreened. An employer may obtain, pursuant to s. 435.10, written verification of qualifying screening results from the previous employer or other entity that caused such screening to be performed.~~

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

(7) ~~All employees must comply with the requirements of this section by October 1, 2000. A person employed by a facility licensed pursuant to this part as of the effective date of this act is not required to submit to rescreening if the facility has in its possession written evidence that the person has been screened and qualified according to level 1 standards as specified in s. 435.03. Any current employee who meets the level 1 requirement but does not meet the 5-year residency requirement must provide to the employing facility written attestation under penalty of perjury that the employee has not been convicted of a disqualifying offense in another state or jurisdiction. All applicants hired on or after October 1, 1999, must comply with the requirements of this section.~~

(8) ~~There is no monetary or unemployment liability on the part of, and no cause of action for damages arises against an employer that, upon notice of a disqualifying offense listed under chapter 435 or an act of domestic violence, terminates the employee, whether or not the employee has filed for an exemption with the Department of Health or the Agency for Health Care Administration.~~

Section 17. Subsection (3) of section 400.980, Florida Statutes, is amended to read:

400.980 Health care services pools.—

(3) ~~Upon receipt of a completed, signed, and dated application, The agency shall require level 2 background screening for personnel as required in s. 408.809(1)(e) pursuant to chapter 435 and s. 408.809, in accordance with the level 1 standards for screening set forth in chapter 435, of every individual who will have contact with patients.~~

Section 18. Subsection (5) of section 400.991, Florida Statutes, is amended to read:

400.991 License requirements; background screenings; prohibitions.—

(5) ~~Each applicant for licensure shall comply with the following requirements:~~

(a) ~~As used in this subsection, the term "applicant" means individuals owning or controlling, directly or indirectly, 5 percent or more~~

of an interest in a clinic; the medical or clinic director, or a similarly titled person who is responsible for the day-to-day operation of the licensed clinic; the financial officer or similarly titled individual who is responsible for the financial operation of the clinic; and licensed health care practitioners at the clinic.

~~(b) Upon receipt of a completed, signed, and dated application, The agency shall require level 2 background screening for applicants and personnel as required in s. 408.809(1)(e) pursuant to chapter 435 and s. 408.809 of the applicant, in accordance with the level 2 standards for screening set forth in chapter 435. Proof of compliance with the level 2 background screening requirements of chapter 435 which has been submitted within the previous 5 years in compliance with any other health care licensure requirements of this state is acceptable in fulfillment of this paragraph. Applicants who own less than 10 percent of a health care clinic are not required to submit fingerprints under this section.~~

(c) Each applicant must submit to the agency, with the application, a description and explanation of any exclusions, permanent suspensions, or terminations of an applicant from the Medicare or Medicaid programs. Proof of compliance with the requirements for disclosure of ownership and control interest under the Medicaid or Medicare programs may be accepted in lieu of this submission. The description and explanation may indicate whether such exclusions, suspensions, or terminations were voluntary or not voluntary on the part of the applicant.

~~(d) A license may not be granted to a clinic if the applicant has been found guilty of, regardless of adjudication, or has entered a plea of nolo contendere or guilty to, any offense prohibited under the level 2 standards for screening set forth in chapter 435, or a violation of insurance fraud under s. 817.234, within the past 5 years. If the applicant has been convicted of an offense prohibited under the level 2 standards or insurance fraud in any jurisdiction, the applicant must show that his or her civil rights have been restored prior to submitting an application.~~

Section 19. Paragraph (h) is added to subsection (1) of section 408.806, Florida Statutes, to read:

408.806 License application process.—

(1) An application for licensure must be made to the agency on forms furnished by the agency, submitted under oath, and accompanied by the appropriate fee in order to be accepted and considered timely. The application must contain information required by authorizing statutes and applicable rules and must include:

(h) An affidavit, under penalty of perjury, as required in s. 435.05(3), stating compliance with the provisions of this section and chapter 435.

Section 20. Subsection (2) of section 408.808, Florida Statutes, is amended to read:

408.808 License categories.—

~~(2) PROVISIONAL LICENSE.—A provisional license may be issued to an applicant pursuant to s. 408.809(3). An applicant against whom a proceeding denying or revoking a license is pending at the time of license renewal may be issued a provisional license effective until final action not subject to further appeal. A provisional license may also be issued to an applicant applying for a change of ownership. A provisional license must shall be limited in duration to a specific period of time, up not to exceed 12 months, as determined by the agency.~~

Section 21. Section 408.809, Florida Statutes, is amended to read:

408.809 Background screening; prohibited offenses.—

(1) Level 2 background screening pursuant to chapter 435 must be conducted through the agency on each of the following persons, who ~~are shall be considered employees an employee~~ for the purposes of conducting screening under chapter 435:

(a) The licensee, if an individual.

(b) The administrator or a similarly titled person who is responsible for the day-to-day operation of the provider.

(c) The financial officer or similarly titled individual who is responsible for the financial operation of the licensee or provider.

(d) Any person who is a controlling interest if the agency has reason to believe that such person has been convicted of any offense prohibited by s. 435.04. For each controlling interest who has been convicted of any such offense, the licensee shall submit to the agency a description and explanation of the conviction at the time of license application.

~~(e) Any person, as required by authorizing statutes, seeking employment with a licensee or provider who is expected to, or whose responsibilities may require him or her to, provide personal care or services directly to clients or have access to client funds, personal property, or living areas; and any person, as required by authorizing statutes, contracting with a licensee or provider whose responsibilities require him or her to provide personal care or personal services directly to clients. Evidence of contractor screening may be retained by the contractor's employer or the licensee.~~

(2) ~~Every 5 years following his or her licensure, employment, or entry into a contract in a capacity that under subsection (1) would require level 2 background screening under chapter 435, each such person must submit to level 2 background rescreening as a condition of retaining such license or continuing in such employment or contractual status. For any such rescreening, the agency shall request the Department of Law Enforcement to forward the person's fingerprints to the Federal Bureau of Investigation for a national criminal history record check. If the fingerprints of such a person are not retained by the Department of Law Enforcement under s. 943.05(2)(g), the person must file a complete set of fingerprints with the agency and the agency shall forward the fingerprints to the Department of Law Enforcement for state processing, and the Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for a national criminal history record check. The fingerprints may be retained by the Department of Law Enforcement under s. 943.05(2)(g). The cost of the state and national criminal history records checks required by level 2 screening may be borne by the licensee or the person fingerprinted. Proof of compliance with level 2 screening standards submitted within the previous 5 years to meet any provider or professional licensure requirements of the agency, the Department of Health, the Agency for Persons with Disabilities, or the Department of Children and Family Services, or the Department of Financial Services for an applicant for a certificate of authority or provisional certificate of authority to operate a continuing care retirement community under chapter 651 satisfies the requirements of this section if the person subject to screening has not been unemployed for more than 90 days and, provided that such proof is accompanied, under penalty of perjury, by an affidavit of compliance with the provisions of chapter 435 and this section using forms provided by the agency. Proof of compliance with the background screening requirements of the Department of Financial Services submitted within the previous 5 years for an applicant for a certificate of authority to operate a continuing care retirement community under chapter 651 satisfies the Department of Law Enforcement and Federal Bureau of Investigation portions of a level 2 background check.~~

(3) ~~All fingerprints must be provided in electronic format. Screening results shall be reviewed by the agency with respect to the offenses specified in s. 435.04 and this section, and the qualifying or disqualifying status of the person named in the request shall be maintained in a database. The qualifying or disqualifying status of the person named in the request shall be posted on a secure website for retrieval by the licensee or designated agent on the licensee's behalf. A provisional license may be granted to an applicant when each individual required by this section to undergo background screening has met the standards for the Department of Law Enforcement background check but the agency has not yet received background screening results from the Federal Bureau of Investigation. A standard license may be granted to the licensee upon the agency's receipt of a report of the results of the Federal Bureau of Investigation background screening for each individual required by this section to undergo background screening that confirms that all standards have been met or upon the granting of an exemption from disqualification by the agency as set forth in chapter 435.~~

~~(4) When a person is newly employed in a capacity that requires screening under this section, the licensee must notify the agency of the change within the time period specified in the authorizing statute or rules and must submit to the agency information necessary to conduct level 2 screening or provide evidence of compliance with background~~

screening requirements of this section. The person may serve in his or her capacity pending the agency's receipt of the report from the Federal Bureau of Investigation if he or she has met the standards for the Department of Law Enforcement background check. However, the person may not continue to serve in his or her capacity if the report indicates any violation of background screening standards unless an exemption from disqualification has been granted by the agency as set forth in chapter 435.

~~(4)(5)~~ ⁽⁴⁾⁽⁵⁾ Effective October 1, 2009, In addition to the offenses listed in s. ~~ss. 435.03 and 435.04~~, all persons required to undergo background screening pursuant to this part or authorizing statutes *must not have an arrest awaiting final disposition for*, must not have been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, *and must not have been adjudicated delinquent and the record not have been sealed or expunged* for any of the following offenses or any similar offense of another jurisdiction:

- (a) Any authorizing statutes, if the offense was a felony.
- (b) This chapter, if the offense was a felony.
- (c) Section 409.920, relating to Medicaid provider fraud, ~~if the offense was a felony.~~
- (d) Section 409.9201, relating to Medicaid fraud, ~~if the offense was a felony.~~
- (e) Section 741.28, relating to domestic violence.
- ~~(f) Chapter 784, relating to assault, battery, and culpable negligence, if the offense was a felony.~~
- ~~(g) Section 810.02, relating to burglary.~~
- ~~(f)(h)~~ ^{(f)(h)} Section 817.034, relating to fraudulent acts through mail, wire, radio, electromagnetic, photoelectronic, or photooptical systems.
- ~~(g)(i)~~ ^{(g)(i)} Section 817.234, relating to false and fraudulent insurance claims.
- ~~(h)(j)~~ ^{(h)(j)} Section 817.505, relating to patient brokering.
- ~~(i)(k)~~ ^{(i)(k)} Section 817.568, relating to criminal use of personal identification information.
- ~~(j)(l)~~ ^{(j)(l)} Section 817.60, relating to obtaining a credit card through fraudulent means.
- ~~(k)(m)~~ ^{(k)(m)} Section 817.61, relating to fraudulent use of credit cards, if the offense was a felony.
- ~~(l)(n)~~ ^{(l)(n)} Section 831.01, relating to forgery.
- ~~(m)(o)~~ ^{(m)(o)} Section 831.02, relating to uttering forged instruments.
- ~~(n)(p)~~ ^{(n)(p)} Section 831.07, relating to forging bank bills, checks, drafts, or promissory notes.
- ~~(o)(q)~~ ^{(o)(q)} Section 831.09, relating to uttering forged bank bills, checks, drafts, or promissory notes.
- ~~(p)(r)~~ ^{(p)(r)} Section 831.30, relating to fraud in obtaining medicinal drugs.

~~(q)(s)~~ ^{(q)(s)} Section 831.31, relating to the sale, manufacture, delivery, or possession with the intent to sell, manufacture, or deliver any counterfeit controlled substance, if the offense was a felony.

A person who serves as a controlling interest of, or is employed by, or contracts with a licensee on July 31, 2010 ~~September 30, 2009~~, who has been screened and qualified according to standards specified in s. 435.03 or s. 435.04 *must be rescreened by July 31, 2015. The agency may adopt rules to establish a schedule to stagger the implementation of the required rescreening over the 5-year period, beginning July 31, 2010, through July 31, 2015. If, upon rescreening, is not required by law to submit to rescreening if that licensee has in its possession written evidence that the person has been screened and qualified according to the standards specified in s. 435.03 or s. 435.04. However, if such person has a disqualifying offense that was not a disqualifying offense at the time of the last screening, but is a current disqualifying offense and was committed*

~~before the last screening listed in this section~~, he or she may apply for an exemption from the appropriate licensing agency ~~before September 30, 2009~~, and, if agreed to by the employer, may continue to perform his or her duties until the licensing agency renders a decision on the application for exemption *if the person is eligible to apply for an exemption and the exemption request is received by the agency within 30 days after receipt of the rescreening results by the person for offenses listed in this section. Exemptions from disqualification may be granted pursuant to s. 435.07.*

~~(5)(6)~~ ⁽⁵⁾⁽⁶⁾ The costs associated with obtaining the required screening must be borne by the licensee or the person subject to screening. Licensees may reimburse persons for these costs. The Department of Law Enforcement shall charge the agency for screening pursuant to s. 943.053(3). The agency shall establish a schedule of fees to cover the costs of screening. ~~The attestations required under ss. 435.04(5) and 435.05(3) must be submitted at the time of license renewal, notwithstanding the provisions of ss. 435.04(5) and 435.05(3) which require annual submission of an affidavit of compliance with background screening requirements.~~

~~(6)(a)~~ ^{(6)(a)} As provided in chapter 435, the agency may grant an exemption from disqualification to a person who is subject to this section and who:

1. Does not have an active professional license or certification from the Department of Health; or
2. Has an active professional license or certification from the Department of Health but is not providing a service within the scope of that license or certification.

~~(b)~~ ^(b) As provided in chapter 435, the appropriate regulatory board within the Department of Health, or the department itself if there is no board, may grant an exemption from disqualification to a person who is subject to this section and who has received a professional license or certification from the Department of Health or a regulatory board within that department and that person is providing a service within the scope of his or her licensed or certified practice.

~~(7)~~ ⁽⁷⁾ The agency and the Department of Health may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this section, chapter 435, and authorizing statutes requiring background screening and to implement and adopt criteria relating to retaining fingerprints pursuant to s. 943.05(2).

~~(8)~~ ⁽⁸⁾ There is no unemployment compensation or other monetary liability on the part of, and no cause of action for damages arising against, an employer that, upon notice of a disqualifying offense listed under chapter 435 or this section, terminates the person against whom the report was issued, whether or not that person has filed for an exemption with the Department of Health or the agency.

Section 22. Subsection (3) of section 402.302, Florida Statutes, is amended to read:

402.302 Definitions.—

(3) "Child care personnel" means all owners, operators, employees, and volunteers working in a child care facility. The term does not include persons who work in a child care facility after hours when children are not present or parents of children in a child care facility ~~Head Start~~. For purposes of screening, the term includes any member, over the age of 12 years, of a child care facility operator's family, or person, over the age of 12 years, residing with a child care facility operator if the child care facility is located in or adjacent to the home of the operator or if the family member of, or person residing with, the child care facility operator has any direct contact with the children in the facility during its hours of operation. Members of the operator's family or persons residing with the operator who are between the ages of 12 years and 18 years are ~~shall not be required to be fingerprinted but must shall~~ be screened for delinquency records. For purposes of screening, the term ~~shall also include~~ ^{include} persons who work in child care programs ~~that which~~ provide care for children 15 hours or more each week in public or nonpublic schools, ~~summer day camps~~, family day care homes, or ~~those~~ programs otherwise exempted under s. 402.316. The term does not include public or nonpublic school personnel who are providing care during regular school hours, or after hours for activities related to a school's program for grades kindergarten through 12. A volunteer who assists on an intermittent basis for less than 10 ~~40~~ hours per month is not included in the

term “personnel” for the purposes of screening and training *if a person who meets the screening requirement of s. 402.305(2) is always present and has the volunteer in his or her line of sight, provided that the volunteer is under direct and constant supervision by persons who meet the personnel requirements of s. 402.305(2)*. Students who observe and participate in a child care facility as a part of their required coursework ~~are shall not be considered child care personnel, provided such observation and participation are on an intermittent basis and a person who meets the screening requirement of s. 402.305(2) is always present and has the student in his or her line of sight~~ *the students are under direct and constant supervision of child care personnel.*

Section 23. Paragraphs (i) and (k) of subsection (2) of section 409.175, Florida Statutes, are amended, present paragraphs (b) and (c) of subsection (5) of that section are redesignated as paragraphs (c) and (d), respectively, and a new paragraph (b) is added to that section to read:

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

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

(i) “Personnel” means all owners, operators, employees, and volunteers working in a child-placing agency, family foster home, or residential child-caring agency who may be employed by or do volunteer work for a person, corporation, or agency ~~that which~~ holds a license as a child-placing agency or a residential child-caring agency, but the term does not include those who do not work on the premises where child care is furnished and ~~either~~ have no direct contact with a child or have no contact with a child outside of the presence of the child’s parent or guardian. For purposes of screening, the term ~~includes shall include~~ any member, over the age of 12 years, of the family of the owner or operator or any person other than a client, over the age of 12 years, residing with the owner or operator if the agency or family foster home is located in or adjacent to the home of the owner or operator or if the family member of, or person residing with, the owner or operator has any direct contact with the children. Members of the family of the owner or operator, or persons residing with the owner or operator, who are between the ages of 12 years and 18 years ~~are shall~~ not be required to be fingerprinted, but ~~must shall~~ be screened for delinquency records. For purposes of screening, the term ~~“personnel” shall also includes include~~ owners, operators, employees, and volunteers working in summer day camps, or summer 24-hour camps providing care for children. A volunteer who assists on an intermittent basis for less than ~~10 49~~ hours per month shall not be included in the term “personnel” for the purposes of screening *if a person who meets the screening requirement of this section is always present and has the volunteer in his or her line of sight, provided that the volunteer is under direct and constant supervision by persons who meet the personnel requirements of this section.*

(k) “Screening” means the act of assessing the background of personnel and includes, but is not limited to, employment history checks as provided in chapter 435, using the level 2 standards for screening set forth in that chapter. ~~Screening for employees and volunteers in summer day camps and summer 24-hour camps and screening for all volunteers included under the definition of “personnel” shall be conducted as provided in chapter 435, using the level 1 standards set forth in that chapter.~~

(5)

(b) *The department shall randomly drug test a licensed foster parent if there is a reasonable suspicion that he or she is using illegal drugs. The cost of testing shall be paid by the foster parent but shall be reimbursed by the department if the test is negative. The department may adopt rules necessary to administer this paragraph.*

Section 24. Paragraph (i) of subsection (4) of section 409.221, Florida Statutes, is amended to read:

409.221 Consumer-directed care program.—

(4) CONSUMER-DIRECTED CARE.—

(i) *Background screening requirements.*—All persons who render care under this section ~~must undergo level 2 background screening pursuant to chapter 435 shall comply with the requirements of s. 435.05. Persons shall be excluded from employment pursuant to s. 435.06.~~

~~1. Persons excluded from employment may request an exemption from disqualification, as provided in s. 435.07. Persons not subject to certification or professional licensure may request an exemption from the agency. In considering a request for an exemption, the agency shall comply with the provisions of s. 435.07.~~

~~2. The agency shall, as allowable, reimburse consumer-employed caregivers for the cost of conducting background screening as required by this section.~~

For purposes of this section, a person who has undergone screening, who is qualified for employment under this section and applicable rule, and who has not been unemployed for more than ~~90 180~~ days following such screening is not required to be rescreened. Such person must attest under penalty of perjury to not having been convicted of a disqualifying offense since completing such screening.

Section 25. Subsection (8) of section 409.907, Florida Statutes, is amended to read:

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

(8)(a) Each provider, or each principal of the provider if the provider is a corporation, partnership, association, or other entity, seeking to participate in the Medicaid program must submit a complete set of his or her fingerprints to the agency for the purpose of conducting a criminal history record check. Principals of the provider include any officer, director, billing agent, managing employee, or affiliated person, or any partner or shareholder who has an ownership interest equal to 5 percent or more in the provider. However, a director of a not-for-profit corporation or organization is not a principal for purposes of a background investigation as required by this section if the director: serves solely in a voluntary capacity for the corporation or organization, does not regularly take part in the day-to-day operational decisions of the corporation or organization, receives no remuneration from the not-for-profit corporation or organization for his or her service on the board of directors, has no financial interest in the not-for-profit corporation or organization, and has no family members with a financial interest in the not-for-profit corporation or organization; and if the director submits an affidavit, under penalty of perjury, to this effect to the agency and the not-for-profit corporation or organization submits an affidavit, under penalty of perjury, to this effect to the agency as part of the corporation’s or organization’s Medicaid provider agreement application. Notwithstanding the above, the agency may require a background check for any person reasonably suspected by the agency to have been convicted of a crime. This subsection ~~does shall~~ not apply to:

1. A hospital licensed under chapter 395;
2. A nursing home licensed under chapter 400;
3. A hospice licensed under chapter 400;
4. An assisted living facility licensed under chapter 429;
5. A unit of local government, except that requirements of this subsection apply to nongovernmental providers and entities ~~when~~ contracting with the local government to provide Medicaid services. The actual cost of the state and national criminal history record checks must be borne by the nongovernmental provider or entity; or
6. Any business that derives more than 50 percent of its revenue from the sale of goods to the final consumer, and the business or its controlling parent ~~either~~ is required to file a form 10-K or other similar statement with the Securities and Exchange Commission or has a net worth of \$50 million or more.

(b) *Background screening shall be conducted in accordance with chapter 435 and s. 408.809. The agency shall submit the fingerprints to the Department of Law Enforcement. The department shall conduct a state criminal background investigation and forward the fingerprints to*

the Federal Bureau of Investigation for a national criminal history record check. The cost of the state and national criminal record check shall be borne by the provider.

~~(c) The agency may permit a provider to participate in the Medicaid program pending the results of the criminal record check. However, such permission is fully revocable if the record check reveals any crime related history as provided in subsection (10).~~

~~(c)(d) Proof of compliance with the requirements of level 2 screening under chapter 435 s. 435.04 conducted within 12 months before prior to the date that the Medicaid provider application is submitted to the agency fulfills shall fulfill the requirements of this subsection. Proof of compliance with the requirements of level 1 screening under s. 435.03 conducted within 12 months prior to the date that the Medicaid provider application is submitted to the agency shall meet the requirement that the Department of Law Enforcement conduct a state criminal history record check.~~

Section 26. Paragraph (b) of subsection (48) of section 409.912, Florida Statutes, is amended to read:

409.912 Cost-effective purchasing of health care.—The agency shall purchase goods and services for Medicaid recipients in the most cost-effective manner consistent with the delivery of quality medical care. To ensure that medical services are effectively utilized, the agency may, in any case, require a confirmation or second physician's opinion of the correct diagnosis for purposes of authorizing future services under the Medicaid program. This section does not restrict access to emergency services or poststabilization care services as defined in 42 C.F.R. part 438.114. Such confirmation or second opinion shall be rendered in a manner approved by the agency. The agency shall maximize the use of prepaid per capita and prepaid aggregate fixed-sum basis services when appropriate and other alternative service delivery and reimbursement methodologies, including competitive bidding pursuant to s. 287.057, designed to facilitate the cost-effective purchase of a case-managed continuum of care. The agency shall also require providers to minimize the exposure of recipients to the need for acute inpatient, custodial, and other institutional care and the inappropriate or unnecessary use of high-cost services. The agency shall contract with a vendor to monitor and evaluate the clinical practice patterns of providers in order to identify trends that are outside the normal practice patterns of a provider's professional peers or the national guidelines of a provider's professional association. The vendor must be able to provide information and counseling to a provider whose practice patterns are outside the norms, in consultation with the agency, to improve patient care and reduce inappropriate utilization. The agency may mandate prior authorization, drug therapy management, or disease management participation for certain populations of Medicaid beneficiaries, certain drug classes, or particular drugs to prevent fraud, abuse, overuse, and possible dangerous drug interactions. The Pharmaceutical and Therapeutics Committee shall make recommendations to the agency on drugs for which prior authorization is required. The agency shall inform the Pharmaceutical and Therapeutics Committee of its decisions regarding drugs subject to prior authorization. The agency is authorized to limit the entities it contracts with or enrolls as Medicaid providers by developing a provider network through provider credentialing. The agency may competitively bid single-source-provider contracts if procurement of goods or services results in demonstrated cost savings to the state without limiting access to care. The agency may limit its network based on the assessment of beneficiary access to care, provider availability, provider quality standards, time and distance standards for access to care, the cultural competence of the provider network, demographic characteristics of Medicaid beneficiaries, practice and provider-to-beneficiary standards, appointment wait times, beneficiary use of services, provider turnover, provider profiling, provider licensure history, previous program integrity investigations and findings, peer review, provider Medicaid policy and billing compliance records, clinical and medical record audits, and other factors. Providers shall not be entitled to enrollment in the Medicaid provider network. The agency shall determine instances in which allowing Medicaid beneficiaries to purchase durable medical equipment and other goods is less expensive to the Medicaid program than long-term rental of the equipment or goods. The agency may establish rules to facilitate purchases in lieu of long-term rentals in order to protect against fraud and abuse in the Medicaid program as defined in s. 409.913. The agency may seek federal waivers necessary to administer these policies.

(48)

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

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

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

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

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

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

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

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

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

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

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

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

7. Providers must provide a surety bond of \$50,000 for each provider location, up to a maximum of 5 bonds statewide or an aggregate bond of \$250,000 statewide, as identified by Federal Employer Identification Number. Providers who post a statewide or an aggregate bond must identify all of their locations in any Medicaid durable medical equipment and medical supply provider enrollment application or bond renewal. Each provider location's surety bond must be renewed annually and the

provider must submit proof of renewal even if the original bond is a continuous bond. A licensed orthotist or prosthetist that provides only orthotic or prosthetic devices as a Medicaid durable medical equipment provider is exempt from the provisions in this paragraph.

8. Providers must obtain a level 2 background screening, in accordance with chapter 435 and s. 408.809 as provided under s. 435.04, for each provider employee in direct contact with or providing direct services to recipients of durable medical equipment and medical supplies in their homes. This requirement includes, but is not limited to, repair and service technicians, fitters, and delivery staff. The provider shall pay for the cost of the background screening.

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

- a. Durable medical equipment providers owned and operated by a government entity.
- b. Durable medical equipment providers that are operating within a pharmacy that is currently enrolled as a Medicaid pharmacy provider.
- c. Active, Medicaid-enrolled orthopedic physician groups, primarily owned by physicians, which provide only orthotic and prosthetic devices.

Section 27. Subsection (12) is added to section 411.01, Florida Statutes, to read:

411.01 School readiness programs; early learning coalitions.—

(12) *SUBSTITUTE INSTRUCTORS.*—Each school district shall make a list of all individuals currently eligible to act as a substitute teacher within the county pursuant to the rules adopted by the school district pursuant to s. 1012.35 available to an early learning coalition serving students within the school district. Child care facilities, as defined by s. 402.302, may employ individuals listed as substitute instructors for the purpose of offering the school readiness program, the Voluntary Pre-kindergarten Education Program, and all other legally operating child care programs.

Section 28. Subsection (1) of section 429.14, Florida Statutes, is amended to read:

429.14 Administrative penalties.—

(1) In addition to the requirements of part II of chapter 408, the agency may deny, revoke, and suspend any license issued under this part and impose an administrative fine in the manner provided in chapter 120 against a licensee of an assisted living facility for a violation of any provision of this part, part II of chapter 408, or applicable rules, or for any of the following actions by a licensee of an assisted living facility, for the actions of any person subject to level 2 background screening under s. 408.809, or for the actions of any facility employee:

- (a) An intentional or negligent act seriously affecting the health, safety, or welfare of a resident of the facility.
- (b) The determination by the agency that the owner lacks the financial ability to provide continuing adequate care to residents.
- (c) Misappropriation or conversion of the property of a resident of the facility.
- (d) Failure to follow the criteria and procedures provided under part I of chapter 394 relating to the transportation, voluntary admission, and involuntary examination of a facility resident.
- (e) A citation of any of the following deficiencies as specified in s. 429.19:
 - 1. One or more cited class I deficiencies.
 - 2. Three or more cited class II deficiencies.
 - 3. Five or more cited class III deficiencies that have been cited on a single survey and have not been corrected within the times specified.
- (f) Failure to comply with the

A determination that a person subject to level 2 background screening under s. 408.809 does not meet the

screening standards of this part, s. 408.809(1), or chapter 435 s. 435.04 or that the facility is retaining an employee subject to level 1 background screening standards under s. 429.174 who does not meet the screening standards of s. 435.03 and for whom exemptions from disqualification have not been provided by the agency.

(g) A determination that an employee, volunteer, administrator, or owner, or person who otherwise has access to the residents of a facility does not meet the criteria specified in s. 435.03(2), and the owner or administrator has not taken action to remove the person. Exemptions from disqualification may be granted as set forth in s. 435.07. No administrative action may be taken against the facility if the person is granted an exemption.

(g)(h) Violation of a moratorium.

(h)(i) Failure of the license applicant, the licensee during relicensure, or a licensee that holds a provisional license to meet the minimum license requirements of this part, or related rules, at the time of license application or renewal.

(i)(j) An intentional or negligent life-threatening act in violation of the uniform firesafety standards for assisted living facilities or other firesafety standards that threatens the health, safety, or welfare of a resident of a facility, as communicated to the agency by the local authority having jurisdiction or the State Fire Marshal.

(j)(k) Knowingly operating any unlicensed facility or providing without a license any service that must be licensed under this chapter or chapter 400.

(k)(l) Any act constituting a ground upon which application for a license may be denied.

Section 29. Section 429.174, Florida Statutes, is amended to read:

429.174 Background screening; exemptions.—The agency shall require level 2 background screening for personnel as required in s. 408.809(1)(e) pursuant to chapter 435 and s. 408.809. The owner or administrator of an assisted living facility must conduct level 1 background screening, as set forth in chapter 435, on all employees hired on or after October 1, 1998, who perform personal services as defined in s. 429.02(16). The agency may exempt an individual from employment disqualification as set forth in chapter 435. Such persons shall be considered as having met this requirement if:

(1) Proof of compliance with level 1 screening requirements obtained to meet any professional license requirements in this state is provided and accompanied, under penalty of perjury, by a copy of the person's current professional license and an affidavit of current compliance with the background screening requirements.

(2) The person required to be screened has been continuously employed in the same type of occupation for which the person is seeking employment without a breach in service which exceeds 180 days, and proof of compliance with the level 1 screening requirement which is no more than 2 years old is provided. Proof of compliance shall be provided directly from one employer or contractor to another, and not from the person screened. Upon request, a copy of screening results shall be provided by the employer retaining documentation of the screening to the person screened.

(3) The person required to be screened is employed by a corporation or business entity or related corporation or business entity that owns, operates, or manages more than one facility or agency licensed under this chapter, and for whom a level 1 screening was conducted by the corporation or business entity as a condition of initial or continued employment.

Section 30. Subsection (4) of section 429.67, Florida Statutes, is amended to read:

429.67 Licensure.—

(4) Upon receipt of a completed license application or license renewal, and the fee, The agency shall require level 2 initiate a level 1 background screening for personnel as required in s. 408.809(1)(e), including as provided under chapter 435 on the adult family-care home

provider, the designated relief person, *and* all adult household members, pursuant to chapter 435 and s. 408.809, ~~and all staff members.~~

~~(a) Proof of compliance with level 1 screening standards which has been submitted within the previous 5 years to meet any facility or professional licensure requirements of the agency or the Department of Health satisfies the requirements of this subsection. Such proof must be accompanied, under penalty of perjury, by a copy of the person's current professional license and an affidavit of current compliance with the background screening requirements.~~

~~(b) The person required to be screened must have been continuously employed in the same type of occupation for which the person is seeking employment without a breach in service that exceeds 180 days, and proof of compliance with the level 1 screening requirement which is no more than 2 years old must be provided. Proof of compliance shall be provided directly from one employer or contractor to another, and not from the person screened. Upon request, a copy of screening results shall be provided to the person screened by the employer retaining documentation of the screening.~~

Section 31. Section 429.69, Florida Statutes, is amended to read:

429.69 Denial, revocation, and suspension of a license.—In addition to the requirements of part II of chapter 408, the agency may deny, suspend, and revoke a license for any of the following reasons:

(1) Failure to comply with the ~~of any of the persons required to undergo~~ background screening standards of this part, s. 408.809(1), or chapter 435 under s. 429.67 to meet the level 1 screening standards of s. 435.03, unless an exemption from disqualification has been provided by the agency.

(2) Failure to correct cited fire code violations that threaten the health, safety, or welfare of residents.

Section 32. Paragraph (c) of subsection (2) of section 429.911, Florida Statutes, is amended to read:

429.911 Denial, suspension, revocation of license; emergency action; administrative fines; investigations and inspections.—

(2) Each of the following actions by the owner of an adult day care center or by its operator or employee is a ground for action by the agency against the owner of the center or its operator or employee:

(c) ~~A Failure to comply with the of persons subject to level 2 background screening standards of this part, s. 408.809(1), or chapter 435 under s. 408.809 to meet the screening standards of s. 435.04, or the retention by the center of an employee subject to level 1 background screening standards under s. 429.174 who does not meet the screening standards of s. 435.03 and for whom exemptions from disqualification have not been provided by the agency.~~

Section 33. Section 429.919, Florida Statutes, is amended to read:

429.919 Background screening.—*The agency shall require level 2 background screening for personnel as required in s. 408.809(1)(e) pursuant to chapter 435 and s. 408.809. The owner or administrator of an adult day care center must conduct level 1 background screening as set forth in chapter 435 on all employees hired on or after October 1, 1998, who provide basic services or supportive and optional services to the participants. Such persons satisfy this requirement if*

~~(1) Proof of compliance with level 1 screening requirements obtained to meet any professional license requirements in this state is provided and accompanied, under penalty of perjury, by a copy of the person's current professional license and an affidavit of current compliance with the background screening requirements.~~

~~(2) The person required to be screened has been continuously employed, without a breach in service that exceeds 180 days, in the same type of occupation for which the person is seeking employment and provides proof of compliance with the level 1 screening requirement which is no more than 2 years old. Proof of compliance must be provided directly from one employer or contractor to another, and not from the person screened. Upon request, a copy of screening results shall be provided to the person screened by the employer retaining documentation of the screening.~~

~~(3) The person required to be screened is employed by a corporation or business entity or related corporation or business entity that owns, operates, or manages more than one facility or agency licensed under chapter 400 or this chapter, and for whom a level 1 screening was conducted by the corporation or business entity as a condition of initial or continued employment.~~

Section 34. Section 430.0402, Florida Statutes, is created to read:

430.0402 Screening of direct service providers.—

(1)(a) Level 2 background screening pursuant to chapter 435 is required for direct service providers. Background screening includes employment history checks as provided in s. 435.03(1) and local criminal records checks through local law enforcement agencies.

(b) For purposes of this section, the term "direct service provider" means a person 18 years of age or older who, pursuant to a program to provide services to the elderly, has direct, face-to-face contact with a client while providing services to the client or has access to the client's living areas or to the client's funds or personal property. The term includes coordinators, managers, and supervisors of residential facilities and volunteers.

(2) Licensed physicians, nurses, or other professionals licensed by the Department of Health are not subject to background screening if they are providing a service that is within the scope of their licensed practice.

(3) Refusal on the part of an employer to dismiss a manager, supervisor, or direct service provider who has been found to be in non-compliance with standards of this section shall result in the automatic denial, termination, or revocation of the license or certification, rate agreement, purchase order, or contract, in addition to any other remedies authorized by law.

(4) The background screening conducted pursuant to this section must ensure that, in addition to the disqualifying offenses listed in s. 435.04, no person subject to the provisions of this section has an arrest awaiting final disposition for, has been found guilty of, regardless of adjudication, or entered a plea of *nolo contendere* or guilty to, or has been adjudicated delinquent and the record has not been sealed or expunged for, any offense prohibited under any of the following provisions of state law or similar law of another jurisdiction:

(a) Any authorizing statutes, if the offense was a felony.

(b) Section 409.920, relating to Medicaid provider fraud.

(c) Section 409.9201, relating to Medicaid fraud.

(d) Section 817.034, relating to fraudulent acts through mail, wire, radio, electromagnetic, photoelectronic, or photooptical systems.

(e) Section 817.234, relating to false and fraudulent insurance claims.

(f) Section 817.505, relating to patient brokering.

(g) Section 817.568, relating to criminal use of personal identification information.

(h) Section 817.60, relating to obtaining a credit card through fraudulent means.

(i) Section 817.61, relating to fraudulent use of credit cards, if the offense was a felony.

(j) Section 831.01, relating to forgery.

(k) Section 831.02, relating to uttering forged instruments.

(l) Section 831.07, relating to forging bank bills, checks, drafts, or promissory notes.

(m) Section 831.09, relating to uttering forged bank bills, checks, drafts, or promissory notes.

Section 35. Section 435.01, Florida Statutes, is amended to read:

435.01 Applicability of this chapter; statutory references; rulemaking.—

(1)(a) *Unless otherwise provided by law, whenever a background screening for employment or a background security check is required by law to be conducted pursuant to this chapter for employment, unless otherwise provided by law, the provisions of this chapter shall apply.*

(b) *Unless expressly provided otherwise, a reference in any section of the Florida Statutes to chapter 435 or to any section or sections or portion of a section of chapter 435 includes all subsequent amendments to chapter 435 or to the referenced section or sections or portions of a section. The purpose of this chapter is to facilitate uniform background screening and, to this end, a reference to this chapter, or to any section or subdivision within this chapter, constitutes a general reference under the doctrine of incorporation by reference.*

(2) *Agencies may adopt rules to administer this chapter.*

Section 36. Section 435.02, Florida Statutes, is reordered and amended to read:

435.02 Definitions.—For the purposes of this chapter, *the term:*

(2)(1) “Employee” means any person required by law to be screened pursuant to the provisions of this chapter.

(3)(2) “Employer” means any person or entity required by law to conduct screening of employees pursuant to this chapter.

(1)(3) “Licensing Agency” means any state, or county, or municipal agency that which grants licenses or registration permitting the operation of an employer or is itself an employer or that otherwise facilitates the screening of employees pursuant to this chapter. If when there is no state licensing agency or the municipal or county licensing agency chooses not to conduct employment screening, “licensing agency” means the Department of Children and Family Services.

(4) “Employment” means any activity or service sought to be performed by an employee which requires the employee to be screened pursuant to this chapter.

(5) “Vulnerable person” means a minor as defined in s. 1.01 or a vulnerable adult as defined in s. 415.102.

Section 37. Section 435.03, Florida Statutes, is amended to read:

435.03 Level 1 screening standards.—

(1) All employees required by law to be screened pursuant to this section must ~~shall be required to~~ undergo background screening as a condition of employment and continued employment which includes. For the purposes of this subsection, level 1 screenings shall include, but need not be limited to, employment history checks and statewide criminal correspondence checks through the Florida Department of Law Enforcement, a check of the Dru Sjodin National Sex Offender Public Website, and may include local criminal records checks through local law enforcement agencies.

(2) Any person required by law to be screened pursuant to this section must not have an arrest awaiting final disposition, for whom employment screening is required by statute must not have been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, and must not have been adjudicated delinquent and the record has not been sealed or expunged for, any offense prohibited under s. 435.04(2) any of the following provisions of the Florida Statutes or under any similar law statute of another jurisdiction.:

(a) ~~Section 393.135, relating to sexual misconduct with certain developmentally disabled clients and reporting of such sexual misconduct.~~

(b) ~~Section 394.4593, relating to sexual misconduct with certain mental health patients and reporting of such sexual misconduct.~~

(c) ~~Section 415.111, relating to abuse, neglect, or exploitation of a vulnerable adult.~~

(d) ~~Section 782.04, relating to murder.~~

(e) ~~Section 782.07, relating to manslaughter, aggravated manslaughter of an elderly person or disabled adult, or aggravated manslaughter of a child.~~

~~(f) Section 782.071, relating to vehicular homicide.~~

~~(g) Section 782.09, relating to killing of an unborn quick child by injury to the mother.~~

~~(h) Section 784.011, relating to assault, if the victim of the offense was a minor.~~

~~(i) Section 784.021, relating to aggravated assault.~~

~~(j) Section 784.03, relating to battery, if the victim of the offense was a minor.~~

~~(k) Section 784.045, relating to aggravated battery.~~

~~(l) Section 787.01, relating to kidnapping.~~

~~(m) Section 787.02, relating to false imprisonment.~~

~~(n) Section 794.011, relating to sexual battery.~~

~~(o) Former s. 794.041, relating to prohibited acts of persons in familial or custodial authority.~~

~~(p) Chapter 796, relating to prostitution.~~

~~(q) Section 798.02, relating to lewd and lascivious behavior.~~

~~(r) Chapter 800, relating to lewdness and indecent exposure.~~

~~(s) Section 806.01, relating to arson.~~

~~(t) Chapter 812, relating to theft, robbery, and related crimes, if the offense was a felony.~~

~~(u) Section 817.563, relating to fraudulent sale of controlled substances, only if the offense was a felony.~~

~~(v) Section 825.102, relating to abuse, aggravated abuse, or neglect of an elderly person or disabled adult.~~

~~(w) Section 825.1025, relating to lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled adult.~~

~~(x) Section 825.103, relating to exploitation of an elderly person or disabled adult, if the offense was a felony.~~

~~(y) Section 826.04, relating to incest.~~

~~(z) Section 827.03, relating to child abuse, aggravated child abuse, or neglect of a child.~~

~~(aa) Section 827.04, relating to contributing to the delinquency or dependency of a child.~~

~~(bb) Former s. 827.05, relating to negligent treatment of children.~~

~~(cc) Section 827.071, relating to sexual performance by a child.~~

~~(dd) Chapter 847, relating to obscene literature.~~

~~(ee) Chapter 893, relating to drug abuse prevention and control, only if the offense was a felony or if any other person involved in the offense was a minor.~~

~~(ff) Section 916.1075, relating to sexual misconduct with certain forensic clients and reporting of such sexual misconduct.~~

(3) *The security background investigations under this section must ensure that no person subject to this section has been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense that constitutes domestic violence as defined in s. 741.28, whether such act was committed in this state or in another jurisdiction. Standards must also ensure that the person:*

(a) *For employees and employers licensed or registered pursuant to chapter 400 or chapter 429, and for employees and employers of developmental disabilities centers as defined in s. 393.063, intermediate care facilities for the developmentally disabled as defined in s. 400.960, and*

mental health treatment facilities as defined in s. 394.455, meets the requirements of this chapter.

~~(b) Has not committed an act that constitutes domestic violence as defined in s. 741.28.~~

Section 38. Section 435.04, Florida Statutes, is amended to read:

435.04 Level 2 screening standards.—

(1)(a) All employees *required by law to be screened pursuant to this section must in positions designated by law as positions of trust or responsibility shall be required to* undergo security background investigations as a condition of employment and continued employment *which includes. For the purposes of this subsection, security background investigations shall include, but need not be limited to, fingerprinting for statewide criminal history records all purposes and checks in this subsection, statewide criminal and juvenile records checks through the Florida Department of Law Enforcement, and national federal criminal history records checks through the Federal Bureau of Investigation, and may include local criminal records checks through local law enforcement agencies.*

(b) *Fingerprints submitted pursuant to this section on or after July 1, 2012, must be submitted electronically to the Department of Law Enforcement.*

(c) *An agency may contract with one or more vendors to perform all or part of the electronic fingerprinting pursuant to this section. Such contracts must ensure that the owners and personnel of the vendor performing the electronic fingerprinting are qualified and will ensure the integrity and security of all personal information.*

(d) *An agency may require by rule that fingerprints submitted pursuant to this section must be submitted electronically to the Department of Law Enforcement on a date earlier than July 1, 2012.*

(2) The security background investigations under this section must ensure that no persons subject to the provisions of this section *have been arrested for and are awaiting final disposition of, have been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, or have been adjudicated delinquent and the record has not been sealed or expunged for, any offense prohibited under any of the following provisions of state law the Florida Statutes or under any similar law statute of another jurisdiction:*

(a) Section 393.135, relating to sexual misconduct with certain developmentally disabled clients and reporting of such sexual misconduct.

(b) Section 394.4593, relating to sexual misconduct with certain mental health patients and reporting of such sexual misconduct.

(c) Section 415.111, relating to adult abuse, neglect, or exploitation of aged persons or disabled adults.

(d) Section 782.04, relating to murder.

(e) Section 782.07, relating to manslaughter, aggravated manslaughter of an elderly person or disabled adult, or aggravated manslaughter of a child.

(f) Section 782.071, relating to vehicular homicide.

(g) Section 782.09, relating to killing of an unborn quick child by injury to the mother.

(h) *Chapter 784, relating to assault, battery, and culpable negligence, if the offense was a felony.*

~~(i) Section 784.011, relating to assault, if the victim of the offense was a minor.~~

~~(i) Section 784.021, relating to aggravated assault.~~

(j) Section 784.03, relating to battery, if the victim of the offense was a minor.

~~(k) Section 784.045, relating to aggravated battery.~~

~~(l) Section 784.075, relating to battery on a detention or commitment facility staff.~~

~~(k)(m)~~ Section 787.01, relating to kidnapping.

~~(l)(n)~~ Section 787.02, relating to false imprisonment.

(m) *Section 787.025, relating to luring or enticing a child.*

~~(n)(o)~~ Section 787.04(2), relating to taking, enticing, or removing a child beyond the state limits with criminal intent pending custody proceedings.

~~(o)(p)~~ Section 787.04(3), relating to carrying a child beyond the state lines with criminal intent to avoid producing a child at a custody hearing or delivering the child to the designated person.

~~(p)(q)~~ Section 790.115(1), relating to exhibiting firearms or weapons within 1,000 feet of a school.

~~(q)(r)~~ Section 790.115(2)(b), relating to possessing an electric weapon or device, destructive device, or other weapon on school property.

~~(r)(s)~~ Section 794.011, relating to sexual battery.

~~(s)(t)~~ Former s. 794.041, relating to prohibited acts of persons in familial or custodial authority.

~~(t)~~ *Section 794.05, relating to unlawful sexual activity with certain minors.*

(u) Chapter 796, relating to prostitution.

(v) Section 798.02, relating to lewd and lascivious behavior.

(w) Chapter 800, relating to lewdness and indecent exposure.

(x) Section 806.01, relating to arson.

~~(y)~~ *Section 810.02, relating to burglary.*

~~(z)~~ *Section 810.14, relating to voyeurism, if the offense is a felony.*

~~(aa)~~ *Section 810.145, relating to video voyeurism, if the offense is a felony.*

~~(bb)(y)~~ Chapter 812, relating to theft, robbery, and related crimes, if the offense is a felony.

~~(cc)(z)~~ Section 817.563, relating to fraudulent sale of controlled substances, only if the offense was a felony.

~~(dd)(aa)~~ Section 825.102, relating to abuse, aggravated abuse, or neglect of an elderly person or disabled adult.

~~(ee)(bb)~~ Section 825.1025, relating to lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled adult.

~~(ff)(cc)~~ Section 825.103, relating to exploitation of an elderly person or disabled adult, if the offense was a felony.

~~(gg)(dd)~~ Section 826.04, relating to incest.

~~(hh)(ee)~~ Section 827.03, relating to child abuse, aggravated child abuse, or neglect of a child.

~~(ii)(ff)~~ Section 827.04, relating to contributing to the delinquency or dependency of a child.

~~(jj)(gg)~~ Former s. 827.05, relating to negligent treatment of children.

~~(kk)(hh)~~ Section 827.071, relating to sexual performance by a child.

~~(ll)(ii)~~ Section 843.01, relating to resisting arrest with violence.

~~(mm)(jj)~~ Section 843.025, relating to depriving a law enforcement, correctional, or correctional probation officer means of protection or communication.

~~(nn)(kk)~~ Section 843.12, relating to aiding in an escape.

~~(oo)(hh)~~ Section 843.13, relating to aiding in the escape of juvenile inmates in correctional institutions.

~~(pp)(mm)~~ Chapter 847, relating to obscene literature.

~~(qq)(nn)~~ Section 874.05(1), relating to encouraging or recruiting another to join a criminal gang.

~~(rr)(oo)~~ Chapter 893, relating to drug abuse prevention and control, only if the offense was a felony or if any other person involved in the offense was a minor.

~~(ss)(pp)~~ Section 916.1075, relating to sexual misconduct with certain forensic clients and reporting of such sexual misconduct.

~~(tt)(qq)~~ Section 944.35(3), relating to inflicting cruel or inhuman treatment on an inmate resulting in great bodily harm.

~~(uu)~~ Section 944.40, relating to escape.

~~(vv)(rr)~~ Section 944.46, relating to harboring, concealing, or aiding an escaped prisoner.

~~(ww)(ss)~~ Section 944.47, relating to introduction of contraband into a correctional facility.

~~(xx)(tt)~~ Section 985.701, relating to sexual misconduct in juvenile justice programs.

~~(yy)(uu)~~ Section 985.711, relating to contraband introduced into detention facilities.

(3) ~~The security background investigations under this section must ensure that no person subject to this section has been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense that constitutes domestic violence as defined in s. 741.28, whether such act was committed in this state or in another jurisdiction. The security background investigations conducted under this section for employees of the Department of Juvenile Justice must ensure that no persons subject to the provisions of this section have been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under any of the following provisions of the Florida Statutes or under any similar statute of another jurisdiction:~~

~~(a) Section 784.07, relating to assault or battery of law enforcement officers, firefighters, emergency medical care providers, public transit employees or agents, or other specified officers.~~

~~(b) Section 810.02, relating to burglary, if the offense is a felony.~~

~~(c) Section 944.40, relating to escape.~~

~~The Department of Juvenile Justice may not remove a disqualification from employment or grant an exemption to any person who is disqualified under this section for any offense disposed of during the most recent 7-year period.~~

~~(4) Standards must also ensure that the person:~~

~~(a) For employees or employers licensed or registered pursuant to chapter 400 or chapter 429, does not have a confirmed report of abuse, neglect, or exploitation as defined in s. 415.102(6), which has been uncontroverted or upheld under s. 415.103.~~

~~(b) Has not committed an act that constitutes domestic violence as defined in s. 741.20.~~

~~(5) Under penalty of perjury, all employees in such positions of trust or responsibility shall attest to meeting the requirements for qualifying for employment and agreeing to inform the employer immediately if convicted of any of the disqualifying offenses while employed by the employer. Each employer of employees in such positions of trust or responsibilities which is licensed or registered by a state agency shall submit to the licensing agency annually or at the time of license renewal, under penalty of perjury, an affidavit of compliance with the provisions of this section.~~

Section 39. Section 435.05, Florida Statutes, is amended to read:

435.05 Requirements for covered employees *and employers*.—Except as otherwise provided by law, the following requirements ~~shall~~ apply to covered employees *and employers*:

(1)(a) Every person *required by law to be screened pursuant to this chapter must employed in a position for which employment screening is required must, within 5 working days after starting to work, submit to the employer a complete set of information necessary to conduct a screening under this chapter section.*

(b) For level 1 screening, the employer must submit the information necessary for screening to the Florida Department of Law Enforcement within 5 working days after receiving it. The Florida Department of Law Enforcement ~~shall will~~ conduct a search of its records and ~~will~~ respond to the employer or agency. The employer ~~must will~~ inform the employee whether screening has revealed any disqualifying information.

(c) For level 2 screening, the employer or ~~licensing agency~~ must submit the information necessary for screening to the Florida Department of Law Enforcement within 5 working days after receiving it. The Florida Department of Law Enforcement ~~shall perform a criminal history record check of its will conduct a search of its criminal and juvenile records and will request that the Federal Bureau of Investigation perform a national criminal history record check conduct a search~~ of its records for each employee for whom the request is made. The Florida Department of Law Enforcement ~~shall will~~ respond to the employer or ~~licensing agency, and the employer or licensing agency must will~~ inform the employee whether screening has revealed disqualifying information.

(d) The person whose background is being checked must supply any missing criminal or other necessary information *upon request to the requesting employer or agency* within 30 days after receiving the ~~employer makes a request for the information or be subject to automatic disqualification.~~

(2) ~~Every employee must attest, subject to penalty of perjury, to meeting the requirements for qualifying for employment pursuant to this chapter and agreeing to inform the employer immediately if arrested for any of the disqualifying offenses while employed by the employer. Unless otherwise prohibited by state or federal law, new employees may be placed on probationary status pending a determination of compliance with minimum standards set forth in this chapter.~~

(3) Each employer *licensed or registered with an agency must re-*quire to conduct level 2 background screening *and must submit to the agency sign an affidavit* annually or at the time of license renewal, under penalty of perjury, a signed affidavit attesting to compliance with the provisions of this chapter ~~stating that all covered employees have been screened or are newly hired and are awaiting the results of the required screening checks.~~

Section 40. Section 435.06, Florida Statutes, is amended to read:

435.06 Exclusion from employment.—

(1) ~~If When~~ an employer or ~~licensing agency~~ has reasonable cause to believe that grounds exist for the denial or termination of employment of any employee as a result of background screening, it shall notify the employee in writing, stating the specific record ~~that which~~ indicates noncompliance with the standards in this ~~chapter section~~. It ~~is shall be~~ the responsibility of the affected employee to contest his or her disqualification or to request exemption from disqualification. The only basis for contesting the disqualification ~~is shall be~~ proof of mistaken identity.

(2)(a) ~~An employer may not hire, select, or otherwise allow an employee to have contact with any vulnerable person that would place the employee in a role that requires background screening until the screening process is completed and demonstrates the absence of any grounds for the denial or termination of employment. If the screening process shows any grounds for the denial or termination of employment, the employer may not hire, select, or otherwise allow the employee to have contact with any vulnerable person that would place the employee in a role that requires background screening unless the employee is granted an exemption for the disqualification by the agency as provided under s. 435.07.~~

(b) ~~If an employer becomes aware that an employee has been arrested for a disqualifying offense, the employer must remove the employee from~~

contact with any vulnerable person that places the employee in a role that requires background screening until the arrest is resolved in a way that the employer determines that the employee is still eligible for employment under this chapter.

(c) The employer must either terminate the employment of any of its personnel found to be in noncompliance with the minimum standards of this chapter ~~for good moral character contained in this section~~ or place the employee in a position for which background screening is not required unless the employee is granted an exemption from disqualification pursuant to s. 435.07.

(3) Any employee ~~person who is required to undergo employment screening and~~ who refuses to cooperate in such screening or refuses to timely submit the information necessary to complete the screening, including fingerprints if ~~when~~ required, must ~~shall~~ be disqualified for employment in such position or, if employed, must ~~shall~~ be dismissed.

(4) There is no unemployment compensation or other monetary liability on the part of, and no cause of action for damages against, an employer that, upon notice of a conviction or arrest for a disqualifying offense listed under this chapter, terminates the person against whom the report was issued or who was arrested, regardless of whether or not that person has filed for an exemption pursuant to this chapter.

Section 41. Section 435.07, Florida Statutes, is amended to read:

435.07 Exemptions from disqualification.—Unless otherwise provided by law, the provisions of this section ~~shall~~ apply to exemptions from disqualification for disqualifying offenses revealed pursuant to background screenings required under this chapter, regardless of whether those disqualifying offenses are listed in this chapter or other laws.

(1) The head of the appropriate ~~licensing~~ agency may grant to any employee otherwise disqualified from employment an exemption from disqualification for:

(a) Felonies for which at least 3 years have elapsed since the applicant for the exemption has completed or been lawfully released from confinement, supervision, or sanction for the disqualifying felony ~~committed more than 3 years prior to the date of disqualification;~~

(b) Misdemeanors prohibited under any of the Florida statutes cited in this chapter or under similar statutes of other jurisdictions for which the applicant for the exemption has completed or been lawfully released from confinement, supervision, or sanction;

(c) Offenses that were felonies when committed but that are now misdemeanors and for which the applicant for the exemption has completed or been lawfully released from confinement, supervision, or sanction; or

(d) Findings of delinquency. For offenses that would be felonies if committed by an adult and the record has not been sealed or expunged, the exemption may not be granted until at least 3 years have elapsed since the applicant for the exemption has completed or been lawfully released from confinement, supervision, or sanction for the disqualifying offense; ~~or~~

~~(e) Commissions of acts of domestic violence as defined in s. 741.30.~~

For the purposes of this subsection, the term “felonies” means both felonies prohibited under any of the Florida statutes cited in this chapter or under similar statutes of other jurisdictions.

(2) Persons employed, or applicants for employment, by treatment providers who treat adolescents 13 years of age and older who are disqualified from employment solely because of crimes under s. 817.563, s. 893.13, or s. 893.147 may be exempted from disqualification from employment pursuant to this chapter ~~section~~ without application of the 3-year waiting period in paragraph (1)(a).

(3)(a) In order for the head of an agency ~~a licensing department~~ to grant an exemption to any employee, the employee must demonstrate by clear and convincing evidence that the employee should not be disqualified from employment. Employees seeking an exemption have the burden of setting forth clear and convincing ~~sufficient~~ evidence of rehabilitation, including, but not limited to, the circumstances surrounding the criminal incident for which an exemption is sought, the time

period that has elapsed since the incident, the nature of the harm caused to the victim, and the history of the employee since the incident, or any other evidence or circumstances indicating that the employee will not present a danger if employment or continued employment is allowed.

(b) The agency may consider as part of its deliberations of the employee's rehabilitation the fact that the employee has, subsequent to the conviction for the disqualifying offense for which the exemption is being sought, been arrested for or convicted of another crime, even if that crime is not a disqualifying offense.

(c) The decision of the head of an agency ~~licensing department~~ regarding an exemption may be contested through the hearing procedures set forth in chapter 120. The standard of review by the administrative law judge is whether the agency's intended action is an abuse of discretion.

(4)(a) Disqualification from employment under this chapter ~~subsection (1)~~ may not be removed from, nor may an exemption be granted to, any personnel who is found guilty of, regardless of adjudication, or who has entered a plea of nolo contendere or guilty to, any felony covered by s. 435.03 or s. 435.04 solely by reason of any pardon, executive clemency, or restoration of civil rights.

(b) Disqualification from employment under this chapter may not be removed from, nor may an exemption be granted to, any person who is a:

1. Sexual predator as designated pursuant to s. 775.21;

2. Career offender pursuant to s. 775.261; or

3. Sexual offender pursuant to s. 943.0435, unless the requirement to register as a sexual offender has been removed pursuant to s. 943.04354.

(5) Exemptions granted by one ~~licensing~~ agency shall be considered by subsequent ~~licensing~~ agencies, but are not binding on the subsequent ~~licensing~~ agency.

Section 42. Section 435.08, Florida Statutes, is amended to read:

435.08 Payment for processing of fingerprints and state criminal records checks.—~~Either~~ The employer or the employee is responsible for paying the costs of screening. Payment shall be submitted to the Florida Department of Law Enforcement with the request for screening. The appropriate agency is responsible for collecting and paying any fee related to fingerprints retained on its behalf to the Department of Law Enforcement for costs resulting from the fingerprint information retention services. The amount of the annual fee and procedures for the submission and retention of fingerprint information and for the dissemination of search results shall be established by rule of the Department of Law Enforcement.

Section 43. Subsection (1) of section 464.203, Florida Statutes, is amended to read:

464.203 Certified nursing assistants; certification requirement.—

(1) The board shall issue a certificate to practice as a certified nursing assistant to any person who demonstrates a minimum competency to read and write and successfully passes the required ~~background Level I or Level II~~ screening pursuant to s. 400.215 and meets one of the following requirements:

(a) Has successfully completed an approved training program and achieved a minimum score, established by rule of the board, on the nursing assistant competency examination, which consists of a written portion and skills-demonstration portion approved by the board and administered at a site and by personnel approved by the department.

(b) Has achieved a minimum score, established by rule of the board, on the nursing assistant competency examination, which consists of a written portion and skills-demonstration portion, approved by the board and administered at a site and by personnel approved by the department and:

1. Has a high school diploma, or its equivalent; or

2. Is at least 18 years of age.

(c) Is currently certified in another state; is listed on that state's certified nursing assistant registry; and has not been found to have committed abuse, neglect, or exploitation in that state.

(d) Has completed the curriculum developed under the Enterprise Florida Jobs and Education Partnership Grant and achieved a minimum score, established by rule of the board, on the nursing assistant competency examination, which consists of a written portion and skills-demonstration portion, approved by the board and administered at a site and by personnel approved by the department.

Section 44. Subsection (9) of section 489.115, Florida Statutes, is amended to read:

489.115 Certification and registration; endorsement; reciprocity; renewals; continuing education.—

(9) An initial applicant shall submit, along with the application, a complete set of fingerprints to ~~in a form and manner required by~~ the department. The fingerprints shall be submitted to the Department of Law Enforcement for state processing, and the Department of Law Enforcement shall forward them to the Federal Bureau of Investigation for national processing for the purpose of determining if the applicant has a criminal history record ~~conducting a level 2 background check pursuant to s. 435.04~~. The department shall and the board may review the background results to determine if an applicant meets licensure requirements. The cost for the fingerprint processing shall be borne by the person subject to the background screening. These fees are to be collected by the authorized agencies or vendors. The authorized agencies or vendors are responsible for paying the processing costs to the Department of Law Enforcement.

Section 45. Paragraphs (g) and (h) of subsection (2) of section 943.05, Florida Statutes, are amended, and subsection (4) is added to that section, to read:

943.05 Criminal Justice Information Program; duties; crime reports.—

(2) The program shall:

(g) Upon official written request, and subject to the department having sufficient funds and equipment to participate in such request, from the agency executive director or secretary, or designee, or from qualified entities participating in the volunteer and employee criminal history screening system under s. 943.0542, or as otherwise required ~~As authorized~~ by law, retain fingerprints submitted by criminal and noncriminal justice agencies to the department for a criminal history background screening ~~as in a manner~~ provided by rule and enter the fingerprints in the statewide automated fingerprint identification system authorized by paragraph (b). Such fingerprints shall thereafter be available for all purposes and uses authorized for arrest fingerprint submissions ~~cards~~ entered into the statewide automated fingerprint identification system pursuant to s. 943.051.

~~(h) For each agency or qualified entity that officially requests retention of fingerprints or for which retention is otherwise required As~~ authorized by law, search all arrest fingerprint submissions ~~cards~~ received under s. 943.051 against the fingerprints retained in the statewide automated fingerprint identification system under paragraph (g).

1. Any arrest record that is identified with the retained fingerprints of a person subject to background screening as provided in paragraph (g) shall be reported to the appropriate agency or qualified entity.

2. ~~To Agencies may~~ participate in this search process, agencies or qualified entities must notify each person fingerprinted that his or her fingerprints will be retained, pay ~~by payment of~~ an annual fee to the department, and ~~inform by informing~~ the department of any change in the affiliation, employment, or contractual status ~~or place of affiliation, employment, or contracting~~ of each person ~~the persons~~ whose fingerprints are retained under paragraph (g) if such change removes or eliminates the agency or qualified entity's basis or need for receiving reports of any arrest of that person, so that the agency or qualified entity is not obligated to pay the upcoming annual fee for the retention and searching of that person's fingerprints to the department. The department shall adopt a rule setting the amount of the annual fee to be imposed upon each participating agency or qualified entity for performing these

searches and establishing the procedures for the retention of fingerprints and the dissemination of search results. The fee may be borne by the agency, qualified entity, or person subject to fingerprint retention or as otherwise provided by law. ~~Fees may be waived or reduced by the executive director for good cause shown.~~ Consistent with the recognition of criminal justice agencies expressed in s. 943.053(3), these services shall ~~will~~ be provided to criminal justice agencies for criminal justice purposes free of charge.

3. Agencies that participate in the fingerprint retention and search process may adopt rules to require employers to keep the agency informed of any change in the affiliation, employment, or contractual status of each person whose fingerprints are retained under paragraph (g) if such change removes or eliminates the agency's basis or need for receiving reports of any arrest of that person, so that the agency is not obligated to pay the upcoming annual fee for the retention and searching of that person's fingerprints to the department.

(4) Upon notification that a federal fingerprint retention program is in effect, and subject to the department being funded and equipped to participate in such program, the department shall, if state and national criminal history records checks and retention of submitted prints are authorized or required by law, retain the fingerprints as provided in paragraphs (2)(g) and (h) and advise the Federal Bureau of Investigation to retain the fingerprints at the national level for searching against arrest fingerprint submissions received at the national level.

Section 46. Subsections (6) and (11) of section 943.053, Florida Statutes, are amended to read:

943.053 Dissemination of criminal justice information; fees.—

(6) Notwithstanding any other provision of law, the department shall provide to the Florida Department of Revenue ~~Child Support Enforcement~~ access to Florida criminal records that ~~which~~ are not exempt from disclosure under chapter 119, and to such information as may be lawfully available from other states via the National Law Enforcement Telecommunications System, for the purpose of locating subjects who owe or potentially owe support, as defined in s. 409.2554, or to whom such obligation is owed pursuant to Title IV-D of the Social Security Act. Such information may be provided to child support enforcement authorities in other states for these specific purposes.

(11) A criminal justice agency that is authorized under federal rules or law to conduct a criminal history background check on an agency employee who is not certified by the Criminal Justice Standards and Training Commission under s. 943.12 may submit to the department the fingerprints of the noncertified employee to obtain state and national criminal history information. ~~Effective January 15, 2007,~~ The fingerprints ~~submitted~~ shall be retained and entered in the statewide automated fingerprint identification system authorized by s. 943.05 and shall be available for all purposes and uses authorized for arrest fingerprint submissions ~~cards~~ entered in the statewide automated fingerprint identification system pursuant to s. 943.051. The department shall search all arrest fingerprint submissions ~~cards~~ received pursuant to s. 943.051 against the fingerprints retained in the statewide automated fingerprint identification system pursuant to this section. In addition to all purposes and uses authorized for arrest fingerprint submissions ~~cards~~ for which submitted fingerprints may be used, any arrest record that is identified with the retained employee fingerprints must be reported to the submitting employing agency.

Section 47. Paragraph (a) of subsection (2) of section 984.01, Florida Statutes, is amended to read:

984.01 Purposes and intent; personnel standards and screening.—

(2) The Department of Juvenile Justice or the Department of Children and Family Services, as appropriate, may contract with the Federal Government, other state departments and agencies, county and municipal governments and agencies, public and private agencies, and private individuals and corporations in carrying out the purposes of, and the responsibilities established in, this chapter.

(a) ~~When~~ the department of Juvenile Justice or the Department of Children and Family Services contracts with a provider for any program for children, all personnel, including owners, operators, employees, and volunteers, in the facility must be of good moral character. Each contract

entered into by either department for services delivered on an appointment or intermittent basis by a provider that does not have regular custodial responsibility for children and each contract with a school for before or aftercare services must ensure that the owners, operators, and all personnel who have direct contact with children are of good moral character. A volunteer who assists on an intermittent basis for less than 10 40 hours per month need not be screened if a person who meets the screening requirement of this section is always present and has the volunteer in his or her line of sight the volunteer is under direct and constant supervision by persons who meet the screening requirements.

Section 48. Section 985.644, Florida Statutes, is amended to read:

985.644 Departmental contracting powers; personnel standards and screening.—

(1) The department of Juvenile Justice or the Department of Children and Family Services, as appropriate, may contract with the Federal Government, other state departments and agencies, county and municipal governments and agencies, public and private agencies, and private individuals and corporations in carrying out the purposes of, and the responsibilities established in, this chapter.

(a) ~~When the Department of Juvenile Justice or the Department of Children and Family Services contracts with a provider for any program for children, all personnel, including owners, operators, employees, and volunteers, in the facility must be of good moral character. Each contract entered into by the either department for services delivered on an appointment or intermittent basis by a provider that does not have regular custodial responsibility for children and each contract with a school for before or aftercare services must ensure that all the owners, operators, and all personnel who have direct contact with children are subject to level 2 background screening pursuant to chapter 435 of good moral character.~~

(b) A volunteer who assists the department or any program for children on an intermittent basis for less than 10 40 hours per month need not be screened if a person who meets the screening requirement of this section is always present and has the volunteer in his or her line of sight the volunteer is under direct and constant supervision by persons who meet the screening requirements.

(b) ~~The Department of Juvenile Justice and the Department of Children and Family Services shall require employment screening pursuant to chapter 435, using the level 2 standards set forth in that chapter for personnel in programs for children or youths.~~

(c) ~~The Department of Juvenile Justice or the Department of Children and Family Services may grant exemptions from disqualification from working with children as provided in s. 435.07.~~

(2) ~~The department may contract with the Federal Government, other state departments and agencies, county and municipal governments and agencies, public and private agencies, and private individuals and corporations in carrying out the purposes and the responsibilities of the delinquency services and programs of the department.~~

(2)(3) The department shall adopt a rule pursuant to chapter 120 establishing a procedure to provide notice of policy changes that affect contracted delinquency services and programs. A policy is defined as an operational requirement that applies to only the specified contracted delinquency service or program. The procedure must shall include:

- (a) Public notice of policy development.
- (b) Opportunity for public comment on the proposed policy.
- (c) Assessment for fiscal impact upon the department and providers.
- (d) The department's response to comments received.

(4) ~~When the department contracts with a provider for any delinquency service or program, all personnel, including all owners, operators, employees, and volunteers in the facility or providing the service or program shall be of good moral character. A volunteer who assists on an intermittent basis for less than 40 hours per month is not required to be screened if the volunteer is under direct and constant supervision by persons who meet the screening requirements.~~

(3)(5)(a) ~~All employees of the department and all personnel of contract providers for any program for children, including all owners, operators, employees, persons who have access to confidential juvenile records, and volunteers, must complete For any person employed by the department, or by a provider under contract with the department, in delinquency facilities, services, or programs, the department shall require:~~

1. A level 2 employment screening pursuant to chapter 435 before prior to employment. The security background investigation conducted under this section must ensure that, in addition to the disqualifying offenses listed in s. 435.04, no person subject to the background screening provisions of this section has an arrest awaiting final disposition for, been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, or been adjudicated delinquent and the record has not been sealed or expunged for, any offense prohibited under the following provisions of state law or similar laws of another jurisdiction:

a. Section 784.07, relating to assault or battery of law enforcement officers, firefighters, emergency medical care providers, public transit employees or agents, or other specified officers.

b. Section 817.568, relating to criminal use of personal identification information.

2. A national federal criminal records check by the Federal Bureau of Investigation every 5 years following the date of the person's employment.

(b) Except for law enforcement, correctional, and correctional probation officers, to whom s. 943.13(5) applies, the department shall electronically submit to the Department of Law Enforcement:

1. Fingerprint information obtained during the employment screening required by subparagraph (a)1.

2. ~~Beginning on December 15, 2005,~~ Fingerprint information for all persons employed by the department, or by a provider under contract with the department, in delinquency facilities, services, or programs if such fingerprint information has not previously been electronically submitted to the Department of Law Enforcement under this paragraph.

(c) All fingerprint information electronically submitted to the Department of Law Enforcement under paragraph (b) shall be retained by the Department of Law Enforcement and entered into the statewide automated fingerprint identification system authorized by s. 943.05(2)(b). Thereafter, such fingerprint information shall be available for all purposes and uses authorized for arrest fingerprint information entered into the statewide automated fingerprint identification system pursuant to s. 943.051 until the fingerprint information is removed pursuant to paragraph (e). The Department of Law Enforcement shall search all arrest fingerprint information received pursuant to s. 943.051 against the fingerprint information entered into the statewide automated fingerprint system pursuant to this subsection. Any arrest records identified as a result of the search shall be reported to the department in the manner and timeframe established by the Department of Law Enforcement by rule.

(d) The department shall pay an annual fee to the Department of Law Enforcement for its costs resulting from the fingerprint information retention services required by this subsection. The amount of the annual fee and procedures for the submission and retention of fingerprint information and for the dissemination of search results shall be established by the Department of Law Enforcement by a rule that is applicable to the department individually pursuant to this subsection or that is applicable to the department and other employing agencies pursuant to rulemaking authority otherwise provided by law.

(e) The department shall notify the Department of Law Enforcement when a person whose fingerprint information is retained by the Department of Law Enforcement under this subsection is no longer employed by the department, or by a provider under contract with the department, in a delinquency facility, service, or program. This notice shall be provided by the department to the Department of Law Enforcement within no later than 6 months after the date of the change in the person's employment status. Fingerprint information for persons identified by the department in the notice shall be removed from the statewide automated fingerprint system.

(6) The department may grant exemptions from disqualification from working with children as provided in s. 435.07.

(7) *The department may adopt rules to describe the procedure and requirements necessary to administer the employment screening and fingerprint retention services for all employees of the department and all personnel of contract providers for any program for children, including all owners, operators, employees, and volunteers, including the collection of associated fees.*

Section 49. Paragraph (a) of subsection (1) of section 381.60225, Florida Statutes, is amended to read:

381.60225 Background screening.—

(1) Each applicant for certification must comply with the following requirements:

(a) Upon receipt of a completed, signed, and dated application, the Agency for Health Care Administration shall require background screening, in accordance with the level 2 standards for screening set forth in chapter 435, of the managing employee, or other similarly titled individual responsible for the daily operation of the organization, agency, or entity, and financial officer, or other similarly titled individual who is responsible for the financial operation of the organization, agency, or entity, including billings for services. The applicant must comply with the procedures for level 2 background screening as set forth in chapter 435, ~~as well as the requirements of s. 435.03(3).~~

Section 50. Subsection (32) of section 409.912, Florida Statutes, is amended to read:

409.912 Cost-effective purchasing of health care.—The agency shall purchase goods and services for Medicaid recipients in the most cost-effective manner consistent with the delivery of quality medical care. To ensure that medical services are effectively utilized, the agency may, in any case, require a confirmation or second physician's opinion of the correct diagnosis for purposes of authorizing future services under the Medicaid program. This section does not restrict access to emergency services or poststabilization care services as defined in 42 C.F.R. part 438.114. Such confirmation or second opinion shall be rendered in a manner approved by the agency. The agency shall maximize the use of prepaid per capita and prepaid aggregate fixed-sum basis services when appropriate and other alternative service delivery and reimbursement methodologies, including competitive bidding pursuant to s. 287.057, designed to facilitate the cost-effective purchase of a case-managed continuum of care. The agency shall also require providers to minimize the exposure of recipients to the need for acute inpatient, custodial, and other institutional care and the inappropriate or unnecessary use of high-cost services. The agency shall contract with a vendor to monitor and evaluate the clinical practice patterns of providers in order to identify trends that are outside the normal practice patterns of a provider's professional peers or the national guidelines of a provider's professional association. The vendor must be able to provide information and counseling to a provider whose practice patterns are outside the norms, in consultation with the agency, to improve patient care and reduce inappropriate utilization. The agency may mandate prior authorization, drug therapy management, or disease management participation for certain populations of Medicaid beneficiaries, certain drug classes, or particular drugs to prevent fraud, abuse, overuse, and possible dangerous drug interactions. The Pharmaceutical and Therapeutics Committee shall make recommendations to the agency on drugs for which prior authorization is required. The agency shall inform the Pharmaceutical and Therapeutics Committee of its decisions regarding drugs subject to prior authorization. The agency is authorized to limit the entities it contracts with or enrolls as Medicaid providers by developing a provider network through provider credentialing. The agency may competitively bid single-source-provider contracts if procurement of goods or services results in demonstrated cost savings to the state without limiting access to care. The agency may limit its network based on the assessment of beneficiary access to care, provider availability, provider quality standards, time and distance standards for access to care, the cultural competence of the provider network, demographic characteristics of Medicaid beneficiaries, practice and provider-to-beneficiary standards, appointment wait times, beneficiary use of services, provider turnover, provider profiling, provider licensure history, previous program integrity investigations and findings, peer review, provider Medicaid policy and billing compliance records, clinical

and medical record audits, and other factors. Providers shall not be entitled to enrollment in the Medicaid provider network. The agency shall determine instances in which allowing Medicaid beneficiaries to purchase durable medical equipment and other goods is less expensive to the Medicaid program than long-term rental of the equipment or goods. The agency may establish rules to facilitate purchases in lieu of long-term rentals in order to protect against fraud and abuse in the Medicaid program as defined in s. 409.913. The agency may seek federal waivers necessary to administer these policies.

(32) Each managed care plan that is under contract with the agency to provide health care services to Medicaid recipients shall annually conduct a background check with the ~~Florida~~ Department of Law Enforcement of all persons with ownership interest of 5 percent or more or executive management responsibility for the managed care plan and shall submit to the agency information concerning any such person who has been found guilty of, regardless of adjudication, or has entered a plea of nolo contendere or guilty to, any of the offenses listed in s. ~~435.04 435.02~~.

Section 51. Paragraph (e) of subsection (1) of section 464.018, Florida Statutes, is amended to read:

464.018 Disciplinary actions.—

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2):

(e) Having been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under s. ~~435.04 435.03~~ or ~~under any~~ similar statute of another jurisdiction; or having committed an act which constitutes domestic violence as defined in s. 741.28.

Section 52. Paragraph (m) of subsection (1) of section 468.3101, Florida Statutes, is amended to read:

468.3101 Disciplinary grounds and actions.—

(1) The department may make or require to be made any investigations, inspections, evaluations, and tests, and require the submission of any documents and statements, which it considers necessary to determine whether a violation of this part has occurred. The following acts shall be grounds for disciplinary action as set forth in this section:

(m) Having been found guilty of, regardless of adjudication, or pleading guilty or nolo contendere to, any offense prohibited under s. ~~435.04 435.03~~ or ~~under any~~ similar statute of another jurisdiction.

Section 53. Subsection (3) of section 744.309, Florida Statutes, is amended to read:

744.309 Who may be appointed guardian of a resident ward.—

(3) **DISQUALIFIED PERSONS.**—No person who has been convicted of a felony or who, from any incapacity or illness, is incapable of discharging the duties of a guardian, or who is otherwise unsuitable to perform the duties of a guardian, shall be appointed to act as guardian. Further, no person who has been judicially determined to have committed abuse, abandonment, or neglect against a child as defined in s. 39.01 or s. 984.03(1), (2), and (37), or who has been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under s. ~~435.04 435.03~~ or ~~under any~~ similar statute of another jurisdiction, shall be appointed to act as a guardian. Except as provided in subsection (5) or subsection (6), a person who provides substantial services to the proposed ward in a professional or business capacity, or a creditor of the proposed ward, may not be appointed guardian and retain that previous professional or business relationship. A person may not be appointed a guardian if he or she is in the employ of any person, agency, government, or corporation that provides service to the proposed ward in a professional or business capacity, except that a person so employed may be appointed if he or she is the spouse, adult child, parent, or sibling of the proposed ward or the court determines that the potential conflict of interest is insubstantial and that the appointment would clearly be in the proposed ward's best interest. The court may not appoint a guardian in any other circumstance in which a conflict of interest may occur.

Section 54. Subsection (12) of section 744.474, Florida Statutes, is amended to read:

744.474 Reasons for removal of guardian.—A guardian may be removed for any of the following reasons, and the removal shall be in addition to any other penalties prescribed by law:

(12) Having been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under s. 435.04 ~~435.03~~ or ~~under any~~ similar statute of another jurisdiction.

Section 55. Paragraph (a) of subsection (6) of section 985.04, Florida Statutes, is amended to read:

985.04 Oaths; records; confidential information.—

(6)(a) Records maintained by the department, including copies of records maintained by the court, which pertain to a child found to have committed a delinquent act which, if committed by an adult, would be a crime specified in s. ~~ss. 435.03 and~~ 435.04 may not be destroyed under this section for a period of 25 years after the youth's final referral to the department, except in cases of the death of the child. Such records, however, shall be sealed by the court for use only in meeting the screening requirements for personnel in s. 402.3055 and the other sections cited above, or under departmental rule; however, current criminal history information must be obtained from the Department of Law Enforcement in accordance with s. 943.053. The information shall be released to those persons specified in the above cited sections for the purposes of complying with those sections. The court may punish by contempt any person who releases or uses the records for any unauthorized purpose.

Section 56. *Section 409.1758, Florida Statutes, is repealed.*

Section 57. *Paragraph (d) of subsection (4) of section 456.039, Florida Statutes, is repealed.*

Section 58. *The changes made by this act are intended to be prospective in nature. It is not intended that persons who are employed or licensed on the effective date of this act be rescreened until such time as they are otherwise required to be rescreened pursuant to law, at which time they must meet the requirements for screening as set forth in this act.*

Section 59. This act shall take effect August 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 screening; amending s. 39.001, F.S.; revising an exemption from screening requirements for volunteers who assist providers under contract with the Department of Children and Family Services; amending s. 39.821, F.S.; revising background screening requirements for the Guardian Ad Litem Program; amending s. 215.5586, F.S.; removing reference to ch. 435, F.S., for background screening of hurricane mitigation inspectors; amending s. 393.0655, F.S.; revising an exemption from screening requirements for volunteers; removing a temporary exemption from screening requirements for direct service providers awaiting completion of a background screening; adding additional disqualifying offenses for the screening of direct service providers for persons with developmental disabilities; amending s. 394.4572, F.S.; revising background screening requirements for mental health personnel; amending s. 400.215, F.S.; revising background screening requirements for nursing home personnel; amending s. 400.506, F.S.; conforming provisions to changes made by the act; amending s. 400.512, F.S.; revising background screening requirements for home health agency personnel, nurse registry personnel, and companions and homemakers; amending s. 400.6065, F.S.; revising background screening requirements for hospice personnel; amending s. 400.801, F.S.; revising background screening requirements for personnel at homes for special services; amending s. 400.805, F.S.; revising background screening requirements for transitional living facility personnel; creating s. 400.9065, F.S.; providing background screening requirements for prescribed pediatric extended care center personnel; amending s. 400.934, F.S.; revising minimum standards for home medical equipment providers; amending s. 400.953, F.S.; revising background screening requirements for home medical equipment provider personnel; repealing s. 400.955, F.S., relating to the procedures for screening of home medical equipment provider personnel; amending s. 400.964, F.S.; revising

background screening requirements for personnel at intermediate care facilities for developmentally disabled persons; amending s. 400.980, F.S.; revising background screening requirements for personnel at health care services pools; amending s. 400.991, F.S.; revising background screening requirements for applicants and personnel at health care clinics; amending s. 408.806, F.S.; adding a requirement for an affidavit relating to background screening to the license application process under the Agency for Health Care Administration; amending s. 408.808, F.S.; conforming provisions to changes made by the act; amending s. 408.809, F.S.; revising background screening requirements under the Agency for Health Care Administration; requiring electronic submission of fingerprints; amending s. 402.302, F.S.; revising exemptions from screening requirements for volunteers and students; amending s. 409.175, F.S.; revising an exemption from screening requirements for volunteers; revising background screening requirements for employees and volunteers in summer day camps and summer 24-hour camps; requiring periodic drug testing for licensed foster parents; requiring payment by the foster parent; amending s. 409.221, F.S.; revising background screening requirements for persons who render consumer-directed care; amending s. 409.907, F.S.; revising background screening requirements for Medicaid providers; amending s. 409.912, F.S.; requiring Medicaid providers to obtain a level 2 background screening for each provider employee in direct contact with or providing direct services to Medicaid recipients; amending s. 411.01, F.S.; requiring school districts to make a list of eligible substitute teachers available to early learning coalitions; amending s. 429.14, F.S.; revising administrative penalty provisions relating to assisted living facilities; amending s. 429.174, F.S.; revising background screening requirements for assisted living facility personnel; amending s. 429.67, F.S.; revising licensure requirements for adult family-care home personnel and household members; amending s. 429.69, F.S.; revising background screening requirements for adult family-care home personnel; amending s. 429.911, F.S.; revising administrative penalty provisions relating to adult day care centers; amending s. 429.919, F.S.; revising background screening requirements for adult day care center personnel; creating s. 430.0402, F.S.; providing background screening requirements for direct service providers under the Department of Elderly Affairs; amending s. 435.01, F.S.; revising provisions related to the applicability of ch. 435, F.S., statutory references to the chapter, and rulemaking; providing construction with respect to the doctrine of incorporation by reference; amending s. 435.02, F.S.; revising and adding definitions; amending s. 435.03, F.S.; revising level 1 screening standards; adding disqualifying offenses; amending s. 435.04, F.S.; revising level 2 screening standards; requiring electronic submission of fingerprints after a certain date; authorizing agencies to contract for electronic fingerprinting; adding disqualifying offenses; amending s. 435.05, F.S.; revising background check requirements for covered employees and employers; amending s. 435.06, F.S.; revising provisions relating to exclusion from employment; providing that an employer may not hire, select, or otherwise allow an employee contact with any vulnerable person until the screening process is completed; requiring removal of an employee arrested for disqualifying offenses from roles requiring background screening until the employee's eligibility for employment is determined; amending s. 435.07, F.S.; revising provisions relating to exemptions from disqualification; amending s. 435.08, F.S.; revising provisions relating to the payment for processing of fingerprints and criminal history records checks; amending s. 464.203, F.S.; conforming provisions to changes made by the act; amending s. 489.115, F.S.; removing reference to ch. 435, F.S., for background screening of construction contractors; amending s. 943.05, F.S.; revising provisions relating to the Criminal Justice Information Program under the Department of Law Enforcement; authorizing agencies to request the retention of certain fingerprints by the department; providing for rulemaking to require employers to keep the agencies informed of any change in the affiliation, employment, or contractual status of each person whose fingerprints are retained in certain circumstances; providing departmental duties upon notification that a federal fingerprint retention program is in effect; amending s. 943.053, F.S.; removing obsolete references relating to the dissemination of criminal justice information; amending s. 984.01, F.S.; revising an exemption from screening requirements for volunteers who assist with programs for children; amending s. 985.644, F.S.; revising background screening requirements for the Department of Juvenile Justice; authorizing rulemaking; amending ss. 381.60225, 409.912, 464.018, 468.3101, 744.309, 744.474, and 985.04, F.S.; conforming provisions to changes made to ch. 435, F.S., by the act; repealing s. 409.1758, F.S., relating to screening of summer camp personnel; repealing s. 456.039(4)(d), F.S., relating to information required for licensure of de-

signed health care professionals; providing for prospective application of the act; providing an effective date.

Pursuant to Rule 4.19, **CS for HB 7069** as amended was placed on the calendar of Bills on Third Reading.

SB 1576—A bill to be entitled An act relating to public records; amending s. 494.00125, F.S., and transferring, renumbering, and amending s. 494.0021, F.S.; creating an exemption from public-records requirements for credit history information and credit scores held by the Office of Financial Regulation within the Department of Financial Services for purposes of licensing mortgage brokers and mortgage lenders; providing an exception to the exemption for other governmental entities having oversight, regulatory, or law enforcement authority; providing for future legislative review and repeal of the exemption; reorganizing provisions; transferring to the section the exemption from public-records requirements for audited financial statements submitted pursuant to parts I, II, and III of ch. 494, F.S.; making editorial changes and removing superfluous language; providing a statement of public necessity; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 1576** to **HB 7017**.

Pending further consideration of **SB 1576** as amended, on motion by Senator Joyner, by two-thirds vote **HB 7017** was withdrawn from the Committees on Banking and Insurance; and Governmental Oversight and Accountability.

On motion by Senator Joyner—

HB 7017—A bill to be entitled An act relating to public records; amending s. 494.00125, F.S., and transferring, renumbering, and amending s. 494.0021, F.S.; creating an exemption from public records requirements for credit history information and credit scores held by the Office of Financial Regulation within the Department of Financial Services for purposes of licensing loan originators, mortgage brokers, and mortgage lenders; providing an exception to the exemption for other governmental entities having oversight, regulatory, or law enforcement authority; providing for future legislative review and repeal of the exemption; reorganizing provisions; transferring to the section the exemption from public records requirements for audited financial statements submitted pursuant to parts I, II, and III of ch. 494, F.S.; making editorial changes and removing superfluous language; providing a statement of public necessity; providing an effective date.

—a companion measure, was substituted for **SB 1576** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 7017** was placed on the calendar of Bills on Third Reading.

The Senate resumed consideration of—

CS for HB 731—A bill to be entitled An act relating to commercial transactions; amending s. 627.7295, F.S.; revising application of certain provisions relating to motor vehicle insurance contracts; revising and providing provisions of the Uniform Commercial Code relating to electronic documents of title, warehouse receipts, bills of lading, and other documents of title to conform to the revised Article 7 of the Uniform Commercial Code as prepared by the National Conference of Commissioners on Uniform State Laws; amending ss. 668.50 and 671.304, F.S.; correcting cross-references; amending ss. 671.201, 672.103, 672.104, 674.104, 677.102, and 679.1021, F.S.; revising and providing definitions; revising provisions pertaining to definitions applicable to certain provisions of the code, to conform cross-references to revisions made by this act; amending s. 672.310, F.S.; revising time when certain delivery payments are due; amending ss. 559.9232, 672.323, 672.401, 672.503, 672.505, 672.506, 672.509, 672.605, 672.705, 674.2101, 677.201, 677.202, 677.203, 677.205, 677.206, 677.207, 677.208, 677.301, 677.302, 677.304, 677.305, 677.401, 677.402, 677.403, 677.404, 677.502, 677.503, 677.505, 677.506, 677.507, 677.508, 677.509, 677.602, 677.603, 679.2031, 679.2071, 679.3011, 679.3101, 679.3121, 679.3131, 679.3141, 679.3171, 679.338, 680.1031, 680.514, and 680.526, F.S.; revising provisions to

conform to changes made by this act; making editorial changes; amending s. 677.103, F.S.; revising and providing application in relation of chapter to treaty, statute, classification, or regulation; amending s. 677.104, F.S.; providing when certain documents of title are nonnegotiable; amending s. 677.105, F.S.; authorizing an issuer of the electronic document to issue a tangible document of title as a substitute for the electronic document under certain conditions; authorizing an issuer of a tangible document to issue an electronic document of title as a substitute for the tangible document under certain conditions; creating s. 677.106, F.S.; providing when certain persons have control of an electronic document of title; amending s. 677.204, F.S.; revising liability of certain damages; authorizing a warehouse receipt or storage agreement to provide certain requirements; amending s. 677.209, F.S.; revising conditions for a warehouse to establish a lien against a bailor; providing when and against whom the lien is effective; amending s. 677.210, F.S.; revising provisions relating to the enforcement of warehouse's liens; amending s. 677.303, F.S.; prohibiting liability for certain carriers; amending s. 677.307, F.S.; revising conditions under which a carrier has a lien on goods covered by a bill of lading; amending s. 677.308, F.S.; revising provisions relating to the enforcement of a carrier's lien; amending s. 677.309, F.S.; revising provisions relating to the contractual limitation of a carrier's liability; amending s. 677.501, F.S.; providing requirements for negotiable tangible documents of title and negotiable electronic documents of title; amending s. 677.504, F.S.; providing condition under which the rights of the transferee may be defeated; amending s. 677.601, F.S.; revising provisions relating to lost, stolen, or destroyed documents of title; amending s. 678.1031, F.S.; providing that certain documents of title are not financial assets; amending s. 679.2081, F.S.; providing requirements for secured parties having control of an electronic document; providing an effective date.

—which was previously considered this day.

RECONSIDERATION OF BILL

On motion by Senator Villalobos, the Senate reconsidered the vote by which **CS for HB 731** was substituted for **CS for SB 1366**.

On motion by Senator Wise, further consideration of **CS for SB 1366** was deferred.

The Senate resumed consideration of—

CS for CS for SB 2746—A bill to be entitled An act relating to education programs for children with disabilities; amending s. 1002.39, F.S.; revising provisions relating to the John M. McKay Scholarships for Students with Disabilities Program; authorizing students who receive certain services under the Voluntary Prekindergarten Education Program to receive a John M. McKay Scholarship; authorizing the Commissioner of Education to deny, suspend, or revoke a private school's participation in the scholarship program if the owner or operator of such school has operated an educational institution in this state or another in a manner contrary to the health, safety, or welfare of the public; providing factors for the commissioner to consider in making a determination; providing a definition for the term "owner or operator"; conforming cross-references; amending s. 1002.51, F.S.; providing definitions for the terms "disability" and "specialized instructional services provider" for purposes of the Voluntary Prekindergarten Education Program; amending s. 1002.53, F.S.; providing that a parent may enroll his or her child in a specialized instructional services program for children who have disabilities if the child is eligible for the Voluntary Prekindergarten Education Program; creating s. 1002.66, F.S.; establishing specialized instructional services for children with disabilities; providing eligibility criteria for such services; requiring that such services be delivered in accordance with certain standards; requiring that the Department of Education approve specialized instructional service providers; authorizing the expenditure of funds for specialized instructional services; amending s. 1002.71, F.S.; revising provisions for the funding of a child receiving specialized instructional services to conform to changes made by the act; amending s. 1002.73, F.S.; requiring that the Department of Education adopt procedures for approving specialized instructional services providers; amending s. 1002.75, F.S.; requiring that the Agency for Workforce Innovation adopt procedures for enrolling children in and determining the eligibility of children for the Voluntary Prekindergarten Education Program and paying specialized instructional services providers; providing an effective date.

—which was previously considered this day with pending **Amendment 1 (641996)** by Senator Gardiner.

MOTION

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

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

Amendment 1A (454558)—Delete line 32 and insert: *year. Upon request of the parent, the local school district shall complete a matrix of services as required in subparagraph (5)(b)1. for a student requesting a current individualized educational plan in accordance with the provisions of this subparagraph.*

Amendment 1 as amended was adopted.

Pending further consideration of **CS for CS for SB 2746**, as amended on motion by Senator Gardiner, by two-thirds vote **CS for HB 1505** was withdrawn from the Committee on Education Pre-K - 12; and the Policy and Steering Committee on Ways and Means.

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

CS for HB 1505—A bill to be entitled An act relating to the John M. McKay Scholarships for Students with Disabilities Program; amending s. 1002.39, F.S.; revising student eligibility requirements for participation in the scholarship program; authorizing students who are eligible to enter kindergarten to receive a John M. McKay Scholarship; providing eligibility requirements for a student identified with a developmental delay; authorizing students who were enrolled and reported by a school district for funding during any prior year Florida Education Finance Program surveys to receive a John M. McKay Scholarship; defining the term “owner or operator”; authorizing the Commissioner of Education to deny, suspend, or revoke a private school’s participation in the scholarship program for certain acts or omissions by an owner or operator of the private school; conforming cross-references; permitting students to receive instruction and services from a private school at a site other than the physical location of the private school under specified conditions; amending s. 1002.20, F.S.; conforming provisions; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2746**, as amended and read the second time by title.

MOTION

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

Senator Gardiner moved the following amendment:

Amendment 1 (312442) (with title amendment)—Delete lines 25-277 and insert:

Section 1. Subsection (2), paragraph (a) of subsection (7), and paragraphs (a), (c), and (d) of subsection (10) of section 1002.39, Florida Statutes, are amended to read:

1002.39 The John M. McKay Scholarships for Students with Disabilities Program.—There is established a program that is separate and distinct from the Opportunity Scholarship Program and is named the John M. McKay Scholarships for Students with Disabilities Program.

(2) JOHN M. MCKAY SCHOLARSHIP ELIGIBILITY.—The parent of a ~~public school~~ student with a disability ~~who is dissatisfied with the student’s progress~~ may request and receive from the state a John M. McKay Scholarship for the child to enroll in and attend a private school in accordance with this section if:

(a) The student has:

1. Received specialized instructional services under the Voluntary Prekindergarten Education Program pursuant to s. 1002.66 during the previous school year and the student has a current individual educational plan developed by the local school board in accordance with rules of the

State Board of Education for the John M. McKay Scholarships for Students with Disabilities Program;

2. Spent the prior school year in attendance at a Florida public school or the Florida School for the Deaf and the Blind. *For purposes of this subparagraph*, prior school year in attendance means that the student was:

~~1.~~ enrolled and reported by:

a. A school district for funding during the preceding October and February Florida Education Finance Program surveys in kindergarten through grade 12, which ~~includes~~ ~~shall include~~ time spent in a Department of Juvenile Justice commitment program if funded under the Florida Education Finance Program;

~~b.2. Enrolled and reported by~~ The Florida School for the Deaf and the Blind during the preceding October and February student membership surveys in kindergarten through grade 12; or

~~c.3. Enrolled and reported by~~ A school district for funding during the preceding October and February Florida Education Finance Program surveys, was at least 4 years of age ~~old~~ when so enrolled and reported, and was eligible for services under s. 1003.21(1)(e); or-

3. *Been enrolled and reported by a school district for funding, during the October and February Florida Education Finance Program surveys, in any of the 5 years prior to the 2010-2011 fiscal year; has a current individualized educational plan developed by the district school board in accordance with rules of the State Board of Education for the John M. McKay Scholarship Program no later than June 30, 2011; and receives a first-time John M. McKay scholarship for the 2011-2012 school year.*

However, a dependent child of a member of the United States Armed Forces who transfers to a school in this state from out of state or from a foreign country ~~due to~~ ~~pursuant to~~ a parent’s permanent change of station orders is exempt from this paragraph but must meet all other eligibility requirements to participate in the program.

(b) The parent has obtained acceptance for admission of the student to a private school that is eligible for the program under subsection (8) and has requested from the department a scholarship at least 60 days ~~before~~ ~~prior to~~ the date of the first scholarship payment. The request must be ~~communicated through a communication~~ directly to the department in a manner that creates a written or electronic record of the request and the date of receipt of the request. The department of ~~Edu-~~ ~~cation~~ must notify the district of the parent’s intent upon receipt of the parent’s request.

(7) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—

(a) The Commissioner of Education:

1. Shall deny, suspend, or revoke a private school’s participation in the scholarship program if it is determined that the private school has failed to comply with the provisions of this section. However, ~~if in in-~~ ~~stances in which~~ the noncompliance is correctable within a reasonable amount of time and ~~if in which~~ the health, safety, or welfare of the students is not threatened, the commissioner may issue a notice of noncompliance which ~~provides~~ ~~shall provide~~ the private school with a timeframe within which to provide evidence of compliance ~~before~~ ~~prior to~~ taking action to suspend or revoke the private school’s participation in the scholarship program.

2. *May deny, suspend, or revoke a private school’s participation in the scholarship program if the commissioner determines that an owner or operator of the private school is operating or has operated an educational institution in this state or in another state or jurisdiction in a manner contrary to the health, safety, or welfare of the public.*

a. *In making such a determination, the commissioner may consider factors that include, but are not limited to, acts or omissions by an owner or operator which led to a previous denial or revocation of participation in an education scholarship program; an owner’s or operator’s failure to reimburse the Department of Education for scholarship funds improperly received or retained by a school; imposition of a prior criminal sanction related to an owner’s or operator’s management or operation of an educational institution; imposition of a civil fine or administrative fine, li-*

cense revocation or suspension, or program eligibility suspension, termination, or revocation related to an owner's or operator's management or operation of an educational institution; or other types of criminal proceedings in which an owner or operator was found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense involving fraud, deceit, dishonesty, or moral turpitude.

b. For purposes of this subparagraph, the term "owner or operator" includes an owner, operator, superintendent, or principal of, or a person who has equivalent decisionmaking authority over, a private school participating in the scholarship program.

(10) JOHN M. MCKAY SCHOLARSHIP FUNDING AND PAYMENT.—

(a1). The maximum scholarship granted for an eligible student with disabilities shall be a ~~calculated amount~~ equivalent to the base student allocation in the Florida Education Finance Program multiplied by the appropriate cost factor for the educational program that would have been provided for the student in the district school to which he or she was assigned, multiplied by the district cost differential.

2. In addition, a share of the guaranteed allocation for exceptional students shall be determined and added to the ~~calculated amount~~ in subparagraph 1. The calculation shall be based on the methodology and the data used to calculate the guaranteed allocation for exceptional students for each district in chapter 2000-166, Laws of Florida. Except as provided in subparagraphs 3. and 4., the calculation shall be based on the student's grade, matrix level of services, and the difference between the 2000-2001 basic program and the appropriate level of services cost factor, multiplied by the 2000-2001 base student allocation and the 2000-2001 district cost differential for the sending district. ~~Also~~, The calculated amount shall include the per-student share of supplemental academic instruction funds, instructional materials funds, technology funds, and other categorical funds as provided ~~for such purposes~~ in the General Appropriations Act.

3. The ~~calculated~~ scholarship amount for a student who is eligible under ~~sub-subparagraph (2)(a)2.b. subparagraph (2)(a)2.~~ shall be calculated as provided in subparagraphs 1. and 2. However, the calculation shall be based on the school district in which the parent resides at the time of the scholarship request.

4. Until the school district completes the matrix required by paragraph (5)(b), the calculation shall be based on the matrix that assigns the student to support level I of service as it existed prior to the 2000-2001 school year. When the school district completes the matrix, the amount of the payment shall be adjusted as needed.

(c1). The school district shall report all students who are attending a private school under this program. The students with disabilities attending private schools on John M. McKay Scholarships shall be reported separately from other students reported for purposes of the Florida Education Finance Program.

2. For program participants who are eligible under ~~sub-subparagraph (2)(a)2.b. subparagraph (2)(a)2.~~, the school district that is used as the basis for the calculation of the scholarship amount as provided in subparagraph (a)3. shall:

a. Report to the department all such students who are attending a private school under this program.

b. Be held harmless for such students from the weighted enrollment ceiling for group 2 programs in s. 1011.62(1)(d)3.b. during the first school year in which the students are reported.

(d) Following notification on July 1, September 1, December 1, or February 1 of the number of program participants, the department shall transfer, from General Revenue funds only, the amount calculated under paragraph (b) from the school district's total funding entitlement under the Florida Education Finance Program and from authorized categorical accounts to a separate account for the scholarship program for quarterly disbursement to the parents of participating students. Funds may not be transferred from any funding provided to the Florida School for the Deaf and the Blind for program participants who are eligible under ~~sub-subparagraph (2)(a)2.b. subparagraph (2)(a)2.~~ For a student exiting a Department of Juvenile Justice commitment program who chooses to par-

ticipate in the scholarship program, the amount of the John M. McKay Scholarship calculated pursuant to paragraph (b) shall be transferred from the school district in which the student last attended a public school ~~before~~ ~~prior to~~ commitment to the Department of Juvenile Justice. When a student enters the scholarship program, the department must receive all documentation required for the student's participation, including the private school's and the student's fee schedules, at least 30 days before the first quarterly scholarship payment is made for the student.

Section 2. Present subsections (2) through (5) of section 1002.51, Florida Statutes, are redesignated as subsections (4) through (7), respectively, and new subsections (2) and (3) are added to that section, to read:

1002.51 Definitions.—As used in this part, the term:

(2) "Disability" means any disability listed in the definition of exceptional student in s. 1003.01.

(3) "Specialized instructional services provider" means a provider delivering specialized instructional services under s. 1002.66.

Section 3. Subsections (1) and (3) of section 1002.53, Florida Statutes, are amended to read:

1002.53 Voluntary Prekindergarten Education Program; eligibility and enrollment.—

(1) ~~There is created~~ The Voluntary Prekindergarten Education Program ~~is created and. The program shall take effect in each county at the beginning of the 2005-2006 school year and~~ shall be organized, designed, and delivered in accordance with s. 1(b) and (c), Art. IX of the State Constitution.

(3) The parent of each child eligible under subsection (2) may enroll the child in one of the following programs:

(a) A school-year prekindergarten program delivered by a private prekindergarten provider under s. 1002.55;

(b) A summer prekindergarten program delivered by a public school or private prekindergarten provider under s. 1002.61; ~~or~~

(c) A school-year prekindergarten program delivered by a public school; ~~or~~

(d) A specialized instructional services program for children who have disabilities, if the child has been evaluated and determined as eligible, has a current individual educational plan developed by the local school board, and is eligible for the program under s. 1002.66.

Except as provided in s. 1002.71(4), a child may not enroll in more than one of these programs.

Section 4. Section 1002.66, Florida Statutes, is created to read:

1002.66 Specialized instructional services for children with disabilities.—

(1) Beginning with the 2012-2013 school year, a child who has a disability and enrolls with the early learning coalition under s. 1002.53(3)(d) is eligible for specialized instructional services if:

(a) The child is eligible for the Voluntary Prekindergarten Education Program under s. 1002.53; and

(b) A current individual educational plan has been developed for the child by the local school board in accordance with rules of the State Board of Education.

(2) The parent of a child who is eligible for the prekindergarten program for children with disabilities may select one or more specialized instructional services that are consistent with the child's individual educational plan. These specialized instructional services may include, but are not limited to:

(a) Applied behavior analysis as defined in ss. 627.6686 and 641.31098.

(b) Speech-language pathology as defined in s. 468.1125.

(c) *Occupational therapy as defined in s. 468.203.*

(d) *Physical therapy as defined in s. 486.021.*

(3) *The specialized instructional services provided for a child under this section must be delivered according to professionally accepted standards; must be in accordance with the performance standards adopted by the department under s. 1002.67; and must address the age-appropriate progress of the child in the development of the capabilities, capacities, and skills required under s. 1(b), Art. IX of the State Constitution.*

(4) *The department shall approve specialized instructional service providers whose services meet the standards in subsection (3), maintain a list of approved providers, and notify each school district and early learning coalition of the approved provider list. Upon the request of a child's parent, the department may approve a specialized instructional service provider that is not on the approved list if the provider's services meet the standards in subsection (3) and the service is consistent with the child's individual educational plan.*

(5) *The coalition shall reimburse an approved specialized instructional service provider for authorized services provided to an eligible child; however, the cumulative total of services reimbursed for a child may not exceed the amount of the base student allocation provided in the Voluntary Prekindergarten Education Program in the General Appropriations Act. Providers shall be reimbursed from funds allocated to the early learning coalition for the Voluntary Prekindergarten Education Program.*

Section 5. Paragraph (a) of subsection (4) of section 1002.71, Florida Statutes, is amended to read:

1002.71 Funding; financial and attendance reporting.—

(4) Notwithstanding s. 1002.53(3) and subsection (2):

(a) A child who, for any of the prekindergarten programs listed in s. 1002.53(3), has not completed more than 70 percent of the hours authorized to be reported for funding under subsection (2), or has not expended more than 70 percent of the funds authorized for the child under s. 1002.66, may withdraw from the program for good cause and reenroll in one of the programs. The total funding for a child who reenrolls in one of the programs for good cause may not exceed one full-time equivalent student. Funding for a child who withdraws and reenrolls in one of the programs for good cause shall be issued in accordance with the agency's uniform attendance policy adopted pursuant to paragraph (6)(d).

A child may reenroll only once in a prekindergarten program under this section. A child who reenrolls in a prekindergarten program under this subsection may not subsequently withdraw from the program and reenroll. The Agency for Workforce Innovation shall establish criteria specifying whether a good cause exists for a child to withdraw from a program under paragraph (a), whether a child has substantially completed a program under paragraph (b), and whether an extreme hardship exists which is beyond the child's or parent's control under paragraph (b).

Section 6. Subsection (2) of section 1002.73, Florida Statutes, is amended to read:

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

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

(a) Approval of prekindergarten director credentials under ss. 1002.55 and 1002.57.

(b) Approval of emergent literacy training courses under ss. 1002.55 and 1002.59.

(c) Administration of the statewide kindergarten screening and calculation of kindergarten readiness rates under s. 1002.69.

(d) Approval of specialized instructional services providers under s. 1002.66.

Section 7. Subsection (3) of section 1002.75, Florida Statutes, is amended to read:

1002.75 Agency for Workforce Innovation; powers and duties; operational requirements.—

(3) The Agency for Workforce Innovation shall adopt, in consultation with and subject to approval by the department, procedures governing the administration of the Voluntary Prekindergarten Education Program by the early learning coalitions and school districts for:

(a) Approving improvement plans of private prekindergarten providers and public schools under s. 1002.67.

(b) Placing private prekindergarten providers and public schools on probation and requiring corrective actions under s. 1002.67.

(c) Removing a private prekindergarten provider or public school from eligibility to deliver the program due to the provider's or school's remaining on probation beyond the time permitted under s. 1002.67.

(d) Enrolling children in and determining the eligibility of children for the Voluntary Prekindergarten Education Program under s. 1002.66.

(e) Paying specialized instructional services providers under s. 1002.66.

And the title is amended as follows:

Delete lines 2-21 and insert: An act relating to education programs for children with disabilities; amending s. 1002.39, F.S.; revising provisions relating to the John M. McKay Scholarships for Students with Disabilities Program; authorizing students who receive certain services under the Voluntary Prekindergarten Education Program to receive a John M. McKay Scholarship; authorizing the Commissioner of Education to deny, suspend, or revoke a private school's participation in the scholarship program if the owner or operator of such school has operated an educational institution in this state or another in a manner contrary to the health, safety, or welfare of the public; providing factors for the commissioner to consider in making a determination; providing a definition for the term "owner or operator"; conforming cross-references; amending s. 1002.51, F.S.; providing definitions for the terms "disability" and "specialized instructional services provider" for purposes of the Voluntary Prekindergarten Education Program; amending s. 1002.53, F.S.; providing that a parent may enroll his or her child in a specialized instructional services program for children who have disabilities if the child is eligible for the Voluntary Prekindergarten Education Program; creating s. 1002.66, F.S.; establishing specialized instructional services for children with disabilities; providing eligibility criteria for such services; requiring that such services be delivered in accordance with certain standards; requiring that the Department of Education approve specialized instructional service providers; authorizing the expenditure of funds for specialized instructional services; amending s. 1002.71, F.S.; revising provisions for the funding of a child receiving specialized instructional services to conform to changes made by the act; amending s. 1002.73, F.S.; requiring that the Department of Education adopt procedures for approving specialized instructional services providers; amending s. 1002.75, F.S.; requiring that the Agency for Workforce Innovation adopt procedures for enrolling children in and determining the eligibility of children for the Voluntary Prekindergarten Education Program and paying specialized instructional services providers; providing an effective date.

MOTION

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

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

Amendment 1A (662512)—Delete line 52 and insert: *year. Upon request of the parent, the local school district shall complete a matrix of services as required in subparagraph (5)(b)1. for a student requesting a current individualized educational plan in accordance with the provisions of this subparagraph.*

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **CS for HB 1505** as amended was placed on the calendar of Bills on Third Reading.

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

CS for SB 1366—A bill to be entitled An act relating to the Uniform Commercial Code; revising and providing provisions of the Uniform Commercial Code relating to electronic documents of title, warehouse receipts, bills of lading, and other documents of title to conform to the revised Article 7 of the Uniform Commercial Code as prepared by the National Conference of Commissioners on Uniform State Laws; amending ss. 668.50 and 671.304, F.S.; correcting cross-references; amending ss. 671.201, 672.103, 672.104, 674.104, 677.102, and 679.1021, F.S.; revising and providing definitions; revising provisions pertaining to definitions applicable to certain provisions of the code, to conform cross-references to revisions made by this act; amending s. 672.310, F.S.; revising time when certain delivery payments are due; amending ss. 559.9232, 672.323, 672.401, 672.503, 672.505, 672.506, 672.509, 672.605, 672.705, 674.2101, 677.201, 677.202, 677.203, 677.205, 677.206, 677.207, 677.208, 677.301, 677.302, 677.304, 677.305, 677.401, 677.402, 677.403, 677.404, 677.502, 677.503, 677.505, 677.506, 677.507, 677.508, 677.509, 677.602, 677.603, 679.2031, 679.2071, 679.3011, 679.3101, 679.3121, 679.3131, 679.3141, 679.3171, 679.338, 680.1031, 680.514, and 680.526, F.S.; revising provisions to conform to changes made by this act; making editorial changes; amending s. 677.103, F.S.; revising and providing application in relation of chapter to treaty, statute, tariff, classification, or regulation; amending s. 677.104, F.S.; providing when certain documents of title are nonnegotiable; amending s. 677.105, F.S.; authorizing an issuer of the electronic document to issue a tangible document of title as a substitute for the electronic document under certain conditions; authorizing an issuer of a tangible document to issue an electronic document of title as a substitute for the tangible document under certain conditions; creating s. 677.106, F.S.; providing when certain persons have control of an electronic document of title; amending s. 677.204, F.S.; revising liability of certain damages; authorizing a warehouse receipt or storage agreement to provide certain requirements; amending s. 677.209, F.S.; revising conditions for a warehouse to establish a lien against a bailor; providing when and against whom the lien is effective; amending s. 677.210, F.S.; revising provisions relating to the enforcement of liens; amending s. 677.303, F.S.; prohibiting liability for certain carriers; amending s. 677.307, F.S.; revising conditions under which a carrier has a lien on goods covered by a bill of lading; amending s. 677.308, F.S.; revising provisions relating to the enforcement of a carrier's lien; amending s. 677.309, F.S.; revising provisions relating to the contractual limitation of a carrier's liability; amending s. 677.501, F.S.; providing requirements for negotiable tangible documents of title and negotiable electronic documents of title; amending s. 677.504, F.S.; providing condition under which the rights of the transferee may be defeated; amending s. 677.601, F.S.; revising provisions relating to lost, stolen, or destroyed documents of title; amending s. 678.1031, F.S.; providing that certain documents of title are not financial assets; amending s. 679.2081, F.S.; providing requirements for secured parties having control of an electronic document; providing an effective date.

—which was previously considered this day.

Pursuant to Rule 4.19, **CS for SB 1366** was placed on the calendar of Bills on Third Reading.

On motion by Senator Richter, by two-thirds vote **HB 7121** was withdrawn from the Committees on Banking and Insurance; and Governmental Oversight and Accountability.

On motion by Senator Richter—

HB 7121—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 627.06292, F.S.; saving from scheduled repeal under the Open Government Sunset Review Act an exemption from public records requirements for specified reports of hurricane loss data and associated exposure data that are specific to a particular insurance company; requiring the Florida International University center that develops, maintains, and updates the public model for hurricane loss projections to publish an annual report summarizing loss data and associated exposure data collected from residential property insurers and licensed rating and advisory organiza-

tions; providing for submission of the report to the Governor and the Legislature; providing an effective date.

—a companion measure, was substituted for **SB 1664** and read the second time by title.

Pursuant to Rule 4.19, **HB 7121** was placed on the calendar of Bills on Third Reading.

On motion by Senator Aronberg, by two-thirds vote **CS for HB 1003** was withdrawn from the Committees on Military Affairs and Domestic Security; Governmental Oversight and Accountability; and Health and Human Services Appropriations.

On motion by Senator Aronberg—

CS for HB 1003—A bill to be entitled An act relating to veterans; amending s. 496.406, F.S.; exempting certain veterans' organizations from requirements to file registration statements with the Department of Agriculture and Consumer Services; amending s. 295.187, F.S.; revising the definition of the term "service-disabled veteran" for purposes of the Florida Service-Disabled Veteran Business Enterprise Opportunity Act; amending s. 296.06, F.S.; revising eligibility requirements for residency in the Veterans' Domiciliary Home of Florida; amending s. 296.36, F.S.; revising eligibility requirements for admittance into a licensed health care facility operated by the Department of Veterans' Affairs; providing an effective date.

—a companion measure, was substituted for **CS for SB 1972** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1003** was placed on the calendar of Bills on Third Reading.

On motion by Senator Richter, by two-thirds vote **HB 851** was withdrawn from the Committees on Judiciary; Community Affairs; and Governmental Oversight and Accountability.

On motion by Senator Richter—

HB 851—A bill to be entitled An act relating to the Florida Legal Resource Center; repealing s. 16.58, F.S., relating to the creation and duties of the Florida Legal Resource Center; providing an effective date.

—a companion measure, was substituted for **SB 2236** and read the second time by title.

Pursuant to Rule 4.19, **HB 851** was placed on the calendar of Bills on Third Reading.

On motion by Senator Dockery, by two-thirds vote **HB 7131** was withdrawn from the Committee on Criminal Justice.

On motion by Senator Dockery—

HB 7131—A bill to be entitled An act relating to criminal justice; amending s. 775.0877, F.S.; revising obsolete references; amending s. 775.25, F.S.; clarifying a reference to a repealed section; amending s. 784.07, F.S.; removing an outdated reference to certain employees in relation to assault and battery of specified persons; amending s. 831.16, F.S.; clarifying a cross-reference; clarifying that it is a third degree felony for a person to knowingly have in his or her possession fewer than 10 counterfeit coins with the intent to utter or pass such coins; amending s. 831.17, F.S.; clarifying a cross-reference; clarifying that certain subsequent violations of s. 831.16, F.S., are punishable as a second degree felony; amending s. 831.18, F.S.; clarifying that the offense of making or possessing instruments for forging bills is punishable as a third degree felony; amending s. 831.21, F.S.; clarifying that the offense of forging or counterfeiting a doctor's certificate of examination is punishable as a third degree felony; amending s. 831.27, F.S.; correcting a reference relating to the offense of issuing notes; amending s. 838.021, F.S.; correcting grammatical errors; reenacting s. 847.0125, F.S., relating to retail display of materials harmful to minors; amending s. 860.13, F.S.; correcting an obsolete reference; amending s. 865.09, F.S.; correcting a reference; amending s. 893.10, F.S.; removing obsolete language relating to evidence in possession of controlled substances cases; reenacting s.

914.24(2)(a), F.S., relating to victim and witness protection orders; amending ss. 916.12 and 916.3012, F.S.; revising and clarifying provisions; amending s. 918.0155, F.S.; deleting obsolete language directing the Legislature to request the Supreme Court to adopt emergency rules; amending s. 921.0022, F.S.; correcting references in the offense severity ranking chart; reenacting s. 921.141(5)(a), F.S., relating to sentence of death or life imprisonment for capital felonies; amending s. 932.704, F.S.; deleting an obsolete provision relating to the deadline for certifying compliance with the Contraband Forfeiture Act; amending s. 933.18, F.S.; correcting a reference in relation to when a warrant may be issued to search a dwelling; amending s. 933.40, F.S.; replacing obsolete references to “magistrate” with references to “trial court judge”; amending s. 934.03, F.S.; deleting an obsolete cross-reference; defining the term “public utility”; amending s. 938.15, F.S.; clarifying that the term “commission” refers to the Criminal Justice Standards and Training Commission; amending s. 943.051, F.S.; clarifying a reference to a repealed section; amending s. 943.053, F.S.; removing an obsolete reference; amending s. 943.0581, F.S.; clarifying provisions; reenacting s. 943.0582(3)(a) and (5), F.S., relating to prearrest, postarrest, or teen court diversion program expunction; reenacting s. 943.135(4)(b), F.S., relating to requirements for continued employment; amending s. 944.053, F.S.; updating obsolete provisions; reenacting s. 944.28(1), F.S., relating to gain-time; amending ss. 944.708, 944.801, and 945.10, F.S.; replacing obsolete references to the Department of Labor and Employment Security with references to the Agency for Workforce Innovation; reenacting s. 947.06, F.S., relating to when the Florida Parole Commission may meet and act; amending s. 949.071, F.S.; correcting a federal statutory citation; amending s. 957.07, F.S.; replacing an obsolete reference to the Correctional Privatization Commission with a reference to the Department of Management Services; amending s. 985.486, F.S.; correcting references concerning intensive residential treatment programs for offenders less than 13 years of age; amending s. 985.632, F.S.; removing a reference to a repealed provision; removing obsolete provisions; reenacting s. 985.686(2)(b), F.S., relating to county and state responsibility for juvenile detention; amending ss. 815.03, 817.554, 828.17, 831.30, 877.22, 893.02, 921.20, 944.023, 944.474, 947.16, 951.23, 951.231, 960.003, and 984.225, F.S.; correcting cross-references; providing an effective date.

—a companion measure, was substituted for **CS for SB 2364** and read the second time by title.

Pursuant to Rule 4.19, **HB 7131** was placed on the calendar of Bills on Third Reading.

CS for SB 2160—A bill to be entitled An act relating to real property assessment; creating s. 193.1552, F.S.; providing a definition; requiring property appraisers to adjust the assessed value of certain properties affected by imported drywall under certain circumstances; providing for a nominal just value of \$0 under certain circumstances; providing for application to certain properties; providing for nonapplication to certain property owners; specifying homestead property as damaged for certain purposes; prohibiting consideration of homestead property as abandoned under certain circumstances; providing for assessment of certain property after completion of remediation or repair; providing for future repeal unless reviewed and reenacted; providing for application; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 2160** to **CS for CS for HB 965**.

Pending further consideration of **CS for SB 2160** as amended, on motion by Senator Storms, by two-thirds vote **CS for CS for HB 965** was withdrawn from the Committees on Community Affairs; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

On motion by Senator Storms—

CS for CS for HB 965—A bill to be entitled An act relating to real property assessment; creating s. 193.1552, F.S.; providing a definition; requiring property appraisers to adjust the assessed value of certain properties affected by imported or domestic drywall under certain circumstances; providing for a nominal just value of \$0 under certain circumstances; providing for application to certain properties; providing for

nonapplication to certain property owners; specifying homestead property as damaged for certain purposes; prohibiting consideration of homestead property as abandoned under certain circumstances; providing for assessment of certain property after completion of remediation or repair; providing application; providing for future repeal unless reviewed and reenacted; providing an effective date.

—a companion measure, was substituted for **CS for SB 2160** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 965** was placed on the calendar of Bills on Third Reading.

On motion by Senator Altman, by two-thirds vote **CS for CS for HB 1389** was withdrawn from the Committees on Commerce; and Transportation and Economic Development Appropriations.

On motion by Senator Altman—

CS for CS for HB 1389—A bill to be entitled An act relating to space and aerospace infrastructure; providing a short title; amending s. 288.1088, F.S.; providing legislative findings; authorizing the use of a specified amount of resources for projects to retain or create high-tech-nology jobs directly associated with developing a more diverse aerospace economy in the state; authorizing Enterprise Florida, Inc., to waive eligibility criteria for projects receiving funds from the Quick Action Closing Fund which would mitigate the impact of the conclusion of the space shuttle program; revising authorized uses of specified Space Florida appropriations; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2500** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 1389** was placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine, by two-thirds vote **CS for HB 451** was withdrawn from the Committees on Commerce; and Governmental Oversight and Accountability.

On motion by Senator Constantine—

CS for HB 451—A bill to be entitled An act relating to Space Florida; creating s. 331.3081, F.S.; revising provisions for the governing board of Space Florida to terminate the existing board and replace it with a new board meeting the requirements of this section; providing for membership; providing for appointment of certain voting members by the Governor subject to confirmation by the Senate; providing for designation of a chair; providing for appointment of nonvoting members by the President of the Senate and the Speaker of the House of Representatives; providing for terms of the members and organization of the board; providing for reappointment or removal of members; providing for meetings and actions of the board; providing for reimbursement of expenses incurred by members and staff of the board; requiring members to file disclosure of financial interests; repealing s. 331.308, F.S., relating to the board of directors of Space Florida; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2606** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 451** was placed on the calendar of Bills on Third Reading.

MOTION

On motion by Senator Villalobos, the rules were waived and time of recess was extended until 6:30 p.m.

On motion by Senator Wise, by two-thirds vote **CS for CS for HB 31** was withdrawn from the Committee on Education Pre-K - 12.

On motion by Senator Wise—

CS for CS for HB 31—A bill to be entitled An act relating to public education; creating s. 1003.4505, F.S.; prohibiting district school boards, administrative personnel, and instructional personnel from taking affirmative action that infringes or waives the rights or freedoms afforded by the First Amendment to the United States Constitution in the absence of certain consent; providing an effective date.

—a companion measure, was substituted for **CS for SB 1580** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 31** was placed on the calendar of Bills on Third Reading.

On motion by Senator Jones—

CS for CS for SB 674—A bill to be entitled An act relating to the state lottery; amending s. 24.105, F.S.; authorizing the use of player-activated machines that have additional functionality; amending s. 24.111, F.S.; adding limited liability companies to the list of potential vendors that the Department of the Lottery must investigate; providing that the Department of the Lottery may lease all instant ticket vending machines; prohibiting the department from entering into a contract for a major procurement if a managing member of the vendor has been convicted of a felony; removing a duplicative provision; amending s. 24.113, F.S.; removing a provision limiting the percentage of the same type of minority retailer that the Department of the Lottery may contract with to 35 percent; amending s. 24.114, F.S.; providing a penalty for failure by a retailer to remit funds as required; providing an effective date.

—was read the second time by title.

MOTION

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

Senator Jones moved the following amendment which was adopted:

Amendment 1 (350486) (with title amendment)—Delete lines 79-90 and insert:

facility;

c. A machine may be used to dispense a paper lottery ticket with numbers selected by the player or randomly by the machine. The machine may not reveal the winning numbers to the player. The winning numbers must be selected at a subsequent time and different location through a drawing by the Florida Lottery. The machine, or any machine or device linked to the machine, may not include or make use of video reels or mechanical reels or other video depictions of slot machine or casino-game themes or titles for game play. The machine may not be used to redeem a winning ticket. These requirements do not preclude the use of casino game themes or titles for signage or advertising on the machine; and

d. The department shall discontinue the operation of any machines authorized under this subparagraph if such operation results in cessation of payments, or payments being placed into escrow, under the compact authorized under s. 285.710. All contracts with retailers or vendors offering these machines shall be subject to this provision.

And the title is amended as follows:

Delete line 4 and insert: machines that have additional functionality; providing for discontinuance of machine operations; providing contract requirements; amending

Pursuant to Rule 4.19, **CS for CS for SB 674** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Baker—

CS for SB 2410—A bill to be entitled An act relating to motor vehicle dealers; amending s. 320.61, F.S.; providing clarification regarding license renewal requirements; amending s. 320.63, F.S.; requiring the submission of an affidavit along with a license renewal application acknowledging that the provisions of the licensee’s franchise agreements

are consistent with the requirements of laws and rules; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2410** was placed on the calendar of Bills on Third Reading.

On motion by Senator Storms—

CS for SB 290—A bill to be entitled An act relating to offenses against unborn children; providing a short title; amending s. 782.071, F.S.; defining the term “unborn child” for purposes of vehicular homicide; revising terminology to refer to “unborn child” rather than “viable fetus”; providing legislative intent; amending s. 782.09, F.S.; revising terminology; providing that certain offenses relating to the killing of an unborn child by injury to the mother do not require specified knowledge or intent; amending ss. 316.193, 435.03, 435.04, and 921.0022, F.S.; conforming terminology; providing an effective date.

—was read the second time by title.

Senator Gelber moved the following amendments which failed:

Amendment 1 (361728) (with title amendment)—Delete lines 42-56 and insert: ~~standard medical measures.~~

(3) A right of action for civil damages shall exist under s. 768.19, under all circumstances, for all deaths described in this section. *However, this section shall not be construed to create or expand any civil cause of action for negligence based on statute or common law.*

(4) In addition to any other punishment, the court may order the person to serve 120 community service hours in a trauma center or hospital that regularly receives victims of vehicle accidents, under the supervision of a registered nurse, an emergency room physician, or an emergency medical technician pursuant to a voluntary community service program operated by the trauma center or hospital.

(5) *Nothing in this section shall be construed to allow the prosecution of any:*

(a) *Person for conduct relating to an abortion for which the consent of the pregnant woman, or a person authorized by law to act on her behalf, has been obtained or for which such consent is implied by law;*

(b) *Person for any medical treatment of the pregnant woman or her unborn child; or*

(c) *Woman with respect to her unborn child.*

And the title is amended as follows:

Delete line 7 and insert: legislative intent; providing for construction; amending s. 782.09, F.S.; revising

Amendment 2 (383926) (with title amendment)—Delete lines 96-101.

And the title is amended as follows:

Delete lines 8-10 and insert: terminology;

Amendment 3 (515402) (with title amendment)—Between lines 101 and 102 insert:

(7) *Nothing in this section shall be construed to allow the prosecution of any:*

(a) *Person for conduct relating to an abortion for which the consent of the pregnant woman, or a person authorized by law to act on her behalf, has been obtained or for which such consent is implied by law;*

(b) *Person for any medical treatment of the pregnant woman or her unborn child; or*

(c) *Woman with respect to her unborn child.*

And the title is amended as follows:

Delete line 10 and insert: mother do not require specified knowledge or intent; providing for construction;

MOTION

On motion by Senator Villalobos, the rules were waived and time of recess was extended until completion of **CS for SB 290**, motions and announcements.

Pursuant to Rule 4.19, **CS for SB 290** was placed on the calendar of Bills on Third Reading.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Alexander, by two-thirds vote **CS for CS for SB 2246** and **CS for CS for SB 2358** were withdrawn from the Committee on Criminal and Civil Justice Appropriations.

On motion by Senator Bennett, by two-thirds vote **CS for CS for SB 2358** was withdrawn from the Committee on Banking and Insurance.

MOTIONS

On motion by Senator Villalobos the rules were waived and **SB 838** and **CS for SB 220** were retained on the Special Order Calendar.

On motion by Senator Villalobos, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Thursday, April 29.

On motion by Senator Villalobos, the rules were waived and a deadline of one hour after the availability of engrossed bills was set for filing amendments to Bills on Third Reading to be considered Thursday, April 29.

On motion by Senator Villalobos, by two-thirds vote **CS for CS for SB 2246** and **CS for CS for SB 2358** were added to the Special Order Calendar for Thursday, April 29. Further, the rules were waived and a deadline of Thursday, April 29 at 8:00 a.m. was set for filing amendments to these two bills.

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 Wednesday, April 28, 2010: SM 314, CS for CS for SB 816, CS for SB 834, CS for SB 874, CS for CS for SB 924, CS for SB 1108, SM 1328, CS for CS for SB 1330, CS for SB 1356, CS for SB 1366, CS for CS for SB 2746, CS for CS for SB 1382, CS for CS for CS for SB 1520, SB 1576, SB 1664, CS for SB 1972, SB 2236, CS for SB 2364, CS for SB 2160, CS for CS for SB 2500, CS for CS for SB 2606, CS for SB 1580, CS for CS for SB 674, CS for SB 2410, CS for SB 290.

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

Pursuant to Rule 4.18 the Chair of the Committee on Rules submits the following bills to be placed on the Local Bill Calendar for Wednesday, April 28, 2010: SB 1226, CS for CS for HB 423, HB 431, CS for CS for HB 511, HB 759, CS for CS for CS for HB 831, CS for HB 859, HB 937, CS for HB 955, CS for HB 957, HB 1045, HB 1047, HB 1049, HB 1051, HB 1053, HB 1055, HB 1121, CS for HB 1129, CS for HB 1209, HB 1215, CS for HB 1247, HB 1249, HB 1295, CS for HB 1403, CS for HB 1473, CS for CS for HB 1483, HB 1485, CS for HB 1487, HB 1519, CS for HB 1547, CS for HB 1621, HB 1625, CS for HB 1627, HB 1629, HB 1631, HB 1635.

Respectfully submitted,
J. Alex Villalobos, Chair

CS for HB 1209 was removed by objection.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State **CS for SB 622** which he approved on April 28, 2010.

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 83, HB 545, HB 1193, CS for HB 7203, HB 7217; has passed as amended CS for CS for CS for HB 621, CS for CS for CS for CS for HB 663, CS for HB 907, CS for CS for HB 1411, CS for CS for HB 1503, HB 7243 and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

By Roads, Bridges & Ports Policy Committee and Representative(s) Crisafulli, Poppell, Tobia, Workman—

CS for HB 83—A bill to be entitled An act relating to specialty license plates; amending ss. 320.08056 and 320.08058, F.S.; creating an Endless Summer license plate; establishing an annual use fee for the plate; providing for the distribution of use fees received from the sale of such plates; providing an effective date.

—was referred to the Committees on Transportation; and General Government Appropriations.

By Representative(s) Patterson, Adkins, Zapata—

HB 545—A bill to be entitled An act relating to residential property sales; repealing s. 689.262, F.S., relating to sales of residential property in wind-borne debris regions and required disclosures of windstorm mitigation ratings to purchasers; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Representative(s) Plakon, Adkins, Porth—

HB 1193—A bill to be entitled An act relating to retirement; providing a short title; providing legislative findings; providing a statement of important state interest; amending s. 121.021, F.S.; revising the definition of "special risk member" to include certain members suffering a qualifying injury; amending s. 121.0515, F.S.; providing eligibility requirements for membership in the Special Risk Class for certain members suffering a qualifying injury; providing medical certification requirements; providing a definition; prohibiting the grant or creation of additional rights; providing retroactive effect; providing an effective date.

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

By Economic Development & Community Affairs Policy Council, Finance & Tax Council and Representative(s) Bogdanoff—

CS for HB 7203—A bill to be entitled An act relating to community development districts; creating s. 212.0315, F.S.; authorizing certain community development districts to levy a tax on certain transactions; requiring approval by the district board of supervisors and district landowners; providing a procedure to enact the tax; providing for an effective date of the tax; providing for expiration of the tax under certain circumstances; providing definitions; specifying uses of tax proceeds; requiring prior approval by the district board for expenditures of tax proceeds; specifying tax charging and collection requirements; providing for exempting certain transactions; requiring local administration of the tax; requiring adoption of a resolution; specifying requirements for local

administration; specifying that the tax constitutes a lien for certain purposes; providing an effective date.

—was referred to the Committee on Finance and Tax.

By General Government Policy Council and Representative(s) Nelson—

HB 7217—A bill to be entitled An act relating to Florida Hurricane Catastrophe Fund emergency assessments; amending s. 215.555, F.S.; delaying the repeal of an exemption from certain emergency assessments provided for medical malpractice insurance premiums and the subjection of such premiums to emergency assessments; providing an effective date.

—was referred to the Committee on General Government Appropriations.

By Criminal & Civil Justice Policy Council, Criminal & Civil Justice Appropriations Committee, Public Safety & Domestic Security Policy Committee and Representative(s) Brandenburg, Porth—

CS for CS for CS for HB 621—A bill to be entitled An act relating to credit and debit card crimes; amending s. 501.0117, F.S.; prohibiting a seller or lessor from imposing a surcharge on debit card transactions; defining the term “debit card;” providing nonapplicability to offers of a discount for the purpose of inducing payment by cash, check, or other means not involving the use of a debit card; providing penalties; amending s. 817.60, F.S.; prohibiting possession of a stolen credit or debit card in specified circumstances; providing penalties; providing that a retailer who takes, accepts, retains, or possesses a stolen credit or debit card without knowledge that the card is stolen and who is authorized to process transactions by the company issuing the credit or debit card does not commit a violation under certain circumstances; providing an exception for certain retail employees; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Full Appropriations Council on Education & Economic Development, General Government Policy Council, Military & Local Affairs Policy Committee, Insurance, Business & Financial Affairs Policy Committee and Representative(s) Aubuchon, Bovo, Kreegel, Proctor, Rogers, Van Zant—

CS for CS for CS for CS for HB 663—A bill to be entitled An act relating to building safety; amending s. 196.031, F.S.; specifying an additional condition that constitutes an abandonment of homestead property for homestead exemption purposes; amending s. 399.02, F.S.; authorizing the Division of Hotels and Restaurants of the Department of Business and Professional Regulation to have access to places in which a conveyance and equipment are located; authorizing the division to grant variances from certain rules for undue hardship; prohibiting the enforcement of Phase II Firefighters’ Service on certain elevators for a specified period; amending s. 399.15, F.S.; providing an alternative method to allow access to regional emergency elevators; providing for a uniform lock box; providing for a master key; providing the Division of State Fire Marshal with enforcement authority; creating s. 455.2122, F.S.; authorizing distance learning courses as an alternative to classroom instruction for certain licenses; prohibiting the department or regulatory board from requiring centralized licensing examinations for certain licenses; creating s. 455.2123, F.S.; authorizing distance learning courses as an alternative to classroom instruction for certain licenses; prohibiting the department or a regulatory board from requiring centralized licensing examinations for certain licenses; amending s. 468.631, F.S.; revising the amount of a surcharge and imposing the surcharge on certain building permits; requiring the unit of government collecting the surcharge to remit the funds to the Department of Business and Professional Regulation; requiring the unit of government collecting the surcharge to retain a portion of the funds to fund certain activities of building departments; requiring that the remaining funds from the surcharge be used to fund the Florida Homeowners’ Construction Recovery Fund and the Florida Building Code Administrators and Inspectors Board; amending s. 468.83, F.S.; providing for the creation of the home inspection services licensing program within the Department of Business and Professional Regulation; amending s.

468.8311, F.S.; revising the term “home inspection services;” amending s. 468.8312, F.S.; deleting a fee provision for certain certificates of authorization; amending s. 468.8313, F.S.; revising examination requirements for licensure as a home inspector; providing fingerprinting requirements and procedures for license applications; providing that the applicant is responsible for certain costs; amending s. 468.8318, F.S.; revising requirements and procedures for certification of corporations and partnerships offering home inspection services to the public; deleting provisions relating to required certificates of authorization; amending s. 468.8319, F.S.; delaying the enforcement of a prohibition against performing certain activities by a person who is not licensed as a home inspector; revising certain prohibitions with respect to providers of home inspection services; amending s. 468.832, F.S.; providing an additional ground for taking certain disciplinary actions; amending s. 468.8324, F.S.; specifying additional requirements for licensure as a home inspector; creating s. 468.8325, F.S.; requiring the department to adopt rules to administer part XV of ch. 468, F.S., relating to home inspectors; amending s. 468.84, F.S.; providing for the creation of the mold-related services licensing program within the Department of Business and Professional Regulation; amending s. 468.8412, F.S.; deleting a fee provision for certain biennial certificates of authorization renewal; amending s. 468.8413, F.S.; revising examination requirements and procedures for licensure as a mold assessor or mold remediator; providing fingerprinting requirements and procedures for license applications; providing that the applicant is responsible for certain costs; amending s. 468.8414, F.S.; specifying an additional applicant qualification criterion for licensure by endorsement; amending s. 468.8418, F.S.; revising requirements and procedures for certification of corporations and partnerships offering mold assessment or mold remediation services to the public; deleting provisions relating to required certificates of authorization; amending s. 468.8419, F.S.; delaying the enforcement of a prohibition against performing certain activities by a person who is not licensed as a mold assessor; amending s. 468.842, F.S.; providing an additional ground for taking certain disciplinary actions; amending s. 468.8421, F.S.; specifying an insurance coverage requirement for mold assessors; amending s. 468.8423, F.S.; specifying additional requirements for licensure as a mold assessor or mold remediator; creating s. 468.8424, F.S.; requiring the Department of Business and Professional Regulation to adopt rules to administer part XVI of ch. 468, F.S., relating to mold-related services; amending s. 489.103, F.S.; conforming a cross-reference; amending s. 489.5335, F.S.; revising education requirements for electrical trade journeyman eligibility to work in certain localities; amending s. 553.37, F.S.; authorizing manufacturers to pay inspection fees directly to the provider of inspection services; providing requirements for rules of the Department of Business and Professional Regulation regarding the schedule of fees; authorizing the department to enter into contracts for the performance of certain administrative duties; revising inspection requirements for certain custom manufactured buildings; amending s. 553.375, F.S.; revising the requirement for recertification of manufactured buildings prior to relocation; amending s. 553.512, F.S.; requiring the Florida Building Commission to establish by rule a fee for certain waiver requests; amending s. 553.721, F.S.; revising the amount of a surcharge and imposing the surcharge on certain building permits; requiring the unit of government collecting the surcharge to electronically remit the funds to the Department of Community Affairs; requiring the unit of government collecting the surcharge to retain a portion of the funds to fund certain activities of building departments; revising requirements for use of funds collected from the surcharge; deleting obsolete language; amending s. 553.73, F.S.; conforming cross-references; authorizing counties and municipalities to adopt by ordinance administrative or technical amendments to the Florida Building Code for certain flood-related purposes; specifying requirements and procedures; revising foundation code adoption requirements; authorizing the Florida Building Commission to approve amendments relating to equivalency of standards; exempting certain mausoleums from the requirements of the Florida Building Code; exempting certain temporary housing provided by the Department of Corrections from the requirements of the Florida Building Code; restricting the code, code enforcement agencies, and local governments from imposing requirements on certain mechanical equipment on roofs; providing Florida Building Code requirements for classroom lighting; prohibiting incorporation into the Florida Building Code of certain mandatory residential fire sprinkler provisions of the International Residential Code; providing an exception; amending s. 553.74, F.S.; specifying absence of impermissible conflicts of interest for certain committee or workgroup members while representing clients under certain circumstances; specifying certain prohibited activities for such

members; amending s. 553.76, F.S.; authorizing the Florida Building Commission to adopt rules related to consensus-building decisionmaking; amending s. 553.775, F.S.; conforming a cross-reference; authorizing the commission to charge a fee for filing certain requests and for nonbinding interpretations; limiting fees for nonbinding interpretations; amending s. 553.79, F.S.; requiring certain inspection services to be performed under the alternative plans review and inspection process or by a local governmental entity; reenacting s. 553.80(1), F.S., relating to the enforcement of the Florida Building Code, to incorporate the amendments made to s. 553.79, F.S., in a reference thereto; amending s. 553.80, F.S.; specifying nonapplicability of certain exemptions from the Florida Building Code granted by certain enforcement entities under certain circumstances; revising requirements for review of facility plans and construction surveyed for certain hospitals and health care facilities; amending s. 553.841, F.S.; deleting provisions requiring that the Department of Community Affairs maintain, update, develop, or cause to be developed a core curriculum for persons who enforce the Florida Building Code; amending s. 553.842, F.S.; authorizing rules requiring the payment of product evaluation fees directly to the administrator of the product evaluation and approval system; specifying the use of such fees; authorizing the Florida Building Commission to provide by rule for editorial revisions to certain approvals and charge certain fees; providing requirements for the approval of applications for state approval of a product; providing for certain approved products to be immediately added to the list of state-approved products; requiring that the commission's oversight committee review approved products; revising the list of approved evaluation entities; deleting obsolete provisions governing evaluation entities; amending s. 553.844, F.S.; providing an exemption from the requirements regarding roof and opening protections for certain exposed mechanical equipment or appliances; providing for future expiration; amending s. 553.885, F.S.; revising requirements for carbon monoxide alarms; providing an exception for buildings undergoing alterations or repairs; defining the term "addition" as it relates to the requirement of a carbon monoxide alarm; amending s. 553.9061, F.S.; revising the energy-efficiency performance options and elements identified by the commission for purposes of meeting certain goals; amending s. 553.909, F.S.; revising a compliance criterion for certain swimming pool pumps or water heaters; revising requirements for residential swimming pool pumps and pump motors; amending s. 553.912, F.S.; providing requirements for replacement air-conditioning systems; amending s. 627.711, F.S.; conforming provisions to changes made by the act in which core curriculum courses relating to the Florida Building Code are deleted; 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; amending s. 633.021, F.S.; providing additional definitions for fire equipment dealers; revising the definition of the term "preengineered systems;" amending s. 633.0215, F.S.; providing guidelines for the State Fire Marshal to apply when issuing an expedited declaratory statement; requiring that the State Fire Marshal issue an expedited declaratory statement under certain circumstances; providing requirements for a petition requesting an expedited declaratory statement; exempting certain condominiums from installing manual fire alarm systems; amending s. 633.0245, F.S.; conforming cross-references; amending s. 633.025, F.S.; prohibiting requiring property owners to install fire sprinklers in certain residential property; amending s. 633.026, F.S.; providing legislative intent; revising authority of the State Fire Marshal to contract with and refer interpretive issues to certain entities; providing for the establishment of the Fire Code Interpretation Committee; providing for the membership of the committee and requirements for membership; requiring that nonbinding interpretations of the Florida Fire Prevention Code be issued within a specified period after a request is received; providing for the waiver of such requirement under certain conditions; requiring that the Division of State Fire Marshal charge a fee for nonbinding interpretations; providing that fees may be paid directly to a contract provider; providing requirements for requesting a nonbinding interpretation; requiring that the Division of State Fire Marshal develop

a form for submitting a petition for a nonbinding interpretation; providing for a formal interpretation by the State Fire Marshal; requiring that an interpretation of the Florida Fire Prevention Code be published on the division's website and in the Florida Administrative Weekly; amending s. 633.061, F.S.; authorizing certain fire equipment dealer licensees to maintain inactive license status under certain circumstances; providing requirements; providing for a renewal fee; revising certain continuing education requirements; revising an applicant licensure qualification requirement; amending s. 633.081, F.S.; requiring that the State Fire Marshal inspect a building when the State Fire Marshal, rather than the Department of Financial Services, has cause to believe a violation has occurred; providing exceptions for requirements that certain firesafety inspections be conducted by firesafety inspectors; requiring that the Division of State Fire Marshal and the Florida Building Code Administrators and Inspectors Board enter into a reciprocity agreement for purposes of recertifying building code inspectors, plan inspectors, building code administrators, and firesafety inspectors; requiring that the State Fire Marshal develop by rule an advanced training and certification program for firesafety inspectors who have fire code management responsibilities; requiring that the program be consistent with certain standards and establish minimum training, education, and experience levels for such firesafety inspectors; amending s. 633.082, F.S.; authorizing alternative inspection procedures for certain fire hydrants; requiring periodic testing or operation of certain equipment; providing that nonmandated sprinkler systems may not be required to be removed; amending s. 633.352, F.S.; providing an exception to requirements for recertification as a firefighter; amending s. 633.521, F.S.; revising requirements for certification as a fire protection system contractor; revising the prerequisites for taking the certification examination; authorizing the State Fire Marshal to accept more than one source of professional certification; revising legislative intent; amending s. 633.524, F.S.; authorizing the State Fire Marshal to enter into contracts for examination services; providing for the direct payment of examination fees to contract providers; amending s. 633.537, F.S.; revising the continuing education requirements for certain permitholders; amending 633.72, F.S.; revising the terms of service for members of the Fire Code Advisory Council; repealing s. 718.113(6), F.S., relating to requirements for 5-year inspections of certain condominium improvements; directing the Florida Building Commission to conform provisions of the Florida Building Code with revisions made by the act relating to the operation of elevators; requiring the Department of Management Services to consider the energy efficiency of building materials used for certain purposes in state buildings or facilities; requiring the department to adopt rules relating to installing high-efficiency replacement lamps in buildings owned by a state agency; providing effective dates.

—was referred to the Committees on Regulated Industries; Banking and Insurance; Community Affairs; and Military Affairs and Domestic Security.

By Civil Justice & Courts Policy Committee and Representative(s) Flores—

CS for HB 907—A bill to be entitled An act relating to child support guidelines; amending s. 61.13, F.S.; requiring all child support orders after a certain date to contain certain provisions; creating s. 61.29, F.S.; providing principles for implementing the support guidelines schedule; amending s. 61.30, F.S.; creating a rebuttable presumption of census-level wages if information about earnings level is not provided; providing that the burden of proof is on the party seeking to impute income to the other party; prohibiting imputation of income for out-of-date records or unprecedented earnings; removing the first three combined monthly net income amounts on the guidelines schedule; providing for the calculation of the obligor parent's child support payment under certain circumstances; revising the deviation factors that a court may consider when adjusting a parent's share of the child support award; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Judiciary; and Criminal and Civil Justice Appropriations.

By Criminal & Civil Justice Policy Council, Civil Justice & Courts Policy Committee and Representative(s) Dorworth—

CS for CS for HB 1411—A bill to be entitled An act relating to foreclosures; amending s. 721.07, F.S.; providing lien disclosure re-

quirements for filed public offering statements for certain timeshare plans; amending s. 721.13, F.S.; requiring officers, directors, and agents of a timeshare owners' association to act in good faith; providing for damages; providing exceptions; amending s. 721.16, F.S.; authorizing a managing entity to bring a judicial action or a trustee procedure to foreclose certain liens under specified conditions; revising when a lien is effective; renaming part III of chapter 721, F.S., to conform to changes made by this act; amending s. 721.81, F.S.; revising and providing legislative purposes of the part; amending s. 721.82, F.S.; revising and providing definitions; amending s. 721.83, F.S., relating to consolidation of foreclosure actions; clarifying application to judicial foreclosure actions; amending s. 721.85, F.S., relating to service of notice address or on registered agent; conforming provisions to changes made by this act; creating s. 721.855, F.S.; establishing procedure for the trustee foreclosure of assessment liens; providing for the appointment of a trustee; providing recording requirements for such liens; providing procedures for the initiation of a trustee foreclosure procedure against a timeshare interest; providing procedures for an obligor's objection to the trustee foreclosure procedure; providing conditions to a trustee's exercise of power of sale; providing requirements for a notice of default and intent to sell; providing requirements for a notice of sale; providing requirements for the sale by auction of foreclosed encumbered timeshare interests; providing requirements for a trustee's certificate of compliance; providing for the effect of a trustee's sale; providing requirements for a trustee's deed; providing for the disposition of proceeds of the sale; providing that the trustee foreclosure procedure does not impair or otherwise affect the right to bring certain actions; providing application; providing for actions for failure to follow the trustee foreclosure procedure; providing a criminal penalty; creating s. 721.856, F.S.; establishing procedure for the trustee foreclosure of mortgage liens; providing for the appointment of a trustee; providing recording requirements for such liens; providing procedures for the initiation of a trustee foreclosure procedure against a timeshare interest; providing procedures for an obligor's objection to the trustee foreclosure procedure; providing conditions to a trustee's exercise of power of sale; providing requirements for a notice of default and intent to sell; providing requirements for a notice of sale; providing requirements for the sale by auction of foreclosed encumbered timeshare interests; providing requirements for a trustee's certificate of compliance; providing for the effect of a trustee's sale; providing requirements for a trustee's deed; providing for the disposition of proceeds of the sale; providing that the trustee foreclosure procedure does not impair or otherwise affect the right to bring certain actions; providing for actions for failure to follow the trustee foreclosure procedure; providing a criminal penalty; amending s. 721.86, F.S.; providing for priority of application in case of conflict; conforming terminology to changes made by this act; amending s. 721.20, F.S.; revising exemptions from certain licensing requirements; providing an effective date.

—was referred to the Committees on Regulated Industries; Judiciary; Banking and Insurance; and Criminal and Civil Justice Appropriations.

By Health & Family Services Policy Council, Health Care Regulation Policy Committee and Representative(s) Flores—

CS for CS for HB 1503—A bill to be entitled An act relating to health care; amending s. 112.0455, F.S., and repealing paragraph (10)(e), relating to a prohibition against applying the Drug-Free Workplace Act retroactively; conforming a cross-reference; amending s. 381.00315, F.S.; directing the Department of Health to accept funds from counties, municipalities, and certain other entities for the purchase of certain products made available under a contract with the United States Department of Health and Human Services for the manufacture and delivery of such products in response to a public health emergency; amending s. 381.932, F.S.; revising certain criteria of the breast cancer early detection and treatment referral program by requiring that the public education and outreach initiative and professional education programs use guidelines currently employed by the United States Centers for Disease Control and Prevention rather than the United States Preventive Services Task Force; amending s. 381.06015, F.S.; requiring the State Surgeon General to make certain resources and materials relating to umbilical cord blood available on the Internet website of the Department of Health; requiring the Department of Health to encourage certain health care professionals to make specified information available to patients; repealing s. 383.325, F.S., relating to the requirement of a licensed facility under s. 383.305, F.S., to maintain inspection reports;

amending s. 395.1055, F.S., requiring Agency for Health Care Administration rules related to infection control to include a requirement that hospitals establish a comprehensive plan to reduce health care associated infections; establishing components for the plan; repealing s. 395.1046, F.S., relating to the investigation of complaints regarding hospitals; repealing s. 395.3037, F.S.; deleting definitions relating to obsolete provisions governing primary and comprehensive stroke centers; amending s. 400.0239, F.S.; deleting an obsolete provision; repealing s. 400.147(10), F.S., relating to a requirement that a nursing home facility report any notice of a filing of a claim for a violation of a resident's rights or a claim of negligence; repealing s. 400.148, F.S., relating to the Medicaid "Up-or-Out" Quality of Care Contract Management Program; repealing s. 400.195, F.S., relating to reporting requirements for the Agency for Health Care Administration; amending s. 400.476, F.S.; providing requirements for an alternate administrator of a home health agency; revising the duties of the administrator; revising the requirements for a director of nursing for a specified number of home health agencies; prohibiting a home health agency from using an individual as a home health aide unless the person has completed training and an evaluation program; requiring a home health aide to meet certain standards in order to be competent in performing certain tasks; requiring a home health agency and staff to comply with accepted professional standards; providing certain requirements for a written contract between certain personnel and the agency; requiring a home health agency to provide certain services through its employees; authorizing a home health agency to provide additional services with another organization; providing responsibilities of a home health agency when it provides home health aide services through another organization; requiring the home health agency to coordinate personnel who provide home health services; requiring personnel to communicate with the home health agency; amending s. 400.487, F.S.; requiring a home health agency to provide a patient or the patient's legal representative a copy of the agreement between the agency and the patient which specifies the home health services to be provided; providing the rights that are protected by the home health agency; requiring the home health agency to furnish nursing services by or under the supervision of a registered nurse; requiring the home health agency to provide therapy services through a qualified therapist or therapy assistant; providing the duties and qualifications of a therapist and therapy assistant; requiring supervision by a physical therapist or occupational therapist of a physical therapist assistant or occupational therapy assistant; providing duties of a physical therapist assistant or occupational therapy assistant; providing for speech therapy services to be provided by a qualified speech-language pathologist or audiologist; providing for a plan of care; providing that only the staff of a home health agency may administer drugs and treatments as ordered by certain health professionals; providing requirements for verbal orders; providing duties of a registered nurse, licensed practical nurse, home health aide, and certified nursing assistant who work for a home health agency; providing for supervisory visits of services provided by a home health agency; amending s. 400.9905, F.S.; revising the definition of the term "clinic" applicable to the Health Care Clinic Act; providing exemptions from licensure requirements for certain legal entities that provide health care services; repealing s. 408.802(11), F.S., relating to the applicability of the Health Care Licensing Procedures Act to private review agents; repealing s. 409.912(15)(e), (f), and (g), F.S., relating to a requirement for the Agency for Health Care Administration to submit a report to the Legislature regarding the operations of the CARE program; repealing s. 409.9122(13), F.S., relating to Medicaid managed prepaid plan minimum enrollment levels for plans operating in Miami-Dade County; amending s. 409.91255, F.S.; transferring administrative responsibility for the application procedure for federally qualified health centers from the Department of Health to the Agency for Health Care Administration; requiring the Florida Association of Community Health Centers, Inc., to provide support and assume administrative costs for the program; amending s. 429.075, F.S.; requiring certain assisted living facilities to maintain certain security services; repealing s. 429.12(2), F.S., relating to the sale or transfer of ownership of an assisted living facility; repealing s. 429.23(5), F.S., relating to each assisted living facility's requirement to submit a report to the agency regarding liability claims filed against it; repealing s. 429.911(2)(a), F.S., relating to an intentional or negligent act materially affecting the health or safety of center participants as grounds for which the agency may take action against the

owner of an adult day care center or its operator or employee; requiring persons who apply for licensure renewal as a dentist or dental hygienist to furnish certain information to the Department of Health in a dental workforce survey; requiring the Board of Dentistry to issue a non-disciplinary citation and a notice for failure to complete the survey within a specified time; providing notification requirements for the citation; requiring the department to serve as the coordinating body for the purpose of collecting, disseminating, and updating dental workforce data; requiring the department to maintain a database regarding the state's dental workforce; requiring the department to develop strategies to maximize federal and state programs and to work with an advisory body to address matters relating to the state's dental workforce; providing membership of the advisory body; providing for members of the advisory body to serve without compensation; requiring the department to act as a clearinghouse for collecting and disseminating information regarding the dental workforce; requiring the department and the board to adopt rules; providing legislative intent regarding implementation of the act within existing resources; amending s. 499.01, F.S.; exempting certain persons from requirements for medical device manufacturer permits; authorizing certain business entities to pay for prescription drugs obtained by practitioners licensed under ch. 466, F.S.; amending s. 499.003, F.S.; defining the term "medical convenience kit" for purposes of the Florida Drug and Cosmetic Act; conforming cross-references; amending ss. 409.9201, 465.0265, 499.0121, 499.01211, 499.03, 499.05, and 794.075, F.S.; conforming cross-references; amending s. 624.91, F.S.; revising the membership of the board of directors of the Florida Healthy Kids Corporation to include a member nominated by the Florida Dental Association and appointed by the Governor; amending s. 381.0403, F.S.; deleting provisions relating to the program for graduate medical education innovations and the graduate medical education committee and report; conforming cross-references; amending s. 381.4018, F.S.; providing definitions; requiring the Department of Health to coordinate and enhance activities regarding the reentry of retired military and other physicians into the physician workforce; revising the list of governmental stakeholders that the department is required to work with regarding the state strategic plan and in assessing the state's physician workforce; creating the Physician Workforce Advisory Council; providing membership of the council; providing for appointments to the council; providing terms of membership; providing for removal of a council member; providing for a chair and vice chair of the council; providing that council members are not entitled to receive compensation or reimbursement for per diem or travel expenses; providing the duties of the council; establishing the physician workforce graduate medical education innovation pilot projects under the department; providing the purposes of the pilot projects; providing for the appropriation of state funds for the pilot projects; requiring the pilot projects to meet certain policy needs of the physician workforce in this state; providing criteria for prioritizing proposals for pilot projects; requiring the department to adopt by rule appropriate performance measures; requiring participating pilot projects to submit an annual report to the department; requiring state funds to be used to supplement funds from other sources; requiring the department to adopt rules; amending s. 400.9905, F.S.; revising the definition of the term "clinic;" amending ss. 458.3192 and 459.0082, F.S.; requiring the department to determine by geographic area and specialty the number of physicians and osteopathic physicians who plan to relocate outside the state, practice medicine in this state, and reduce or modify the scope of their practice; authorizing the department to report additional information in its findings to the Governor and the Legislature; amending s. 458.315, F.S.; revising the standards for the Board of Medicine to issue a temporary certificate to a certain physicians to practice medicine in areas of critical need; authorizing the State Surgeon General to designate areas of critical need; creating s. 459.0076, F.S.; authorizing the Board of Osteopathic Medicine to issue temporary certificates to osteopathic physicians who meet certain requirements to practice osteopathic medicine in areas of critical need; providing restrictions for issuance of a temporary certificate; authorizing the State Surgeon General to designate areas of critical need; authorizing the Board of Osteopathic Medicine to waive the application fee and licensure fees for obtaining temporary certificates for certain purposes; amending s. 499.01212, F.S.; exempting prescription drugs contained in sealed medical convenience kits from the pedigree paper requirements under specified circumstances; reenacting s. 465.0251, F.S., to require the Board of Pharmacy and the Board of Medicine to remove certain

drugs from the negative formulary for generic and brand-name drugs based on current references published by the United States Food and Drug Administration; amending s. 626.9541, F.S.; authorizing an insurer offering a group or individual health benefit plan to offer a wellness program; authorizing rewards or incentives; providing that such rewards or incentives are not insurance benefits; providing for verification of a member's inability to participate for medical reasons; providing an effective date.

—was referred to the Committees on Health Regulation; and Children, Families, and Elder Affairs; and the Policy and Steering Committee on Ways and Means.

By General Government Policy Council and Representative(s) Williams, T., Troutman, Rehwinkel Vasilinda—

HB 7243—A bill to be entitled An act relating to environmental control; 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. 373.414, F.S.; providing that financial responsibility for mitigation for wetlands and other surface waters required by a permit for activities associated with the extraction of limestone are subject to approval by the Department of Environmental Protection as part of permit application review; amending s. 378.901, F.S.; authorizing mine operators mining or extracting or proposing to mine or extract heavy minerals, limestone, or fuller's earth clay to apply for a life-of-the-mine permit; clarifying the authority of local governments to approve, approve with conditions, deny, or impose certain permit durations; amending s. 403.44, F.S.; eliminating a greenhouse gas registration and reporting requirement for major emitters; eliminating a requirement for the Department of Environmental Protection to establish methodologies, reporting periods, and reporting systems relating to greenhouse gas emissions; 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; providing exceptions; 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. 403.7046, F.S., relating to regulation of recovered materials; deleting a requirement that the Department of Environmental Protection appoint a technical advisory committee; revising reporting requirements; amending s. 403.7049, F.S.; conforming a cross-reference; amending s. 403.705, F.S.; conforming a cross-reference; requiring that the Department of Environmental Protection report biennially to the Legislature on the state's success in meeting solid waste reduction goals; providing for the creation of a voluntary recyclers certification program; amending s. 403.706, F.S.; requiring counties to meet specific recycling benchmarks; providing legislative intent; requiring certain multifamily residential and commercial properties to make certain provisions for recycling receptacles; providing applicability; authorizing the Department of Environmental Protection to require counties to develop a plan to expand recycling programs under certain conditions; requiring the Department of Environmental Protection to provide a report to the Legislature if a specified recycling rate is not met; eliminating a requirement that counties develop composting goals; providing for waste-to-energy production to be applied toward meeting recycling benchmarks; providing exceptions; providing deadlines for the reporting of recycling data; amending s. 403.7061, F.S.; revising requirements for review of new waste-to-energy facility capacity by the Department of Environmental Protection; amending s. 403.707, F.S.; requiring liners for new construction and demolition debris landfills; establishing recycling rates for source-separation activities; providing an exception; amending s. 403.708, F.S.; authorizing the disposal of yard trash at specified Class I landfills; requiring such landfills to obtain a modified operating permit; requiring permittees to certify certain collection and beneficial use of landfill gas; providing applicability and intent; amending s. 403.709, F.S.; conforming a cross-reference; amending s. 403.7095, F.S.; revising provisions relating to the solid waste management grant program; deleting provisions requiring the Department of Environmental Protection to develop a competitive and innovative

grant program for certain counties, municipalities, special districts, and nonprofit organizations; deleting application requirements for such grant program; deleting a requirement for the Department of Environmental Protection to evaluate and prioritize grant proposals for inclusion in its annual budget request; revising the distribution of funds for the small-county consolidated grant program; deleting obsolete provisions; amending s. 403.7145, F.S.; revising recycling requirements for certain state buildings; providing for a pilot project for the Capitol recycling area; amending s. 533.77, F.S.; requiring the Florida Building Commission to develop specified recommendations relating to recycling and composting and the use of recyclable materials; amending ss. 220.1845 and 376.30781, F.S.; providing requirements for claiming certain site rehabilitation costs in applications for contaminated site rehabilitation tax credits; conforming cross-references; amending s. 376.85, F.S.; revising requirements for the Department of Environmental Protection's annual report to the Legislature regarding site rehabilitation; amending s. 403.973, F.S.; transferring certain authority over the expedited permitting and comprehensive plan amendment process from the Office of Tourism, Trade, and Economic Development to the Secretary of Environmental Protection; revising job-creation criteria for businesses to qualify to submit permit applications and local comprehensive plan amendments for expedited review; providing that permit applications and local comprehensive plan amendments for specified renewable energy projects are eligible for the expedited permitting process; providing for the establishment of regional permit action teams through the execution of memoranda of agreement developed by permit applicants and the secretary; revising provisions relating to the memorandum of agreement developed by the secretary; providing for the appeal of local government comprehensive plan approvals for projects and requiring such appeals to be consolidated with challenges to state agency actions; requiring recommended orders relating to challenges to state agency actions pursuant to summary hearing provisions to include certain information; extending the deadline for issuance of final orders relating to such challenges; providing for challenges to state agency action related to expedited permitting for specified renewable energy projects; revising provisions relating to the review of sites proposed for the location of facilities eligible for the Innovation Incentive Program; revising criteria for counties eligible to receive technical assistance in preparing permit applications and local comprehensive plan amendments; specifying expedited review eligibility for certain electrical power projects; amending s. 369.317, F.S.; providing that certain activity relating to mitigation of certain environmental impacts in the Wekiva Study Area or the Wekiva parkway alignment corridor meets specified impact requirements under certain conditions; repealing s. 288.1185, F.S., relating to the Recycling Markets Advisory Committee; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; Community Affairs; and General Government Appropriations.

RETURNING MESSAGES — FINAL ACTION

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed SB 12, CS for SB 30, CS for SB 46, CS for SB 50, SB 54, CS for SB 140, SB 166, CS for SB 200, CS for SB 206, CS for SB 318 and CS for SB 572, CS for CS for SB 366, CS for SB 370, CS for CS for SB 434, SB 488, CS for SB 492, SB 502, CS for CS for SB 644, CS for CS for CS for SB 694, CS for SB 704, CS for CS for CS for SB 742, CS for SB 768, SB 808, CS for SB 814, CS for CS for CS for SB 846, CS for CS for SB 850, CS for CS for SB 926, CS for SB 962, CS for CS for SB 982, CS for CS for SB 998, CS for CS for SB 1004, CS for SB 1012, CS for CS for SB 1050, CS for CS for SB 1058, SB 1136, SB 1150, CS for CS for SB 1152, CS for SB 1178, CS for CS for CS for SB's 1196 and 1222, CS for SB 1306, CS for SB 1612, CS for SB 1730, CS for CS for SB 1736, CS for CS for SB 1842, CS for CS for SB 1964, CS for CS for CS for SB 2014, CS for SB 2046, CS for CS for CS for SB 2086 and SB 2470; passed CS for SB 312 and SB 1678 by the required constitutional two-thirds vote of the members present in the House.

Robert L. "Bob" Ward, Clerk

The bills contained in the foregoing messages were ordered enrolled.

VOTES RECORDED

Senator Richter was recorded as voting "yea" on the following bill which was considered April 27: **SB 340**.

ENROLLING REPORTS

SB 12 has been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 28, 2010.

R. Philip Twogood, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 27 was corrected and approved.

RECESS

On motion by Senator Villalobos, the Senate recessed at 6:41 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Thursday, April 29 or upon call of the President.