Journal of the Senate

Number 24—Regular Session **Wednesday, May 3, 2017**

CONTENTS

CALL TO ORDER

The Senate was called to order by President Negron at 10:00 a.m. A quorum present—35:

Mr. President	Farmer	Rader
Baxley	Flores	Rodriguez
Bean	Gainer	Rouson
Benacquisto	Galvano	Simmons
Book	Garcia	Simpson
Bracy	Gibson	Stargel
Bradley	Grimsley	Steube
Brandes	Hutson	Stewart
Braynon	Mayfield	Thurston
Broxson	Montford	Torres
Campbell	Passidomo	Young
Clemens	Perry	

Excused: Senator Hukill

PRAYER

The following prayer was offered by Major Timothy P. Gilliam, Area Commander of the Salvation Army of Lee, Hendry, and Glades Counties, Fort Myers:

Mighty God, we approach you with awe and reverence as we acknowledge you as the creator, preserver, and ruler of all things. We recognize that you are the giver of all blessings as you are our great provider. Hear our prayer this morning.

If we are honest with you and ourselves, these are trying days of division, mistrust, and concern. We pray that you would bring to us a spirit of unity and grant divine wisdom to our elected officials. Give them your anointing, protection, and blessing. Help them to live up to the sacred trust given to them by the people of Florida. Guide them in every decision. Bestow upon them discernment, enabling them to think with clear minds, clean hands, and pure hearts. May our leaders govern with integrity and common sense.

Your word says in 2 Chronicles 7:14, "If my people, who are called by my name, will humble themselves and pray and seek my face and turn from their wicked ways, then I will hear from heaven, and I will forgive their sin and will heal their land." May we do as you have instructed. May our leaders follow your principles and be guided by your precepts. Help them to understand their decisions have an impact on all people's lives. Be their defender as they defend us. Grant them encouragement as they make every effort to do what is courageous and honorable. Remind them that it is better to do what is right rather than to do what is popular, convenient, or easy.

You have called each of us to protect this state we call home and not just its resources of land, water, and earthly treasure—but most importantly, its people. Help us to reach out to those living on the fringes. Remind us not to forget those whom many would consider the "least," the "last," or the "lost." Our state is too good to allow people to fall through the cracks of society; help us to put the needs of others ahead of our own self-interests. If we do these things, remind us that Florida's best days are ahead of us, not behind.

Again, bless and guide our Governor, Senators, Representatives, and each of our elected officials as they enact laws and policies that ensure our state's peace and prosperity. Thank you for hearing our prayer and know we offer it in humility. Grant us your blessings as we pray in your name. Amen.

PLEDGE

Senate Pages, Caden Emerson of Oviedo; Emanuel Rouson of St. Petersburg, son of Senator Rouson; and Emma Kerr of Tallahassee, led the Senate in the Pledge of Allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Christopher Pittman of Tampa, sponsored by Senator Young, as the doctor of the day. Dr. Pittman specializes in interventional radiology.

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

SPECIAL ORDER CALENDAR

Consideration of **CS for SB 1626** and **CS for SB 7020** was deferred.

CS for SB 1626—A bill to be entitled An act relating to the Department of Legal Affairs; amending s. 16.617, F.S.; authorizing the Statewide Council on Human Trafficking to apply for and accept funds, grants, gifts, and services from various governmental entities or any other public or private source for a specified purpose; amending s. 321.04, F.S.; requiring the Department of Highway Safety and Motor Vehicles to assign one or more patrol officers to the Office of the Attorney General for security services upon request of the Attorney General; amending s. 501.203, F.S.; redefining the term "violation of this part"; amending s. 501.204, F.S.; revising legislative intent; amending s. 736.0110, F.S.; providing that the Attorney General has standing to assert the rights of certain qualified beneficiaries in judicial proceedings; amending s. 736.1201, F.S.; defining the term "delivery of notice"; deleting the term "state attorney"; amending s. 736.1205, F.S.; requiring a trustee to provide a specified notice to the Attorney General rather than the state attorney; amending s. 736.1206, F.S.; revising the conditions under which a trustee may amend the governing instrument of a specified charitable trust to comply with specified provisions of ch. 736, F.S.; amending s. 736.1207, F.S.; conforming a term; amending s. 736.1208, F.S.; revising the manner in which delivery of a release is accomplished; conforming provisions to changes made by the act; amending s. 736.1209, F.S.; revising requirements for a trustee of a

specified trust who elects to be operated exclusively for the benefit of, and be supervised by, the specified public charitable organization or organizations; amending s. 896.101, F.S.; amending the term "monetary instruments"; defining the term "virtual currency"; amending s. 960.03, F.S.; revising definitions; amending s. 960.16, F.S.; providing an exception to a subrogation requirement for awards; creating s. 960.201, F.S.; defining terms; authorizing the Department of Legal Affairs to award the surviving family of members of an emergency responder who is killed under specified circumstances up to a specified amount; specifying requirements to determine the award amount; requiring apportionment of the award among several claimants under certain circumstances; requiring an award to be reduced or denied by the department under certain circumstances; authorizing rulemaking; providing an effective date.

—was read the second time by title.

On motion by Senator Bradley, further consideration of **CS for SB 1626** was deferred.

Consideration of **CS for SB 328** was deferred.

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

CS for SB 1626—A bill to be entitled An act relating to the Department of Legal Affairs; amending s. 16.617, F.S.; authorizing the Statewide Council on Human Trafficking to apply for and accept funds, grants, gifts, and services from various governmental entities or any other public or private source for a specified purpose; amending s. 321.04, F.S.; requiring the Department of Highway Safety and Motor Vehicles to assign one or more patrol officers to the Office of the Attorney General for security services upon request of the Attorney General; amending s. 501.203, F.S.; redefining the term "violation of this part"; amending s. 501.204, F.S.; revising legislative intent; amending s. 736.0110, F.S.; providing that the Attorney General has standing to assert the rights of certain qualified beneficiaries in judicial proceedings; amending s. 736.1201, F.S.; defining the term "delivery of notice"; deleting the term "state attorney"; amending s. 736.1205, F.S.; requiring a trustee to provide a specified notice to the Attorney General rather than the state attorney; amending s. 736.1206, F.S.; revising the conditions under which a trustee may amend the governing instrument of a specified charitable trust to comply with specified provisions of ch. 736, F.S.; amending s. 736.1207, F.S.; conforming a term; amending s. 736.1208, F.S.; revising the manner in which delivery of a release is accomplished; conforming provisions to changes made by the act; amending s. 736.1209, F.S.; revising requirements for a trustee of a specified trust who elects to be operated exclusively for the benefit of, and be supervised by, the specified public charitable organization or organizations; amending s. 896.101, F.S.; amending the term "monetary instruments"; defining the term "virtual currency"; amending s. 960.03, F.S.; revising definitions; amending s. 960.16, F.S.; providing an exception to a subrogation requirement for awards; creating s. 960.201, F.S.; defining terms; authorizing the Department of Legal Affairs to award the surviving family of members of an emergency responder who is killed under specified circumstances up to a specified amount; specifying requirements to determine the award amount; requiring apportionment of the award among several claimants under certain circumstances; requiring an award to be reduced or denied by the department under certain circumstances; authorizing rulemaking; providing an effective date.

—which was previously considered this day.

Pending further consideration of **CS for SB 1626**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 1379** was withdrawn from the Committees on Criminal Justice; Appropriations Subcommittee on Criminal and Civil Justice; and Appropriations.

On motion by Senator Bradley—

CS for HB 1379—A bill to be entitled An act relating to the Department of Legal Affairs; amending s. 16.617, F.S.; authorizing the Statewide Council on Human Trafficking to apply for and receive funding from additional sources to defray costs associated with the annual policy summit; amending s. 321.04, F.S.; requiring the Department of Highway Safety and Motor Vehicles to assign highway patrol officers to the Office of the Attorney General as requested; amending ss. 501.203 and 501.204, F.S.; updating references for purposes of the Florida Deceptive and Unfair Trade Practices Act; amending s. 736.0110, F.S.; providing that the Attorney General has standing to assert certain rights in certain proceedings; amending s. 736.1201, F.S.; defining the term "delivery of notice"; conforming a provision to changes made by the act; amending s. 736.1205, F.S.; requiring an authorized trustee to provide certain notice to the Attorney General rather than the state attorney; amending ss. 736.1206, 736.1207, 736.1208, and 736.1209, F.S.; conforming provisions; amending s. 896.101, F.S.; defining the term "virtual currency"; expanding the Florida Money Laundering Act to prohibit the laundering of virtual currency; amending s. 960.03, F.S.; revising definitions for purposes of crime victim assistance; amending s. 960.16, F.S.; providing that awards of emergency responder death benefits under a specified provision are not subject to subrogation; creating s. 960.194, F.S.; providing definitions; providing for awards to the surviving family members of first responders who, as a result of a crime, are killed answering a call for service in the line of duty; specifying considerations in the determination of the amount of such an award; providing for apportionment of awards in certain circumstances; authorizing rulemaking for specified purposes; providing for denial of benefits under certain circumstances; providing an effective date.

—a companion measure, was substituted for **CS for SB 1626** and read the second time by title.

Senator Bradley moved the following amendment:

Amendment 1 (572980) (with title amendment)—Between lines 51 and 52 insert:

Section 2. Paragraph (a) of subsection (7) of section 112.313, Florida Statutes, is amended to read:

112.313 Standards of conduct for public officers, employees of agencies, and local government attorneys.—

(7) CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.—

(a) No public officer or employee of an agency shall have or hold any employment or contractual relationship with any business entity or any agency which is subject to the regulation of, or is doing business with, an agency of which he or she is an officer or employee, excluding those organizations and their officers who, when acting in their official capacity, enter into or negotiate a collective bargaining contract with the state or any municipality, county, or other political subdivision of the state; nor shall an officer or employee of an agency have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties or that would impede the full and faithful discharge of his or her public duties. *If an officer of an agency, other than those referred to in subsection (1) or subsection (2), is an attorney and another member of the officer's law firm appears before an agency of which the officer is a member, the officer must recuse himself or herself from any and all votes pertaining to any matter or client whom the law firm is representing before the agency. The officer must announce a conflict; recuse himself from the vote; not take part in any discussions, questions, or debate on the matter; and not discuss the matter with any other officer or employee of the agency or of the officer's law firm.*

1. When the agency referred to is that certain kind of special tax district created by general or special law and is limited specifically to constructing, maintaining, managing, and financing improvements in the land area over which the agency has jurisdiction, or when the agency has been organized pursuant to chapter 298, then employment with, or entering into a contractual relationship with, such business entity by a public officer or employee of such agency shall not be prohibited by this subsection or be deemed a conflict per se. However, conduct by such officer or employee that is prohibited by, or otherwise frustrates the intent of, this section shall be deemed a conflict of interest in violation of the standards of conduct set forth by this section.

2. When the agency referred to is a legislative body and the regulatory power over the business entity resides in another agency, or

when the regulatory power which the legislative body exercises over the business entity or agency is strictly through the enactment of laws or ordinances, then employment or a contractual relationship with such business entity by a public officer or employee of a legislative body *is* ~~shall~~ not ~~be~~ prohibited by this subsection or ~~be~~ deemed a conflict*, and the provision in this subsection requiring attorney recusal does not apply*.

And the title is amended as follows:

Between lines 6 and 7 insert: 112.313, F.S.; requiring an officer of an agency to recuse himself or herself from certain votes under certain circumstances; specifying requirements for the recusal; providing an exception; amending s.

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendment was allowed:

Senator Bradley moved the following amendment to **Amendment 1 (572980)** which was adopted:

Amendment 1A (656134) (with title amendment)—Delete line 23 and insert:
his or her public duties. *It shall not be a violation of this section if a public officer is an attorney and another member of the officer's law firm appears in front of an agency of which the officer is a member. If an officer of an agency, other than*

And the title is amended as follows:

Delete line 61 and insert: 112.313, F.S.; allowing the associates of the officer to appear before the agency of which an officer is a member; requiring an officer of an agency to

Amendment 1 (572980), as amended, was adopted.

Pursuant to Rule 4.19, **CS for HB 1379**, as amended, was placed on the calendar of Bills on Third Reading.

SENATOR BRADLEY PRESIDING

CS for SB 714—A bill to be entitled An act relating to comprehensive transitional education programs; amending s. 393.0678, F.S.; authorizing the Agency for Persons with Disabilities to petition a court for the appointment of a receiver for a comprehensive transitional education program under certain circumstances; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 714**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 899** was withdrawn from the Committees on Children, Families, and Elder Affairs; and Appropriations.

On motion by Senator Garcia—

CS for HB 899—A bill to be entitled An act relating to comprehensive transitional education programs; amending s. 393.0678, F.S.; authorizing the Agency for Persons with Disabilities to petition for the appointment of a receiver for a comprehensive transitional education program; providing an effective date.

—a companion measure, was substituted for **CS for SB 714** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 899** was placed on the calendar of Bills on Third Reading.

CS for SB 794—A bill to be entitled An act relating to motor vehicle service agreement companies; amending s. 634.041, F.S.; revising qualifications for a motor vehicle service agreement company to obtain and maintain a license; amending s. 634.121, F.S.; requiring specified refunds by insurers or service agreement companies if service agreements are canceled by lenders, finance companies, or creditors after a specified timeframe; providing a limitation on such cancellations; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 794**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 339** was withdrawn from the Committees on Banking and Insurance; Commerce and Tourism; and Rules.

On motion by Senator Brandes—

CS for HB 339—A bill to be entitled An act relating to motor vehicle service agreement companies; amending s. 634.041, F.S.; revising qualifications for a motor vehicle service agreement company to obtain and maintain a license; amending s. 634.121, F.S.; allowing certain entities to cancel service agreements in certain circumstances; providing such cancellations are only valid if authorized; providing an effective date.

—a companion measure, was substituted for **CS for SB 794** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 339** was placed on the calendar of Bills on Third Reading.

CS for SB 814—A bill to be entitled An act relating to the Florida Life and Health Insurance Guaranty Association; amending s. 631.713, F.S.; revising applicability of the Florida Life and Health Insurance Guaranty Association Act as to specified annuity contracts; amending s. 631.717, F.S.; revising the association's maximum aggregate liability for the contractual obligations of an insolvent insurer with respect to one life; specifying the association's maximum liability as to certain health insurance policies beginning on a specified date; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 814**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 307** was withdrawn from the Committees on Banking and Insurance; Appropriations Subcommittee on General Government; and Appropriations.

On motion by Senator Broxson—

CS for HB 307—A bill to be entitled An act relating to Florida Life and Health Insurance Guaranty Association; amending s. 631.713, F.S.; revising applicability of the Florida Life and Health Insurance Guaranty Association Act as to specified annuity contracts; amending s. 631.717, F.S.; specifying the maximum liability of the association for certain health insurance policies; amending s. 631.718, F.S.; increasing the Class A assessment amount for member insurers; providing an effective date.

—a companion measure, was substituted for **CS for SB 814** and read the second time by title.

Senator Broxson moved the following amendment which was adopted:

Amendment 1 (757906) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (l) of subsection (3) of section 631.713, Florida Statutes, is amended to read:

631.713 Application of part.—

(3) This part does not apply to:

(l) Any annuity contract or group annuity contract that is not issued to and owned by an individual, except to the extent of any annuity benefits*:*

1. Guaranteed directly and not through an intermediary to an individual by an insurer under such contract or certificate*;* ~~.~~

2. Under an annuity issued by an insurer under 26 U.S.C. s. 408(b); or

3. Under an annuity issued by an insurer and held by a custodian or trustee in accordance with 26 U.S.C. s. 408(a).

This paragraph applies to every insolvency regardless of its date of inception, and an assessment base may not include premiums for such excluded products.

Section 2. Subsection (9) of section 631.717, Florida Statutes, is amended to read:

631.717 Powers and duties of the association.—

(9) The association's liability for the contractual obligations of the insolvent insurer *must* ~~shall~~ be as great as, but no greater than, the contractual obligations of the insurer in the absence of such insolvency, unless such obligations are reduced as permitted by subsection (4), but the aggregate liability of the association *with respect to one life* shall not exceed *the following:*

(a) For life insurance, $100,000 in net cash surrender and net cash withdrawal values. ~~for life insurance,~~

(b) For deferred annuity contracts, $250,000 in net cash surrender and net cash withdrawal values. ~~for deferred annuity contracts, or~~

(c) For all benefits, $300,000, ~~for all benefits~~ including cash values, *except as provided in paragraph (d)* ~~with respect to any one life~~.

(d) Effective January 1, 2020, for basic hospital expense health insurance policies, basic medical-surgical health insurance policies, or major medical expense health insurance policies, but not including long-term care policies, $500,000.

In no event *is* ~~shall~~ the association ~~be~~ liable for any penalties or interest.

Section 3. This act shall take effect July 1, 2017.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Florida Life and Health Insurance Guaranty Association; amending s. 631.713, F.S.; revising applicability of the Florida Life and Health Insurance Guaranty Association Act as to specified annuity contracts; amending s. 631.717, F.S.; revising the association's maximum aggregate liability for the contractual obligations of an insolvent insurer with respect to one life; specifying the association's maximum liability as to certain health insurance policies beginning on a specified date; providing an effective date.

Pursuant to Rule 4.19, **CS for HB 307**, as amended, was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 902** was deferred.

CS for CS for SB 922—A bill to be entitled An act relating to insurance adjusters; amending s. 626.015, F.S.; conforming a cross-reference; amending s. 626.854, F.S.; redefining the term "public adjuster"; deleting a certain prohibited act of a public adjuster; deleting a provision specifying the methods for an insured or claimant to provide certain notice to an insurer; providing construction relating to certain limitations on insurance claim payments and public adjuster compensation; revising a prohibition against certain entities relating to a contract or power of attorney that vests certain authority in a property insurance claim; conforming a cross-reference; prohibiting persons from conducting certain activities relating to insurance claims; providing an exception for attorneys and public adjusters; repealing s. 626.8541, F.S., relating to public adjuster apprentices; amending s. 626.8548, F.S.; redefining the term "all-lines adjuster"; creating s. 626.8561, F.S.; defining the term "public adjuster apprentice"; amending s. 626.8584, F.S.; redefining the term "nonresident all-lines adjuster"; amending s. 626.861, F.S.; revising construction relating to employees of an insurer; amending s. 626.864, F.S.; revising the permissible appointments of all-lines adjusters; amending s. 626.865, F.S.; revising the qualifications for licensure for public adjusters; amending s. 626.8651, F.S.; requiring public adjuster apprentices to be appointed, rather than licensed, by the Department of Financial Services; specifying qualifications for such appointments; revising requirements and limitations for public adjusting firms and public adjusters who supervise public adjuster apprentices; revising certain prohibited acts and exceptions to such acts of public adjuster apprentices; conforming provisions to changes made by the act; amending s. 626.8695, F.S.; revising requirements for designating primary adjusters; redefining the term "primary adjuster"; revising the accountability of a primary adjuster for persons under his or her supervision; revising a prohibition against an adjusting firm location conducting insurance business under certain circumstances; revising procedures for an adjusting firm to determine a person's current licensure status; repealing s. 626.872, F.S., relating to all-lines adjuster temporary licenses; amending s. 626.874, F.S.; revising conditions for the department to issue adjuster licenses in the event of catastrophes or emergencies; amending s. 626.875, F.S.; revising the minimum time period for a records retention requirement for adjusters; amending s. 626.876, F.S.; revising certain prohibitions relating to exclusive employment of public adjusters and specified all-lines adjusters; repealing s. 626.879, F.S., relating to pools of insurance adjusters; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 922**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 911** was withdrawn from the Committees on Banking and Insurance; Appropriations Subcommittee on General Government; and Appropriations.

On motion by Senator Garcia—

CS for CS for HB 911—A bill to be entitled An act relating to insurance adjusters; amending s. 626.015, F.S.; conforming a cross-reference; amending s. 626.854, F.S.; redefining the term "public adjuster"; deleting a certain prohibited act of a public adjuster; deleting a provision specifying the method for an insured or claimant to provide certain notice to an insurer; providing construction relating to certain limitations on insurance claim payments and public adjuster compensation; revising a prohibition against certain entities relating to a contract or power of attorney that vests certain authority in a property insurance claim; conforming a cross-reference; prohibiting persons from conducting certain activities relating to insurance claims; providing an exception for attorneys and public adjusters; repealing s. 626.8541, F.S., relating to public adjuster apprentices; amending s. 626.8548, F.S.; redefining the term "all-lines adjuster"; creating s. 626.8561, F.S.; defining the term "public adjuster apprentice"; amending s. 626.8584, F.S.; redefining the term "nonresident all-lines adjuster"; amending s. 626.861, F.S.; revising construction relating to employees of an insurer; amending s. 626.864, F.S.; revising the permissible appointments of all-lines adjusters; amending s. 626.865, F.S.; revising the qualifications for licensure for public adjusters; amending s. 626.8651, F.S.; requiring public adjuster apprentices to be appointed, rather than licensed, by the department; specifying qualifications for such appointments; revising requirements and limitations for public adjusting firms and public adjusters who supervise public adjuster apprentices; revising certain prohibited acts and exceptions to such acts of public adjuster apprentices; conforming provisions to changes made by the act; amending s. 626.8695, F.S.; revising requirements for designating primary adjusters; redefining the term "primary adjuster"; revising the accountability of a primary adjuster for persons under his or her supervision; revising a prohibition against an adjusting firm location conducting insurance business under certain circumstances; revising procedures for an adjusting firm to determine a person's current licensure status; repealing s. 626.872, F.S., relating to all-lines adjuster temporary licenses; amending s. 626.874, F.S.; revising conditions for the department to issue adjuster licenses in the event of catastrophes or emergencies; amending s. 626.875, F.S.; revising the minimum time period in a records retention requirement for adjusters; amending s. 626.876, F.S.; revising certain prohibitions relating to exclusive employment of public adjusters, all-lines adjusters, and appointed independent adjusters; repealing s. 626.879, F.S., relating to pools of insurance adjusters; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 922** and read the second time by title.

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

Consideration of **CS for SB 916** and **CS for CS for SB 926** was deferred.

SB 1470—A bill to be entitled An act relating to agency inspectors general; amending s. 20.055, F.S.; prohibiting an agency from offering a bonus on work performance in an inspector general contract or agreement; amending s. 420.506, F.S.; prohibiting the Florida Housing Finance Corporation from offering a bonus on work performance in an inspector general contract or agreement; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 1470**, pursuant to Rule 3.11(3), there being no objection, **HB 207** was withdrawn from the Committees on Governmental Oversight and Accountability; Community Affairs; and Rules.

On motion by Senator Simmons—

HB 207—A bill to be entitled An act relating to agency inspectors general; amending s. 20.055, F.S.; prohibiting an agency from offering a bonus on work performance in an inspector general contract or agreement; amending s. 420.506, F.S.; prohibiting the Florida Housing Finance Corporation from offering a bonus on work performance in an inspector general contract or agreement; providing an effective date.

—a companion measure, was substituted for **SB 1470** and read the second time by title.

Pursuant to Rule 4.19, **HB 207** was placed on the calendar of Bills on Third Reading.

SB 1564—A bill to be entitled An act relating to domestic violence; amending s. 741.281, F.S.; specifying that a person must complete a batterers' intervention program ordered as a condition of probation in certain circumstances; amending s. 741.283, F.S.; increasing the minimum terms of imprisonment for domestic violence; providing enhanced minimum terms in certain circumstances; amending s. 741.30, F.S.; prohibiting the award of attorney fees in specified domestic violence proceedings; amending s. 775.08435, F.S.; prohibiting the withholding of adjudication for specified domestic violence offenses; providing exceptions; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 1564**, pursuant to Rule 3.11(3), there being no objection, **HB 1385** was withdrawn from the Committees on Criminal Justice; Appropriations Subcommittee on Criminal and Civil Justice; and Appropriations.

On motion by Senator Garcia—

HB 1385—A bill to be entitled An act relating to domestic violence; amending s. 741.281, F.S.; specifying that a person must complete a batterers' intervention program ordered as a condition of probation in certain circumstances; amending s. 741.283, F.S.; increasing the minimum terms of imprisonment for domestic violence; providing enhanced minimum terms in certain circumstances; amending s. 741.30, F.S.; prohibiting the award of attorney fees in specified domestic violence proceedings; amending s. 775.08435, F.S.; prohibiting the withholding of adjudication for specified domestic violence offenses; providing exceptions; providing an effective date.

—a companion measure, was substituted for **SB 1564** and read the second time by title.

Pursuant to Rule 4.19, **HB 1385** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 1222**, **CS for SB 1206**, and **CS for CS for SB 1468** was deferred.

CS for SB 1144—A bill to be entitled An act relating to laboratory screening; amending s. 381.004, F.S.; clarifying that certain requirements related to the reporting of positive HIV test results to county health departments apply only to testing performed in a nonhealth care setting; amending s. 381.0202, F.S.; authorizing the Department of Health to perform laboratory testing for other states; amending s. 381.983, F.S.; redefining the term "elevated blood-lead levels"; amending s. 381.984, F.S.; revising requirements of a public information initiative on lead-based-paint hazards; revising requirements on the distribution of information on childhood lead poisoning developed by the State Surgeon General or his or her designee; amending s. 381.985, F.S.; revising requirements for the State Surgeon General's program for early identification of persons at risk of having elevated blood-lead levels; requiring the department to maintain records showing elevated blood-lead levels; requiring that health care providers report to the individual who was screened the results that indicate elevated blood-lead levels; amending s. 383.14, F.S.; authorizing the State Public Health Laboratory to release the results of a newborn's hearing and metabolic tests to certain individuals; requiring the department to promote the availability of services to promote detection of genetic conditions; clarifying that the membership of the Genetics and Newborn Screening Advisory Council must include one member each from four of the medical schools in this state; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 1144**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 1041** was withdrawn from the Committees on Health Policy; Appropriations Subcommittee on Health and Human Services; and Appropriations.

On motion by Senator Montford—

CS for HB 1041—A bill to be entitled An act relating to laboratory screening; amending s. 381.004, F.S.; clarifying that certain requirements relating to the reporting of positive HIV test results to county health departments apply only to testing performed in a nonhealth care setting; amending s. 381.0202, F.S.; authorizing the Department of Health to perform laboratory testing for other states; amending s. 381.983, F.S.; redefining the term "elevated blood-lead levels"; amending s. 381.984, F.S.; revising provisions relating to a public information initiative on lead-based paint hazards; amending s. 381.985, F.S.; revising requirements for the State Surgeon General's program for early identification of persons at risk of having elevated blood-lead levels; requiring the department to maintain records showing elevated blood-lead levels; requiring that health care providers report to the individual who was screened the results that indicate elevated blood-lead levels; amending s. 383.14, F.S.; authorizing the State Public Health Laboratory to release the results of a newborn's hearing and metabolic tests to certain individuals; requiring the department to promote the availability of services to promote detection of genetic conditions; clarifying that the membership of the Genetics and Newborn Screening Advisory Council must include one member representing each of four medical schools in this state; providing an effective date.

—a companion measure, was substituted for **CS for SB 1144** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1041** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 1104—A bill to be entitled An act relating to resource recovery and management; amending s. 403.703, F.S.; defining the terms "gasification," "post-use polymer," "pyrolysis," and "pyrolysis facility" and revising definitions; amending s. 403.7045, F.S.; providing that certain pyrolysis facilities are exempt from certain resource recovery regulations; conforming a cross-reference; amending s. 403.7046, F.S.; requiring certain handlers of post-use polymers to certify to the Department of Environmental Protection; revising rule requirements relating to such certification; authorizing recovered materials dealers to use pyrolysis facilities for recovered materials or post-use polymers processing; amending ss. 171.205, 316.003, 377.709, and 487.048, F.S.; conforming cross-references; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1104**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 335** was withdrawn from the Committees on Environmental Preservation and Conservation; Appropriations Subcommittee on the Environment and Natural Resources; and Appropriations.

On motion by Senator Perry—

CS for HB 335—A bill to be entitled An act relating to resource recovery and management; amending s. 403.703, F.S.; providing and revising definitions; amending s. 403.7045, F.S.; revising criteria for exempting recovered materials and recovered materials processing facilities from specified regulations; amending ss. 171.205, 316.003, 377.709, and 487.048, F.S.; conforming cross-references; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1104** and read the second time by title.

Senator Perry moved the following amendment which was adopted:

Amendment 1 (431958) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Present subsections (2) and (3) of section 403.703, Florida Statutes, are renumbered as subsections (3) and (2), respectively, present subsections (10) through (22) are renumbered as subsections (11) through (23), respectively, present subsection (23) is renumbered as subsection (25), present subsections (24) through (43) are renumbered as subsections (28) through (47), respectively, present subsections (27), (32), and (35) of that section are amended, and new subsections (10), (24), (26), and (27) are added to that section, to read:

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

(10) "Gasification" means a process through which post-use polymers are heated and converted to synthesis gas in an oxygen-deficient atmosphere, and then converted to crude oil, fuels, or chemical feedstocks.

(24) "Post-use polymer" means a plastic polymer that is derived from any domestic, commercial, or municipal activity and which might otherwise become waste if not converted to manufacture crude oil, fuels, or other raw materials or intermediate or final products using gasification or pyrolysis. As used in this part, post-use polymer may contain incidental contaminants or impurities, such as paper labels or metal rings. Post-use polymers intended to be converted as described in this subsection are not solid waste.

(26) "Pyrolysis" means a process through which post-use polymers are heated in the absence of oxygen until melted and thermally decomposed, and then cooled, condensed, and converted to any of the following:

(a) Crude oil, diesel, gasoline, home heating oil, or another fuel.

(b) Feedstocks.

(c) Diesel and gasoline blendstocks.

(d) Chemicals, waxes, or lubricants.

(e) Other raw materials or intermediate or final products.

(27) "Pyrolysis facility" means a facility that receives, separates, stores, and converts post-use polymers, using gasification or pyrolysis. A pyrolysis facility meeting the conditions of s. 403.7045(1)(e) is not a solid waste management facility.

(31)~~(27)~~ "Recycling" means any process by which solid waste, or materials that would otherwise become solid waste, are collected, separated, or processed and reused or returned to use in the form of raw materials *or intermediate* or *final* products. *Such raw materials or intermediate or final products include, but are not limited to, crude oil, fuels, and fuel substitutes.*

(36)~~(32)~~ "Solid waste" means sludge unregulated under the federal Clean Water Act or Clean Air Act, sludge from a waste treatment works, water supply treatment plant, or air pollution control facility, or garbage, rubbish, refuse, special waste, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations. Recovered materials as defined in subsection *(28) and post-use polymers as defined in subsection* (24) are not solid waste.

(39)~~(35)~~ "Solid waste management facility" means any solid waste disposal area, volume reduction plant, transfer station, materials recovery facility, or other facility, the purpose of which is resource recovery or the disposal, recycling, processing, or storage of solid waste. The term does not include recovered materials processing facilities *or pyrolysis facilities* that meet the requirements of s. 403.7046, except the portion of such facilities, if any, which is used for the management of solid waste.

Section 2. Subsection (1) of section 403.7045, Florida Statutes, is amended to read:

403.7045 Application of act and integration with other acts.—

(1) The following wastes or activities *may* ~~shall~~ not be regulated pursuant to this act:

(a) Byproduct material, source material, and special nuclear material, the generation, transportation, disposal, storage, or treatment of which is regulated under chapter 404 or the federal Atomic Energy Act of 1954, ch. 1073, 68 Stat. 923, as amended.~~;~~

(b) Suspended solids and dissolved materials in domestic sewage effluent or irrigation return flows or other discharges which are point sources subject to permits pursuant to this chapter or s. 402 of the Clean Water Act, Pub. L. No. 95-217.~~;~~

(c) Emissions to the air from a stationary installation or source regulated under this chapter or the Clean Air Act, Pub. L. No. 95-95.~~;~~

(d) Drilling fluids, produced waters, and other wastes associated with the exploration for, or development and production of, crude oil or natural gas which are regulated under chapter 377,~~; or~~

(e) Recovered materials*, post-use polymers,* ~~or~~ recovered materials processing facilities, *or pyrolysis facilities,* except as provided in s. 403.7046, if:

1. A majority of the recovered materials *or post-use polymers* at the facility are demonstrated to be sold, used, or reused within 1 year. *As used in this subparagraph, the terms "used" or "reused" include, but are not limited to, the conversion of post-use polymers into crude oil, fuels, feedstocks, or other raw materials or intermediate or final products by gasification or pyrolysis, as defined in s. 403.703.*

2. The recovered materials *or post-use polymers* handled by the facility or the products or byproducts of operations that process recovered materials *or post-use polymers* are not discharged, deposited, injected, dumped, spilled, leaked, or placed into or upon any land or water by the owner or operator of *the* ~~such~~ facility so that *the* ~~such~~ recovered materials *or post-use polymers*, products or byproducts, or any constituent thereof may enter other lands or be emitted into the air or discharged into any waters, including groundwaters, or otherwise enter the environment such that a threat of contamination in excess of applicable department standards and criteria is caused.

3. The recovered materials *or post-use polymers* handled by the facility are not hazardous wastes as defined *in* ~~under~~ s. 403.703~~,~~ and rules *adopted under this section* ~~promulgated pursuant thereto~~.

4. The facility is registered as required in s. 403.7046.

(f) Industrial byproducts, if:

1. A majority of the industrial byproducts are demonstrated to be sold, used, or reused within 1 year.

2. The industrial byproducts are not discharged, deposited, injected, dumped, spilled, leaked, or placed upon any land or water so that such industrial byproducts, or any constituent thereof, may enter other lands or be emitted into the air or discharged into any waters, including groundwaters, or otherwise enter the environment such that a threat of contamination in excess of applicable department standards and criteria or a significant threat to public health is caused.

3. The industrial byproducts are not hazardous wastes as defined *in* ~~under~~ s. 403.703 and rules adopted under this section.

Sludge from an industrial waste treatment works that meets the exemption requirements of this paragraph is not solid waste as defined in *s. 403.703* ~~s. 403.703(32)~~.

Section 3. Subsection (1) and paragraph (b) of subsection (3) of section 403.7046, Florida Statutes, are amended to read:

403.7046 Regulation of recovered materials.—

(1) Any person who handles, purchases, receives, recovers, sells, or is an end user of recovered materials *or post-use polymers* shall annually certify to the department on forms provided by the department. The department may by rule exempt from this requirement generators of recovered materials *or post-use polymers*; persons who handle or sell recovered materials *or post-use polymers* as an activity which is incidental to the normal primary business activities of that person; or persons who handle, purchase, receive, recover, sell, or are end users of recovered materials *or post-use polymers* in small quantities as defined by the department. The department shall adopt rules for the certification of and reporting by such persons and shall establish criteria for revocation of such certification. Such rules shall be designed to elicit, at a minimum, the amount and types of recovered materials *or post-use polymers* handled by registrants, and the amount and disposal site, or name of person with whom such disposal was arranged, of any solid waste generated by such facility. By February 1 of each year, registrants shall report all required information to the department and to all counties from which it received materials. Such rules may provide for the department to conduct periodic inspections. The department may charge a fee of up to $50 for each registration, which shall be deposited into the Solid Waste Management Trust Fund for implementation of the program.

(3) Except as otherwise provided in this section or pursuant to a special act in effect on or before January 1, 1993, a local government may not require a commercial establishment that generates source-separated recovered materials to sell or otherwise convey its recovered materials to the local government or to a facility designated by the local government, nor may the local government restrict such a generator's right to sell or otherwise convey such recovered materials to any properly certified recovered materials dealer who has satisfied the requirements of this section. A local government may not enact any ordinance that prevents such a dealer from entering into a contract with a commercial establishment to purchase, collect, transport, process, or receive source-separated recovered materials.

(b)1. Before engaging in business within the jurisdiction of the local government, a recovered materials dealer *or pyrolysis facility* must provide the local government with a copy of the certification provided for in this section. In addition, the local government may establish a registration process whereby a recovered materials dealer *or pyrolysis facility* must register with the local government before engaging in business within the jurisdiction of the local government. Such registration process is limited to requiring the dealer *or pyrolysis facility* to register its name, including the owner or operator of the dealer *or pyrolysis facility*, and, if the dealer *or pyrolysis facility* is a business entity, its general or limited partners, its corporate officers and directors, its permanent place of business, evidence of its certification under this section, and a certification that the recovered materials *or post-use polymers* will be processed at a recovered materials processing facility *or pyrolysis facility* satisfying the requirements of this section. The local government may not use the information provided in the registration application to compete unfairly with the recovered materials dealer until 90 days after receipt of the application. All counties, and municipalities whose population exceeds 35,000 according to the population estimates determined pursuant to s. 186.901, may establish a reporting process that must be limited to the regulations, reporting format, and reporting frequency established by the department pursuant to this section, which must, at a minimum, include requiring the dealer *or pyrolysis facility* to identify the types and approximate amount of recovered materials *or post-use polymers* collected, recycled, or reused during the reporting period; the approximate percentage of recovered materials *or post-use polymers* reused, stored, or delivered to a recovered materials processing facility *or pyrolysis facility* or disposed of in a solid waste disposal facility; and the locations where any recovered materials *or post-use polymers* were disposed of as solid waste. The local government may charge the dealer *or pyrolysis facility* a registration fee commensurate with and no greater than the cost incurred by the local government in operating its registration program. Registration program costs are limited to those costs associated with the activities described in this subparagraph. Any reporting or registration process established by a local government with regard to recovered materials *or post-use polymers* is governed by this section and department rules adopted pursuant thereto.

2. Information reported under this subsection which, if disclosed, would reveal a trade secret, as defined in s. 812.081, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2021, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 4. Subsection (2) of section 171.205, Florida Statutes, is amended to read:

171.205 Consent requirements for annexation of land under this part.—Notwithstanding part I, an interlocal service boundary agreement may provide a process for annexation consistent with this section or with part I.

(2) If the area to be annexed includes a privately owned solid waste disposal facility as defined in *s. 403.703* ~~s. 403.703(33)~~ which receives municipal solid waste collected within the jurisdiction of multiple local governments, the annexing municipality must set forth in its plan the effects that the annexation of the solid waste disposal facility will have on the other local governments. The plan must also indicate that the owner of the affected solid waste disposal facility has been contacted in writing concerning the annexation, that an agreement between the annexing municipality and the solid waste disposal facility to govern the operations of the solid waste disposal facility if the annexation occurs has been approved, and that the owner of the solid waste disposal facility does not object to the proposed annexation.

Section 5. Subsection (28) of section 316.003, Florida Statutes, is amended to read:

316.003 Definitions.—The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(28) HAZARDOUS MATERIAL.—Any substance or material which has been determined by the secretary of the United States Department of Transportation to be capable of imposing an unreasonable risk to health, safety, and property. This term includes hazardous waste as defined in *s. 403.703* ~~s. 403.703(13)~~.

Section 6. Paragraph (f) of subsection (2) of section 377.709, Florida Statutes, is amended to read:

377.709 Funding by electric utilities of local governmental solid waste facilities that generate electricity.—

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

(f) "Solid waste facility" means a facility owned or operated by, or on behalf of, a local government for the purpose of disposing of solid waste, as ~~that term is~~ defined in *s. 403.703* ~~s. 403.703(32)~~, by any process that produces heat and incorporates, as a part of the facility, the means of converting heat to electrical energy in amounts greater than actually required for the operation of the facility.

Section 7. Subsection (1) of section 487.048, Florida Statutes, is amended to read:

487.048 Dealer's license; records.—

(1) Each person holding or offering for sale, selling, or distributing restricted-use pesticides must obtain a dealer's license from the department. Application for the license shall be filed with the department by using a form prescribed by the department or by using the department's website. The license must be obtained before entering into business or transferring ownership of a business. The department may require examination or other proof of competency of individuals to whom licenses are issued or of individuals employed by persons to whom licenses are issued. Demonstration of continued competency may be required for license renewal, as set by rule. The license shall be renewed annually as provided by rule. An annual license fee not exceeding $250 shall be established by rule. However, a user of a restricted-use pesticide may distribute unopened containers of a properly labeled pesticide to another user who is legally entitled to use that

restricted-use pesticide without obtaining a pesticide dealer license. The exclusive purpose of distribution of the restricted-use pesticide is to keep it from becoming a hazardous waste as defined in *s. 403.703* ~~s. 403.703(13)~~.

Section 8. This act shall take effect July 1, 2017.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to resource recovery and management; amending s. 403.703, F.S.; defining the terms "gasification," "post-use polymer," "pyrolysis," and "pyrolysis facility" and revising definitions; amending s. 403.7045, F.S.; providing that certain pyrolysis facilities are exempt from certain resource recovery regulations; conforming a cross-reference; amending s. 403.7046, F.S.; requiring certain handlers of post-use polymers to certify to the Department of Environmental Protection; revising rule requirements relating to such certification; authorizing recovered materials dealers to use pyrolysis facilities for recovered materials or post-use polymers processing; amending ss. 171.205, 316.003, 377.709, and 487.048, F.S.; conforming cross-references; providing an effective date.

Pursuant to Rule 4.19, **CS for HB 335**, as amended, was placed on the calendar of Bills on Third Reading.

CS for CS for CS for SB 1044—A bill to be entitled An act relating to child welfare; amending s. 39.01, F.S.; defining the term "legal father" and redefining the term "parent"; amending s. 39.201, F.S.; providing that central abuse hotline information may be used for employment screening of residential group home caregivers; amending s. 39.202, F.S.; providing that confidential records held by the Department of Children and Families concerning reports of child abandonment, abuse, or neglect, including reports made to the central abuse hotline and all records generated as a result of such reports, may be accessed for employment screening of residential group home caregivers; changing the time period for the release of records to certain individuals; amending s. 39.301, F.S.; requiring a safety plan to be issued for a perpetrator of domestic violence only if the perpetrator can be located; specifying what constitutes reasonable efforts; requiring that a child new to a family under investigation be added to the investigation and assessed for safety; amending s. 39.302, F.S.; conforming a cross-reference; providing that central abuse hotline information may be used for certain employment screenings; amending s. 39.402, F.S.; requiring a court to inquire as to the identity and location of a child's legal father at the shelter hearing; specifying the types of information that fall within the scope of such inquiry; amending s. 39.503, F.S.; requiring a court to conduct under oath the inquiry to determine the identity or location of an unknown parent; requiring a court to seek additional information relating to a father's identity in such inquiry; requiring the diligent search to determine a parent's or prospective parent's location to include a search of the Florida Putative Father Registry; authorizing the court to order scientific testing to determine parentage if certain conditions exist; amending s. 39.504, F.S.; requiring the same judge to hear a pending dependency proceeding and an injunction proceeding; providing that the court may enter an injunction based on specified evidence; amending s. 39.507, F.S.; requiring a court to consider maltreatment allegations against a parent in an evidentiary hearing relating to a dependency petition; amending s. 39.5085, F.S.; revising eligibility guidelines for the Relative Caregiver Program with respect to relative and nonrelative caregivers; amending s. 39.521, F.S.; providing new time guidelines for filing with the court and providing copies of case plans and family functioning assessments; providing for assessment and program compliance for a parent who caused harm to a child by exposing the child to a controlled substance; providing in-home safety plan requirements; providing requirements for family functioning assessments; providing supervision requirements after reunification; amending s. 39.522, F.S.; providing conditions for returning a child to the home with an in-home safety plan; amending s. 39.523, F.S.; providing legislative findings and intent; requiring children placed in out-of-home care to be assessed to determine the most appropriate placement; requiring the placement assessments to be documented in the Florida Safe Families Network; requiring a court to review and approve placements; requiring the department to post specified information relating to assessment and placement on its website and update that information annually on specified dates; authorizing the department to adopt rules; creating s. 39.6001, F.S.; requiring the department, in partnership with the Department of Health, the Agency for Health Care Administration, and other state agencies and community partners, to develop a strategy for certain coordinated services; providing for creation of a safe care plan that addresses the health and substance abuse disorder treatment needs of a newborn and affected family or caregivers and provides for the monitoring of services provided under the plan; amending s. 39.6011, F.S.; providing requirements for confidential information in a case planning conference; providing restrictions; amending s. 39.6012, F.S.; providing for assessment and program compliance for a parent who caused harm to a child by exposing the child to a controlled substance; amending s. 39.6221, F.S.; providing that relocation requirements for parents in dissolution proceedings do not apply to certain permanent guardianships; amending s. 39.701, F.S.; providing safety assessment requirements for children coming into a home under court jurisdiction; granting rulemaking authority; amending s. 39.801, F.S.; providing an exception to the notice requirement regarding the advisory hearing for a petition to terminate parental rights; amending s. 39.803, F.S.; requiring a court to conduct under oath the inquiry to determine the identity or location of an unknown parent after the filing of a termination of parental rights petition; requiring a court to seek additional information relating to a legal father's identity in such inquiry; revising minimum requirements for the diligent search to determine the location of a parent or prospective parent; authorizing the court to order scientific testing to determine parentage if certain conditions exist; amending s. 39.806, F.S.; revising circumstances under which grounds for the termination of parental rights may be established; amending s. 39.811, F.S.; revising circumstances under which the rights of one parent may be terminated without terminating the rights of the other parent; amending s. 125.901, F.S.; creating an exception to the requirement that, for an independent special district in existence on a certain date and serving a population of a specified size, the governing body of the county submit the question of the district's retention or dissolution to the electorate in a specified general election; amending s. 322.051, F.S., requiring that an identification card for certified unaccompanied homeless youth include a specified statement; amending s. 395.3025, F.S.; revising requirements for access to patient records; amending s. 402.40, F.S.; defining the term "child welfare trainer"; providing rulemaking authority; creating s. 409.16741, F.S.; providing legislative findings and intent; requiring the Department of Children and Families to develop or adopt one or more initial screening assessment instruments to identify and determine the needs of, and plan services for, substance-exposed newborns and their families; requiring the department to conduct certain staffings relating to services for substance-exposed newborns and their families; requiring that certain local service capacity be assessed; requiring that child protective investigators receive specialized training in working with substance-exposed newborns and their families before they accept such cases when possible; providing for consultation; creating s. 409.16742, F.S.; providing legislative findings and intent; establishing a shared family care residential services pilot program for substance-exposed newborns; amending s. 409.992, F.S.; limiting compensation from state-appropriated funds for administrative employees of community-based care agencies; amending s. 456.057, F.S.; revising requirements for access to patient records; repealing s. 409.141, F.S., relating to equitable reimbursement methodology; repealing s. 409.1677, F.S., relating to model comprehensive residential services programs; amending s. 743.067, F.S.; defining the term "certified unaccompanied homeless youth"; requiring the Office on Homelessness within the Department of Children and Families to develop a standardized form to be used in the certification process; providing information that must be included in the form; authorizing a certified unaccompanied homeless youth to apply at no charge to the Department of Highway Safety and Motor Vehicles for an identification card; conforming terminology; amending s. 1009.25, F.S.; revising the exemption from the payment of tuition and fees for homeless students; amending ss. 39.524, 394.495, 409.1678, and 960.065, F.S.; conforming cross-references; amending ss. 409.1679 and 1002.3305, F.S.; conforming provisions to changes made by the act; reenacting s. 483.181(2), F.S., relating to acceptance, collection, identification, and examination of specimens, to incorporate the amendment made to s. 456.057, F.S., in a reference thereto; providing an appropriation; providing effective dates.

—was read the second time by title.

Pending further consideration of **CS for CS for CS for SB 1044**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 1121** was withdrawn from the Committees on Children, Families, and

Elder Affairs; Appropriations Subcommittee on Health and Human Services; and Rules.

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

CS for CS for HB 1121—A bill to be entitled An act relating to child welfare; amending s. 39.01, F.S.; defining the term "legal father" and redefining the term "parent"; amending s. 39.202, F.S.; providing that confidential records held by the department concerning reports of child abandonment, abuse, or neglect, including reports made to the central abuse hotline and all records generated as a result of such reports, may be accessed for employment screening of residential group home caregivers; amending s. 39.301, F.S.; requiring a safety plan to be issued for a perpetrator of domestic violence only if the perpetrator can be located; specifying what constitutes reasonable efforts; requiring that a child new to a family under investigation be added to the investigation and assessed for safety; amending s. 39.302, F.S.; conforming a cross-reference; providing that central abuse hotline information may be used for certain employment screenings; amending s. 39.402, F.S.; requiring a court to inquire as to the identity and location of a child's legal father at the shelter hearing; specifying what types of information fall within the scope of such inquiry; amending s. 39.503, F.S.; requiring a court to conduct under oath the inquiry to determine the identity or location of an unknown parent; requiring a court to seek additional information relating to a legal father's identity in such inquiry; requiring the diligent search to determine a parent's or prospective parent's location to include a search of the Florida Putative Father Registry; authorizing the court to order scientific testing to determine parentage if certain conditions exist; amending s. 39.504, F.S.; requiring the same judge to hear a pending dependency proceeding and an injunction proceeding; providing that the court may enter an injunction based on specified evidence; amending s. 39.507, F.S.; requiring a court to consider maltreatment allegations against a parent in an evidentiary hearing relating to a dependency petition; amending s. 39.5085, F.S.; revising eligibility guidelines for the Relative Caregiver Program with respect to relative and nonrelative caregivers; amending s. 39.521, F.S.; providing new time guidelines for filing with the court and providing copies of case plans and family functioning assessments; providing for assessment and program compliance for a parent who caused harm to a child by exposing the child to a controlled substance; providing in-home safety plan requirements; providing requirements for family functioning assessments; providing supervision requirements after reunification; amending s. 39.522, F.S.; providing conditions for returning a child home with an in-home safety plan; amending s. 39.6011, F.S.; providing requirements for confidential information in a case planning conference; providing restrictions; amending s. 39.6012, F.S.; providing for assessment and program compliance for a parent who caused harm to a child by exposing the child to a controlled substance; amending s. 39.6221, F.S.; providing that relocation requirements for parents in dissolution proceedings do not apply to permanent guardianships; amending s. 39.701, F.S.; providing safety assessment requirements for children coming into a home under court jurisdiction; granting rulemaking authority; amending s. 39.801, F.S.; providing an exception to the notice requirement regarding the advisory hearing for a petition to terminate parental rights; amending s. 39.803, F.S.; requiring a court to conduct under oath the inquiry to determine the identity or location of an unknown parent after the filing of a termination of parental rights petition; requiring a court to seek additional information relating to a legal father's identity in such inquiry; revising minimum requirements for the diligent search to determine the location of a parent or prospective parent; authorizing the court to order scientific testing to determine parentage if certain conditions exist; amending s. 39.806, F.S.; revising circumstances under which grounds for the termination of parental rights may be established; amending s. 39.811, F.S.; revising circumstances under which the rights of one parent may be terminated without terminating the rights of the other parent; amending s. 395.3025, F.S.; revising requirements for access to patient records; amending s. 402.40, F.S.; defining the term "child welfare trainer"; providing rulemaking authority; amending s. 456.057, F.S.; revising requirements for access to patient records; repealing s. 409.141, F.S., relating to equitable reimbursement methodology; repealing s. 409.1677, F.S., relating to model comprehensive residential services programs; amending ss. 39.524, 394.495, 409.1678, and 960.065, F.S.; conforming cross-references; amending ss. 409.1679 and 1002.3305, F.S.; conforming provisions to changes made by the act; reenacting s. 483.181(2), F.S., relating to acceptance, collection, identification, and examination of specimens, to incorporate the amendment made to s. 456.057, F.S., in a reference thereto; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 1044** and read the second time by title.

Senator Garcia moved the following amendment:

Amendment 1 (226564) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Present subsections (35) through (80) of section 39.01, Florida Statutes, are redesignated as subsections (36) through (81), respectively, a new subsection (35) is added to that section, and subsections (10) and (32) and present subsections (49) and (52) of that section are amended, to read:

39.01 Definitions.—When used in this chapter, unless the context otherwise requires:

(10) "Caregiver" means the parent, legal custodian, permanent guardian, adult household member, or other person responsible for a child's welfare as defined in subsection *(48)* ~~(47)~~.

(32) "Institutional child abuse or neglect" means situations of known or suspected child abuse or neglect in which the person allegedly perpetrating the child abuse or neglect is an employee of a private school, public or private day care center, residential home, institution, facility, or agency or any other person at such institution responsible for the child's care as defined in subsection *(48)* ~~(47)~~.

(35) "Legal father" means a man married to the mother at the time of conception or birth of their child, unless paternity has been otherwise determined by a court of competent jurisdiction. If the mother was not married to a man at the time of birth or conception of the child, the term means a man named on the birth certificate of the child pursuant to s. 382.013(2), a man determined by a court order to be the father of the child, or a man determined to be the father of the child by the Department of Revenue as provided in s. 409.256.

(50)~~(49)~~ "Parent" means a woman who gives birth to a child and a man whose consent to the adoption of the child would be required under s. 63.062(1). *The term "parent" also means legal father as defined in this section.* If a child has been legally adopted, the term "parent" means the adoptive mother or father of the child. For purposes of this chapter only, when the phrase "parent or legal custodian" is used, it refers to rights or responsibilities of the parent and, only if there is no living parent with intact parental rights, to the rights or responsibilities of the legal custodian who has assumed the role of the parent. The term does not include an individual whose parental relationship to the child has been legally terminated, or an alleged or prospective parent, unless:

(a) The parental status falls within the terms of s. 39.503(1) or s. 63.062(1); or

(b) Parental status is applied for the purpose of determining whether the child has been abandoned.

(53)~~(52)~~ "Permanency goal" means the living arrangement identified for the child to return to or identified as the permanent living arrangement of the child. ~~Permanency goals applicable under this chapter, listed in order of preference, are:~~

~~(a) Reunification;~~

~~(b) Adoption when a petition for termination of parental rights has been or will be filed;~~

~~(c) Permanent guardianship of a dependent child under s. 39.6221;~~

~~(d) Permanent placement with a fit and willing relative under s. 39.6231; or~~

~~(e) Placement in another planned permanent living arrangement under s. 39.6241.~~

The permanency goal is also the case plan goal. If concurrent case planning is being used, reunification may be pursued at the same time that another permanency goal is pursued.

Section 2. Subsection (2) of section 39.013, Florida Statutes, is amended to read:

39.013 Procedures and jurisdiction; right to counsel.—

(2) The circuit court has exclusive original jurisdiction of all proceedings under this chapter, of a child voluntarily placed with a licensed child-caring agency, a licensed child-placing agency, or the department, and of the adoption of children whose parental rights have been terminated under this chapter. Jurisdiction attaches when the initial shelter petition, dependency petition, or termination of parental rights petition, or a petition for an injunction to prevent child abuse issued pursuant to s. 39.504, is filed or when a child is taken into the custody of the department. The circuit court may assume jurisdiction over any such proceeding regardless of whether the child was in the physical custody of both parents, was in the sole legal or physical custody of only one parent, caregiver, or some other person, or was not in the physical or legal custody of any person when the event or condition occurred that brought the child to the attention of the court. When the court obtains jurisdiction of any child who has been found to be dependent, the court shall retain jurisdiction, unless relinquished by its order, until the child reaches 21 years of age, *or 22 years of age if the child has a disability,* with the following exceptions:

(a) If a young adult chooses to leave foster care upon reaching 18 years of age.

(b) If a young adult does not meet the eligibility requirements to remain in foster care under s. 39.6251 or chooses to leave care under that section.

(c) If a young adult petitions the court at any time before his or her 19th birthday requesting the court's continued jurisdiction, the juvenile court may retain jurisdiction under this chapter for a period not to exceed 1 year following the young adult's 18th birthday for the purpose of determining whether appropriate services that were required to be provided to the young adult before reaching 18 years of age have been provided.

(d) If a petition for special immigrant juvenile status and an application for adjustment of status have been filed on behalf of a foster child and the petition and application have not been granted by the time the child reaches 18 years of age, the court may retain jurisdiction over the dependency case solely for the purpose of allowing the continued consideration of the petition and application by federal authorities. Review hearings for the child shall be set solely for the purpose of determining the status of the petition and application. The court's jurisdiction terminates upon the final decision of the federal authorities. Retention of jurisdiction in this instance does not affect the services available to a young adult under s. 409.1451. The court may not retain jurisdiction of the case after the immigrant child's 22nd birthday.

Section 3. Paragraphs (a), (d), and (e) of subsection (2) of section 39.202, Florida Statutes, are amended to read:

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

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

(a) Employees, authorized agents, or contract providers of the department, the Department of Health, the Agency for Persons with Disabilities, the Office of Early Learning, or county agencies responsible for carrying out:

1. Child or adult protective investigations;

2. Ongoing child or adult protective services;

3. Early intervention and prevention services;

4. Healthy Start services;

5. Licensure or approval of adoptive homes, foster homes, child care facilities, facilities licensed under chapter 393, family day care homes, providers who receive school readiness funding under part VI of chapter 1002, or other homes used to provide for the care and welfare of children; ~~or~~

6. Employment screening for caregivers in residential group homes; or

7.~~6.~~ Services for victims of domestic violence when provided by certified domestic violence centers working at the department's request as case consultants or with shared clients.

Also, employees or agents of the Department of Juvenile Justice responsible for the provision of services to children, pursuant to chapters 984 and 985.

(d) The parent or legal custodian of any child who is alleged to have been abused, abandoned, or neglected, and the child, and their attorneys, including any attorney representing a child in civil or criminal proceedings. This access shall be made available no later than *60* ~~30~~ days after the department receives the initial report of abuse, neglect, or abandonment. However, any information otherwise made confidential or exempt by law shall not be released pursuant to this paragraph.

(e) Any person alleged in the report as having caused the abuse, abandonment, or neglect of a child. This access shall be made available no later than *60* ~~30~~ days after the department receives the initial report of abuse, abandonment, or neglect and, when the alleged perpetrator is not a parent, shall be limited to information involving the protective investigation only and shall not include any information relating to subsequent dependency proceedings. However, any information otherwise made confidential or exempt by law shall not be released pursuant to this paragraph.

Section 4. Paragraph (a) of subsection (9) of section 39.301, Florida Statutes, is amended, and subsection (23) is added to that section, to read:

39.301 Initiation of protective investigations.—

(9)(a) For each report received from the central abuse hotline and accepted for investigation, the department or the sheriff providing child protective investigative services under s. 39.3065, shall perform the following child protective investigation activities to determine child safety:

1. Conduct a review of all relevant, available information specific to the child and family and alleged maltreatment; family child welfare history; local, state, and federal criminal records checks; and requests for law enforcement assistance provided by the abuse hotline. Based on a review of available information, including the allegations in the current report, a determination shall be made as to whether immediate consultation should occur with law enforcement, the child protection team, a domestic violence shelter or advocate, or a substance abuse or mental health professional. Such consultations should include discussion as to whether a joint response is necessary and feasible. A determination shall be made as to whether the person making the report should be contacted before the face-to-face interviews with the child and family members.

2. Conduct face-to-face interviews with the child; other siblings, if any; and the parents, legal custodians, or caregivers.

3. Assess the child's residence, including a determination of the composition of the family and household, including the name, address, date of birth, social security number, sex, and race of each child named in the report; any siblings or other children in the same household or in the care of the same adults; the parents, legal custodians, or caregivers; and any other adults in the same household.

4. Determine whether there is any indication that any child in the family or household has been abused, abandoned, or neglected; the nature and extent of present or prior injuries, abuse, or neglect, and any evidence thereof; and a determination as to the person or persons apparently responsible for the abuse, abandonment, or neglect, including the name, address, date of birth, social security number, sex, and race of each such person.

5. Complete assessment of immediate child safety for each child based on available records, interviews, and observations with all persons named in subparagraph 2. and appropriate collateral contacts,

which may include other professionals. The department's child protection investigators are hereby designated a criminal justice agency for the purpose of accessing criminal justice information to be used for enforcing this state's laws concerning the crimes of child abuse, abandonment, and neglect. This information shall be used solely for purposes supporting the detection, apprehension, prosecution, pretrial release, posttrial release, or rehabilitation of criminal offenders or persons accused of the crimes of child abuse, abandonment, or neglect and may not be further disseminated or used for any other purpose.

6. Document the present and impending dangers to each child based on the identification of inadequate protective capacity through utilization of a standardized safety assessment instrument. If present or impending danger is identified, the child protective investigator must implement a safety plan or take the child into custody. If present danger is identified and the child is not removed, the child protective investigator shall create and implement a safety plan before leaving the home or the location where there is present danger. If impending danger is identified, the child protective investigator shall create and implement a safety plan as soon as necessary to protect the safety of the child. The child protective investigator may modify the safety plan if he or she identifies additional impending danger.

a. If the child protective investigator implements a safety plan, the plan must be specific, sufficient, feasible, and sustainable in response to the realities of the present or impending danger. A safety plan may be an in-home plan or an out-of-home plan, or a combination of both. A safety plan may include tasks or responsibilities for a parent, caregiver, or legal custodian. However, a safety plan may not rely on promissory commitments by the parent, caregiver, or legal custodian who is currently not able to protect the child or on services that are not available or will not result in the safety of the child. A safety plan may not be implemented if for any reason the parents, guardian, or legal custodian lacks the capacity or ability to comply with the plan. If the department is not able to develop a plan that is specific, sufficient, feasible, and sustainable, the department shall file a shelter petition. A child protective investigator shall implement separate safety plans for the perpetrator of domestic violence*, if the investigator, using reasonable efforts, can locate the perpetrator to implement a safety plan,* and *for* the parent who is a victim of domestic violence as defined in s. 741.28. *Reasonable efforts to locate a perpetrator include, but are not limited to, a diligent search pursuant to the same requirements as in s. 39.503.* If the perpetrator of domestic violence is not the parent, guardian, or legal custodian of *any child in the home and if the department does not intend to file a shelter petition or dependency petition that will assert allegations against the perpetrator as a parent of a* ~~the~~ child *in the home*, the child protective investigator shall seek issuance of an injunction authorized by s. 39.504 to implement a safety plan for the perpetrator and impose any other conditions to protect the child. The safety plan for the parent who is a victim of domestic violence may not be shared with the perpetrator. If any party to a safety plan fails to comply with the safety plan resulting in the child being unsafe, the department shall file a shelter petition.

b. The child protective investigator shall collaborate with the community-based care lead agency in the development of the safety plan as necessary to ensure that the safety plan is specific, sufficient, feasible, and sustainable. The child protective investigator shall identify services necessary for the successful implementation of the safety plan. The child protective investigator and the community-based care lead agency shall mobilize service resources to assist all parties in complying with the safety plan. The community-based care lead agency shall prioritize safety plan services to families who have multiple risk factors, including, but not limited to, two or more of the following:

(I) The parent or legal custodian is of young age;

(II) The parent or legal custodian, or an adult currently living in or frequently visiting the home, has a history of substance abuse, mental illness, or domestic violence;

(III) The parent or legal custodian, or an adult currently living in or frequently visiting the home, has been previously found to have physically or sexually abused a child;

(IV) The parent or legal custodian or an adult currently living in or frequently visiting the home has been the subject of multiple allegations by reputable reports of abuse or neglect;

(V) The child is physically or developmentally disabled; or

(VI) The child is 3 years of age or younger.

c. The child protective investigator shall monitor the implementation of the plan to ensure the child's safety until the case is transferred to the lead agency at which time the lead agency shall monitor the implementation.

(23) If, at any time during a child protective investigation, a child is born into a family under investigation or a child moves into the home under investigation, the child protective investigator shall add the child to the investigation and assess the child's safety pursuant to subsection (7) and paragraph (9)(a).

Section 5. Subsections (1) and (7) of section 39.302, Florida Statutes, are amended to read:

39.302 Protective investigations of institutional child abuse, abandonment, or neglect.—

(1) The department shall conduct a child protective investigation of each report of institutional child abuse, abandonment, or neglect. Upon receipt of a report that alleges that an employee or agent of the department, or any other entity or person covered by s. 39.01(32) or *(48)* ~~(47)~~, acting in an official capacity, has committed an act of child abuse, abandonment, or neglect, the department shall initiate a child protective investigation within the timeframe established under s. 39.201(5) and notify the appropriate state attorney, law enforcement agency, and licensing agency, which shall immediately conduct a joint investigation, unless independent investigations are more feasible. When conducting investigations or having face-to-face interviews with the child, investigation visits shall be unannounced unless it is determined by the department or its agent that unannounced visits threaten the safety of the child. If a facility is exempt from licensing, the department shall inform the owner or operator of the facility of the report. Each agency conducting a joint investigation is entitled to full access to the information gathered by the department in the course of the investigation. A protective investigation must include an interview with the child's parent or legal guardian. The department shall make a full written report to the state attorney within 3 working days after making the oral report. A criminal investigation shall be coordinated, whenever possible, with the child protective investigation of the department. Any interested person who has information regarding the offenses described in this subsection may forward a statement to the state attorney as to whether prosecution is warranted and appropriate. Within 15 days after the completion of the investigation, the state attorney shall report the findings to the department and shall include in the report a determination of whether or not prosecution is justified and appropriate in view of the circumstances of the specific case.

(7) When an investigation of institutional abuse, neglect, or abandonment is closed and a person is not identified as a caregiver responsible for the abuse, neglect, or abandonment alleged in the report, the fact that the person is named in some capacity in the report may not be used in any way to adversely affect the interests of that person. This prohibition applies to any use of the information in employment screening, licensing, child placement, adoption, or any other decisions by a private adoption agency or a state agency or its contracted providers.

(a) However, if such a person is a licensee of the department and is named in any capacity in three or more reports within a 5-year period, the department may review those reports and determine whether the information contained in the reports is relevant for purposes of determining whether the person's license should be renewed or revoked. If the information is relevant to the decision to renew or revoke the license, the department may rely on the information contained in the report in making that decision.

(b) Likewise, if a person is employed as a caregiver in a residential group home licensed pursuant to s. 409.175 and is named in any capacity in three or more reports within a 5-year period, the department may review all reports for the purposes of the employment screening required pursuant to s. 409.145(2)(e).

Section 6. Paragraph (c) of subsection (8) of section 39.402, Florida Statutes, is amended to read:

39.402 Placement in a shelter.—

(8)

(c) At the shelter hearing, the court shall:

1. Appoint a guardian ad litem to represent the best interest of the child, unless the court finds that such representation is unnecessary;

2. Inform the parents or legal custodians of their right to counsel to represent them at the shelter hearing and at each subsequent hearing or proceeding, and the right of the parents to appointed counsel, pursuant to the procedures set forth in s. 39.013; ~~and~~

3. Give the parents or legal custodians an opportunity to be heard and to present evidence*; and*

4. Inquire of those present at the shelter hearing as to the identity and location of the legal father. In determining who the legal father of the child may be, the court shall inquire under oath of those present at the shelter hearing whether they have any of the following information:

a. Whether the mother of the child was married at the probable time of conception of the child or at the time of birth of the child.

b. Whether the mother was cohabiting with a male at the probable time of conception of the child.

c. Whether the mother has received payments or promises of support with respect to the child or because of her pregnancy from a man who claims to be the father.

d. Whether the mother has named any man as the father on the birth certificate of the child or in connection with applying for or receiving public assistance.

e. Whether any man has acknowledged or claimed paternity of the child in a jurisdiction in which the mother resided at the time of or since conception of the child or in which the child has resided or resides.

f. Whether a man is named on the birth certificate of the child pursuant to s. 382.013(2).

g. Whether a man has been determined by a court order to be the father of the child.

h. Whether a man has been determined to be the father of the child by the Department of Revenue as provided in s. 409.256.

Section 7. Subsections (1), (6), and (8) of section 39.503, Florida Statutes, are amended, subsection (9) is added to that section, and subsection (7) of that section is republished, to read:

39.503 Identity or location of parent unknown; special procedures.—

(1) If the identity or location of a parent is unknown and a petition for dependency or shelter is filed, the court shall conduct *under oath* the following inquiry of the parent or legal custodian who is available, or, if no parent or legal custodian is available, of any relative or custodian of the child who is present at the hearing and likely to have *any of* the *following* information:

(a) Whether the mother of the child was married at the probable time of conception of the child or at the time of birth of the child.

(b) Whether the mother was cohabiting with a male at the probable time of conception of the child.

(c) Whether the mother has received payments or promises of support with respect to the child or because of her pregnancy from a man who claims to be the father.

(d) Whether the mother has named any man as the father on the birth certificate of the child or in connection with applying for or receiving public assistance.

(e) Whether any man has acknowledged or claimed paternity of the child in a jurisdiction in which the mother resided at the time of or since conception of the child, or in which the child has resided or resides.

(f) Whether a man is named on the birth certificate of the child pursuant to s. 382.013(2).

(g) Whether a man has been determined by a court order to be the father of the child.

(h) Whether a man has been determined to be the father of the child by the Department of Revenue as provided in s. 409.256.

(6) The diligent search required by subsection (5) must include, at a minimum, inquiries of all relatives of the parent or prospective parent made known to the petitioner, inquiries of all offices of program areas of the department likely to have information about the parent or prospective parent, inquiries of other state and federal agencies likely to have information about the parent or prospective parent, inquiries of appropriate utility and postal providers, a thorough search of at least one electronic database specifically designed for locating persons, *a search of the Florida Putative Father Registry,* and inquiries of appropriate law enforcement agencies. Pursuant to s. 453 of the Social Security Act, 42 U.S.C. s. 653(c)(4), the department, as the state agency administering Titles IV-B and IV-E of the act, shall be provided access to the federal and state parent locator service for diligent search activities.

(7) Any agency contacted by a petitioner with a request for information pursuant to subsection (6) shall release the requested information to the petitioner without the necessity of a subpoena or court order.

(8) If the inquiry and diligent search identifies a prospective parent, that person must be given the opportunity to become a party to the proceedings by completing a sworn affidavit of parenthood and filing it with the court or the department. A prospective parent who files a sworn affidavit of parenthood while the child is a dependent child but no later than at the time of or *before* ~~prior to~~ the adjudicatory hearing in any termination of parental rights proceeding for the child shall be considered a parent for all purposes under this section unless the other parent contests the determination of parenthood. If the known parent contests the recognition of the prospective parent as a parent, the prospective parent *may* ~~shall~~ not be recognized as a parent until proceedings *to determine maternity or paternity* under chapter 742 have been concluded. However, the prospective parent shall continue to receive notice of hearings as a participant pending results of the chapter 742 proceedings *to determine maternity or paternity*.

(9) If the diligent search under subsection (5) fails to identify and locate a parent or prospective parent, the court shall so find and may proceed without further notice.

Section 8. Section 39.504, Florida Statutes, is amended to read:

39.504 Injunction ~~pending disposition of petition~~; penalty.—

(1) At any time after a protective investigation has been initiated pursuant to part III of this chapter, the court, upon the request of the department, a law enforcement officer, the state attorney, or other responsible person, or upon its own motion, may, if there is reasonable cause, issue an injunction to prevent any act of child abuse. Reasonable cause for the issuance of an injunction exists if there is evidence of child abuse or if there is a reasonable likelihood of such abuse occurring based upon a recent overt act or failure to act. *If there is a pending dependency proceeding regarding the child whom the injunction is sought to protect, the judge hearing the dependency proceeding must also hear the injunction proceeding regarding the child.*

(2) The petitioner seeking the injunction shall file a verified petition, or a petition along with an affidavit, setting forth the specific actions by the alleged offender from which the child must be protected and all remedies sought. Upon filing the petition, the court shall set a hearing to be held at the earliest possible time. Pending the hearing, the court may issue a temporary ex parte injunction, with verified pleadings or affidavits as evidence. The temporary ex parte injunction pending a hearing is effective for up to 15 days and the hearing must be held within that period unless continued for good cause shown, which may include obtaining service of process, in which case the temporary ex parte injunction shall be extended for the continuance period. The hearing may be held sooner if the alleged offender has received reasonable notice.

(3) Before the hearing, the alleged offender must be personally served with a copy of the petition, all other pleadings related to the petition, a notice of hearing, and, if one has been entered, the temporary injunction. *If the petitioner cannot locate the alleged offender for service after a diligent search pursuant to the same requirements as in s. 39.503 and the filing of an affidavit of diligent search, the court may enter the injunction based on the sworn petition and any affidavits. At the hearing, the court may base its determination on a sworn petition, testimony, or an affidavit and may hear all relevant and material evidence, including oral and written reports, to the extent of its probative value even though it would not be competent evidence at an adjudicatory hearing.* Following the hearing, the court may enter a final injunction. The court may grant a continuance of the hearing at any time for good cause shown by any party. If a temporary injunction has been entered, it shall be continued during the continuance.

(4) If an injunction is issued under this section, the primary purpose of the injunction must be to protect and promote the best interests of the child, taking the preservation of the child's immediate family into consideration.

(a) The injunction applies to the alleged or actual offender in a case of child abuse or acts of domestic violence. The conditions of the injunction shall be determined by the court, which may include ordering the alleged or actual offender to:

1. Refrain from further abuse or acts of domestic violence.

2. Participate in a specialized treatment program.

3. Limit contact or communication with the child victim, other children in the home, or any other child.

4. Refrain from contacting the child at home, school, work, or wherever the child may be found.

5. Have limited or supervised visitation with the child.

6. Vacate the home in which the child resides.

7. Comply with the terms of a safety plan implemented in the injunction pursuant to s. 39.301.

(b) Upon proper pleading, the court may award the following relief in a temporary ex parte or final injunction:

1. Exclusive use and possession of the dwelling to the caregiver or exclusion of the alleged or actual offender from the residence of the caregiver.

2. Temporary support for the child or other family members.

3. The costs of medical, psychiatric, and psychological treatment for the child incurred due to the abuse, and similar costs for other family members.

This paragraph does not preclude an adult victim of domestic violence from seeking protection for himself or herself under s. 741.30.

(c) The terms of the final injunction shall remain in effect until modified or dissolved by the court. The petitioner, respondent, or caregiver may move at any time to modify or dissolve the injunction. Notice of hearing on the motion to modify or dissolve the injunction must be provided to all parties, including the department. The injunction is valid and enforceable in all counties in the state.

(5) Service of process on the respondent shall be carried out pursuant to s. 741.30. The department shall deliver a copy of any injunction issued pursuant to this section to the protected party or to a parent, caregiver, or individual acting in the place of a parent who is not the respondent. Law enforcement officers may exercise their arrest powers as provided in s. 901.15(6) to enforce the terms of the injunction.

(6) Any person who fails to comply with an injunction issued pursuant to this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(7) The person against whom an injunction is entered under this section does not automatically become a party to a subsequent dependency action concerning the same child.

Section 9. Paragraph (b) of subsection (7) of section 39.507, Florida Statutes, is amended to read:

39.507 Adjudicatory hearings; orders of adjudication.—

(7)

(b) However, the court must determine whether each parent or legal custodian identified in the case abused, abandoned, or neglected the child *or engaged in conduct that placed the child at substantial risk of imminent abuse, abandonment, or neglect* ~~in a subsequent evidentiary hearing~~. If *a second parent is served and brought into the proceeding after the adjudication and if an* ~~the~~ evidentiary hearing *for the second parent* is conducted ~~subsequent to the adjudication of the child~~, the court shall supplement the adjudicatory order, disposition order, and the case plan, as necessary. *The petitioner is not required to prove actual harm or actual abuse by the second parent in order for the court to make supplemental findings regarding the conduct of the second parent. The court is not required to conduct an evidentiary hearing for the second parent in order to supplement the adjudicatory order, the disposition order, and the case plan if the requirements of s. 39.506(3) or (5) are satisfied.* With the exception of proceedings pursuant to s. 39.811, the child's dependency status may not be retried or readjudicated.

Section 10. Paragraph (a) of subsection (2) of section 39.5085, Florida Statutes, is amended to read:

39.5085 Relative Caregiver Program.—

(2)(a) The Department of Children and Families shall establish*,* ~~and~~ operate*, and implement* the Relative Caregiver Program ~~pursuant to eligibility guidelines established in this section as further implemented~~ by rule of the department. The Relative Caregiver Program shall, within the limits of available funding, provide financial assistance to:

1. Relatives who are within the fifth degree by blood or marriage to the parent or stepparent of a child and who are caring full-time for that dependent child in the role of substitute parent as a result of a court's determination of child abuse, neglect, or abandonment and subsequent placement with the relative under this chapter.

2. Relatives who are within the fifth degree by blood or marriage to the parent or stepparent of a child and who are caring full-time for that dependent child, and a dependent half-brother or half-sister of that dependent child, in the role of substitute parent as a result of a court's determination of child abuse, neglect, or abandonment and subsequent placement with the relative under this chapter.

3. Nonrelatives who are willing to assume custody and care of a dependent child in the role of substitute parent as a result of a court's determination of child abuse, neglect, or abandonment and subsequent placement with the nonrelative caregiver under this chapter. The court must find that a proposed placement under this subparagraph is in the best interest of the child.

4. A relative or nonrelative caregiver, but the relative or nonrelative caregiver may not receive a Relative Caregiver Program payment if the parent or stepparent of the child resides in the home. However, a relative or nonrelative may receive the Relative Caregiver Program payment for a minor parent who is in his or her care, as well as for the minor parent's child, if both children have been adjudicated dependent and meet all other eligibility requirements. If the caregiver is currently receiving the payment, the Relative Caregiver Program payment must be terminated no later than the first of the following month after the parent or stepparent moves into the home, allowing for 10-day notice of adverse action.

The placement may be court-ordered temporary legal custody to the relative or nonrelative under protective supervision of the department pursuant to *s. 39.521(1)(c)3.* ~~s. 39.521(1)(b)3.~~, or court-ordered placement in the home of a relative or nonrelative as a permanency option under s. 39.6221 or s. 39.6231 or under former s. 39.622 if the placement was made before July 1, 2006. The Relative Caregiver Program shall offer financial assistance to caregivers who would be unable to serve in that capacity without the caregiver payment because of financial bur-

den, thus exposing the child to the trauma of placement in a shelter or in foster care.

Section 11. Subsections (1), (2), (6), and (7) of section 39.521, Florida Statutes, are amended to read:

39.521 Disposition hearings; powers of disposition.—

(1) A disposition hearing shall be conducted by the court, if the court finds that the facts alleged in the petition for dependency were proven in the adjudicatory hearing, or if the parents or legal custodians have consented to the finding of dependency or admitted the allegations in the petition, have failed to appear for the arraignment hearing after proper notice, or have not been located despite a diligent search having been conducted.

(a) A written case plan and a *family functioning assessment* ~~predisposition study~~ prepared by an authorized agent of the department must be *approved by* ~~filed with~~ the court. *The department must file the case plan and the family functioning assessment with the court, serve a copy of the case plan on*~~,~~ ~~served upon~~ the parents of the child, *and provide a copy of the case plan* ~~provided~~ to the representative of the guardian ad litem program, if the program has been appointed, and *a copy* ~~provided~~ to all other parties*:*

1. Not less than 72 hours before the disposition hearing*, if the disposition hearing occurs on or after the 60th day after the date the child was placed in out-of-home care*. All such case plans must be approved by the court.

2. Not less than 72 hours before the case plan acceptance hearing, if the disposition hearing occurs before the 60th day after the date the child was placed in out-of-home care and a case plan has not been submitted pursuant to this paragraph, or if the court does not approve the case plan at the disposition hearing. *The case plan acceptance hearing must occur*~~, the court must set a hearing~~ within 30 days after the disposition hearing to review and approve the case plan.

(b) The court may grant an exception to the requirement for a *family functioning assessment* ~~predisposition study~~ by separate order or within the judge's order of disposition upon finding that all the family and child information required by subsection (2) is available in other documents filed with the court.

(c)~~(b)~~ When any child is adjudicated by a court to be dependent, the court having jurisdiction of the child has the power by order to:

1. Require the parent and, when appropriate, the legal custodian and the child to participate in treatment and services identified as necessary. The court may require the person who has custody or who is requesting custody of the child to submit to a mental health or substance abuse disorder assessment or evaluation. The order may be made only upon good cause shown and pursuant to notice and procedural requirements provided under the Florida Rules of Juvenile Procedure. The mental health assessment or evaluation must be administered by a qualified professional as defined in s. 39.01, and the substance abuse assessment or evaluation must be administered by a qualified professional as defined in s. 397.311. The court may also require such person to participate in and comply with treatment and services identified as necessary, including, when appropriate and available, participation in and compliance with a mental health court program established under chapter 394 or a treatment-based drug court program established under s. 397.334. *Adjudication of a child as dependent based upon evidence of harm as defined in s. 39.01(30)(g) demonstrates good cause, and the court shall require the parent whose actions caused the harm to submit to a substance abuse disorder assessment or evaluation and to participate and comply with treatment and services identified in the assessment or evaluation as being necessary.* In addition to supervision by the department, the court, including the mental health court program or the treatment-based drug court program, may oversee the progress and compliance with treatment by a person who has custody or is requesting custody of the child. The court may impose appropriate available sanctions for noncompliance upon a person who has custody or is requesting custody of the child or make a finding of noncompliance for consideration in determining whether an alternative placement of the child is in the child's best interests. Any order entered under this subparagraph may be made only upon good cause shown. This subparagraph does not authorize placement of a child with a person seeking custody of the child, other than the child's parent or legal custodian, who requires mental health or substance abuse disorder treatment.

2. Require, if the court deems necessary, the parties to participate in dependency mediation.

3. Require placement of the child either under the protective supervision of an authorized agent of the department in the home of one or both of the child's parents or in the home of a relative of the child or another adult approved by the court, or in the custody of the department. Protective supervision continues until the court terminates it or until the child reaches the age of 18, whichever date is first. Protective supervision shall be terminated by the court whenever the court determines that permanency has been achieved for the child, whether with a parent, another relative, or a legal custodian, and that protective supervision is no longer needed. The termination of supervision may be with or without retaining jurisdiction, at the court's discretion, and shall in either case be considered a permanency option for the child. The order terminating supervision by the department must set forth the powers of the custodian of the child and include the powers ordinarily granted to a guardian of the person of a minor unless otherwise specified. Upon the court's termination of supervision by the department, further judicial reviews are not required if permanency has been established for the child.

(d)~~(c)~~ At the conclusion of the disposition hearing, the court shall schedule the initial judicial review hearing which must be held no later than 90 days after the date of the disposition hearing or after the date of the hearing at which the court approves the case plan, whichever occurs earlier, but in no event shall the review hearing be held later than 6 months after the date of the child's removal from the home.

(e)~~(d)~~ The court shall, in its written order of disposition, include all of the following:

1. The placement or custody of the child.

2. Special conditions of placement and visitation.

3. Evaluation, counseling, treatment activities, and other actions to be taken by the parties, if ordered.

4. The persons or entities responsible for supervising or monitoring services to the child and parent.

5. Continuation or discharge of the guardian ad litem, as appropriate.

6. The date, time, and location of the next scheduled review hearing, which must occur within the earlier of:

a. Ninety days after the disposition hearing;

b. Ninety days after the court accepts the case plan;

c. Six months after the date of the last review hearing; or

d. Six months after the date of the child's removal from his or her home, if no review hearing has been held since the child's removal from the home.

7. If the child is in an out-of-home placement, child support to be paid by the parents, or the guardian of the child's estate if possessed of assets which under law may be disbursed for the care, support, and maintenance of the child. The court may exercise jurisdiction over all child support matters, shall adjudicate the financial obligation, including health insurance, of the child's parents or guardian, and shall enforce the financial obligation as provided in chapter 61. The state's child support enforcement agency shall enforce child support orders under this section in the same manner as child support orders under chapter 61. Placement of the child shall not be contingent upon issuance of a support order.

8.a. If the court does not commit the child to the temporary legal custody of an adult relative, legal custodian, or other adult approved by the court, the disposition order shall include the reasons for such a decision and shall include a determination as to whether diligent efforts were made by the department to locate an adult relative, legal custodian, or other adult willing to care for the child in order to present that

placement option to the court instead of placement with the department.

b. If no suitable relative is found and the child is placed with the department or a legal custodian or other adult approved by the court, both the department and the court shall consider transferring temporary legal custody to an adult relative approved by the court at a later date, but neither the department nor the court is obligated to so place the child if it is in the child's best interest to remain in the current placement.

For the purposes of this section, "diligent efforts to locate an adult relative" means a search similar to the diligent search for a parent, but without the continuing obligation to search after an initial adequate search is completed.

9. Other requirements necessary to protect the health, safety, and well-being of the child, to preserve the stability of the child's educational placement, and to promote family preservation or reunification whenever possible.

(f)~~(e)~~ If the court finds that *an in-home safety plan prepared or approved by the department* ~~the prevention or reunification efforts of the department~~ will allow the child to remain safely at home or *that conditions for return have been met and an in-home safety plan prepared or approved by the department will allow the child to* be safely returned to the home, the court shall allow the child to remain in or return to the home after making a specific finding of fact that ~~the reasons for removal have been remedied to the extent that~~ the child's safety, well-being, and physical, mental, and emotional health will not be endangered.

(g)~~(f)~~ If the court places the child in an out-of-home placement, the disposition order must include a written determination that the child cannot safely remain at home with *an in-home safety plan* ~~reunification or family preservation services~~ and that removal of the child is necessary to protect the child. If the child is removed before the disposition hearing, the order must also include a written determination as to whether, after removal, the department made a reasonable effort to reunify the parent and child. Reasonable efforts to reunify are not required if the court finds that any of the acts listed in s. 39.806(1)(f)-(l) have occurred. The department has the burden of demonstrating that it made reasonable efforts.

1. For the purposes of this paragraph, the term "reasonable effort" means the exercise of reasonable diligence and care by the department to provide the services ordered by the court or delineated in the case plan.

2. In support of its determination as to whether reasonable efforts have been made, the court shall:

a. Enter written findings as to whether *an in-home safety plan could have prevented removal* ~~prevention or reunification efforts were indicated~~.

b. If *an in-home safety plan was* ~~prevention or reunification efforts were~~ indicated, include a brief written description of what appropriate and available *safety management services* ~~prevention and reunification efforts~~ were *initiated* ~~made~~.

c. Indicate in writing why further efforts could or could not have prevented or shortened the separation of the parent and child.

3. A court may find that the department made a reasonable effort to prevent or eliminate the need for removal if:

a. The first contact of the department with the family occurs during an emergency;

b. The *department's assessment* ~~appraisal by the department~~ of the home situation indicates a substantial and immediate danger to the child's safety or physical, mental, or emotional health which cannot be mitigated by the provision of *safety management* ~~preventive~~ services;

c. The child cannot safely remain at home, because there are no *safety management* ~~preventive~~ services that can ensure the health and safety of the child or, even with appropriate and available services being provided, the health and safety of the child cannot be ensured; or

d. The parent is alleged to have committed any of the acts listed as grounds for expedited termination of parental rights under s. 39.806(1)(f)-(l).

4. A reasonable effort by the department for reunification has been made if the appraisal of the home situation by the department indicates that the severity of the conditions of dependency is such that reunification efforts are inappropriate. The department has the burden of demonstrating to the court that reunification efforts were inappropriate.

5. If the court finds that the *provision of safety management services by* ~~prevention or reunification effort of~~ the department would not have permitted the child to remain safely at home, the court may commit the child to the temporary legal custody of the department or take any other action authorized by this chapter.

(2) The *family functioning assessment* ~~predisposition study~~ must provide the court with the following documented information:

(a) Evidence of maltreatment and the circumstances accompanying the maltreatment.

(b) Identification of all danger threats active in the home.

(c) An assessment of the adult functioning of the parents.

(d) An assessment of the parents' general parenting practices and the parents' disciplinary approach and behavior management methods.

(e) An assessment of the parents' behavioral, emotional, and cognitive protective capacities.

(f) An assessment of child functioning.

(g) A safety analysis describing the capacity for an in-home safety plan to control the conditions that result in the child being unsafe and the specific actions necessary to keep the child safe.

(h) Identification of the conditions for return which would allow the child to be placed safely back into the home with an in-home safety plan and any safety management services necessary to ensure the child's safety.

~~(a) The capacity and disposition of the parents to provide the child with food, clothing, medical care, or other remedial care recognized and permitted under the laws of this state in lieu of medical care, and other material needs.~~

~~(b) The length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity.~~

~~(c) The mental and physical health of the parents.~~

~~(d) The home, school, and community record of the child.~~

(i)~~(c)~~ The reasonable preference of the child, if the court deems the child to be of sufficient intelligence, understanding, and experience to express a preference.

~~(f) Evidence of domestic violence or child abuse.~~

~~(g) An assessment defining the dangers and risks of returning the child home, including a description of the changes in and resolutions to the initial risks.~~

~~(h) A description of what risks are still present and what resources are available and will be provided for the protection and safety of the child.~~

~~(i) A description of the benefits of returning the child home.~~

~~(j) A description of all unresolved issues.~~

(j)~~(k)~~ *Child welfare* ~~A Florida Abuse Hotline Information System (FAHIS)~~ history *from the department's Statewide Automated Child Welfare Information System (SACWIS)* and criminal records check for all caregivers, family members, and individuals residing within the household from which the child was removed.

(k)~~(l)~~ The complete report and recommendation of the child protection team of the Department of Health or, if no report exists, a statement reflecting that no report has been made.

(l)~~(m)~~ All opinions or recommendations from other professionals or agencies that provide evaluative, social, reunification, or other services to the parent and child.

(m)~~(n)~~ A listing of appropriate and available *safety management* ~~prevention and reunification~~ services for the parent and child to prevent the removal of the child from the home or to reunify the child with the parent after removal, ~~including the availability of family preservation services~~ and an explanation of the following:

1. If the services were or were not provided.

2. If the services were provided, the outcome of the services.

3. If the services were not provided, why they were not provided.

4. If the services are currently being provided and if they need to be continued.

~~(o) A listing of other prevention and reunification services that were available but determined to be inappropriate and why.~~

~~(p) Whether dependency mediation was provided.~~

(n)~~(q)~~ If the child has been removed from the home and there is a parent who may be considered for custody pursuant to this section, a recommendation as to whether placement of the child with that parent would be detrimental to the child.

(o)~~(r)~~ If the child has been removed from the home and will be remaining with a relative, parent, or other adult approved by the court, a home study report concerning the proposed placement shall be *provided to the court* ~~included in the predisposition report~~. Before recommending to the court any out-of-home placement for a child other than placement in a licensed shelter or foster home, the department shall conduct a study of the home of the proposed legal custodians, which must include, at a minimum:

1. An interview with the proposed legal custodians to assess their ongoing commitment and ability to care for the child.

2. Records checks through the State Automated Child Welfare Information System (SACWIS), and local and statewide criminal and juvenile records checks through the Department of Law Enforcement, on all household members 12 years of age or older. In addition, the fingerprints of any household members who are 18 years of age or older may be submitted to the Department of Law Enforcement for processing and forwarding to the Federal Bureau of Investigation for state and national criminal history information. The department has the discretion to request State Automated Child Welfare Information System (SACWIS) and local, statewide, and national criminal history checks and fingerprinting of any other visitor to the home who is made known to the department. Out-of-state criminal records checks must be initiated for any individual who has resided in a state other than Florida if that state's laws allow the release of these records. The out-of-state criminal records must be filed with the court within 5 days after receipt by the department or its agent.

3. An assessment of the physical environment of the home.

4. A determination of the financial security of the proposed legal custodians.

5. A determination of suitable child care arrangements if the proposed legal custodians are employed outside of the home.

6. Documentation of counseling and information provided to the proposed legal custodians regarding the dependency process and possible outcomes.

7. Documentation that information regarding support services available in the community has been provided to the proposed legal custodians.

8. The reasonable preference of the child, if the court deems the child to be of sufficient intelligence, understanding, and experience to express a preference.

The department may not place the child or continue the placement of the child in a home under shelter or postdisposition placement if the results of the home study are unfavorable, unless the court finds that this placement is in the child's best interest.

(p)~~(s)~~ If the child has been removed from the home, a determination of the amount of child support each parent will be required to pay pursuant to s. 61.30.

~~(t) If placement of the child with anyone other than the child's parent is being considered, the predisposition study shall include the designation of a specific length of time as to when custody by the parent will be reconsidered.~~

Any other relevant and material evidence, including other written or oral reports, may be received by the court in its effort to determine the action to be taken with regard to the child and may be relied upon to the extent of its probative value, even though not competent in an adjudicatory hearing. Except as otherwise specifically provided, nothing in this section prohibits the publication of proceedings in a hearing.

(6) With respect to a child who is the subject in proceedings under this chapter, the court may issue to the department an order to show cause why it should not return the child to the custody of the parents upon *the presentation of evidence that the conditions for return of the child have been met* ~~expiration of the case plan, or sooner if the parents have substantially complied with the case plan~~.

(7) The court may enter an order ending its jurisdiction over a child when a child has been returned to the parents, provided the court shall not terminate its jurisdiction or the department's supervision over the child until 6 months after the child's return. *The department shall supervise the placement of the child after reunification for at least 6 months with each parent or legal custodian from whom the child was removed.* The court shall determine whether its jurisdiction should be continued or terminated in such a case based on a report of the department or agency or the child's guardian ad litem, and any other relevant factors; if its jurisdiction is to be terminated, the court shall enter an order to that effect.

Section 12. Subsections (2) and (3) of section 39.522, Florida Statutes, are amended to read:

39.522 Postdisposition change of custody.—The court may change the temporary legal custody or the conditions of protective supervision at a postdisposition hearing, without the necessity of another adjudicatory hearing.

(2) In cases where the issue before the court is whether a child should be reunited with a parent, the court shall *review the conditions for return and* determine whether the *circumstances that caused the out-of-home placement and issues subsequently identified have been remedied* ~~parent has substantially complied with the terms of the case plan~~ to the extent that the *return of the child to the home with an in-home safety plan prepared or approved by the department will not be detrimental to the child's* safety, well-being, and physical, mental, and emotional health ~~of the child is not endangered by the return of the child to the home~~.

(3) In cases where the issue before the court is whether a child who is placed in the custody of a parent should be reunited with the other parent upon a finding *that the circumstances that caused the out-of-home placement and issues subsequently identified have been remedied to the extent that the return of the child to the home of the other parent with an in-home safety plan prepared or approved by the department will not be detrimental to the child* ~~of substantial compliance with the terms of the case plan~~, the standard shall be that the safety, well-being, and physical, mental, and emotional health of the child would not be endangered by reunification and that reunification would be in the best interest of the child.

Section 13. Effective January 1, 2018, section 39.523, Florida Statutes, is amended to read:

(Substantial rewording of section. See

s. 39.523, F.S., for present text.)

39.523 Placement in out-of-home care.—

(1) LEGISLATIVE FINDINGS AND INTENT.—

(a) The Legislature finds that it is a basic tenet of child welfare practice and the law that a child be placed in the least restrictive, most family-like setting available in close proximity to the home of his or her parents which meets the needs of the child, and that a child be placed in a permanent home in a timely manner.

(b) The Legislature also finds that there is an association between placements that do not meet the needs of the child and adverse outcomes for the child, that mismatching placements to children's needs has been identified as a factor that negatively impacts placement stability, and that identifying the right placement for each child requires effective assessment.

(c) It is the intent of the Legislature that whenever a child is unable to safely remain at home with a parent, the most appropriate available out-of-home placement shall be chosen after an assessment of the child's needs and the availability of caregivers qualified to meet the child's needs.

(2) ASSESSMENT AND PLACEMENT.—When any child is removed from a home and placed into out-of-home care, a comprehensive placement assessment process shall be completed to determine the level of care needed by the child and match the child with the most appropriate placement.

(a) The community-based care lead agency or sub-contracted agency with the responsibility for assessment and placement must coordinate a multi-disciplinary team staffing with any available individual currently involved with the child including, but not limited to, a representative from the department and the case manager for the child; a therapist, attorney ad-litem, guardian ad litem, teachers, coaches, Children's Medical Services; and other community providers of services to the child or stakeholders as applicable. The team may also include clergy, relatives, and fictive kin if appropriate. Team participants must gather data and information on the child which is known at the time including, but not limited to:

1. Mental, medical, behavioral health, and medication history;

2. Community ties and school placement;

3. Current placement decisions relating to any siblings;

4. Alleged type of abuse or neglect including sexual abuse and trafficking history; and

5. The child's age, maturity, strengths, hobbies or activities, and the child's preference for placement.

(b) The comprehensive placement assessment process may also include the use of an assessment instrument or tool that is best suited for the individual child.

(c) The most appropriate available out-of-home placement shall be chosen after consideration by all members of the multi-disciplinary team of all of the information and data gathered, including the results and recommendations of any evaluations conducted.

(d) Placement decisions for each child in out-of-home placement shall be reviewed as often as necessary to ensure permanency for that child and address special issues related to this population of children.

(e) The department, a sheriff's office acting under s. 39.3065, a community-based care lead agency, or a case management organization must document all placement assessments and placement decisions in the Florida Safe Families Network.

(f) If it is determined during the comprehensive placement assessment process that residential treatment as defined in s. 39.407 would be suitable for the child, the procedures in that section must be followed.

(3) JUDICIAL REVIEW.—At each judicial review, the court shall consider the results of the assessment, the placement decision made for the child, and services provided to the child as required under s. 39.701.

(4) DATA COLLECTION.—The department shall collect the following information by community-based care lead agencies and post it on the Department of Children and Families' website. The information is to be updated on January 1 and July 1 of each year.

(a) The number of children placed with relatives and nonrelatives, in family foster homes, and in residential group care.

(b) An inventory of available services that are necessary to maintain children in the least restrictive setting that meets the needs of the child and a plan for filling any identified gap in those services.

(c) The number of children who were placed based upon the assessment.

(d) An inventory of existing placements for children by type and by community-based care lead agency.

(e) The strategies being used by community-based care lead agencies to recruit, train, and support an adequate number of families to provide home-based family care.

(5) RULEMAKING.—The department may adopt rules to implement this section.

Section 14. Subsection (1) of section 39.6011, Florida Statutes, is amended to read:

39.6011 Case plan development.—

(1) The department shall prepare a draft of the case plan for each child receiving services under this chapter. A parent of a child may not be threatened or coerced with the loss of custody or parental rights for failing to admit in the case plan of abusing, neglecting, or abandoning a child. Participating in the development of a case plan is not an admission to any allegation of abuse, abandonment, or neglect, and it is not a consent to a finding of dependency or termination of parental rights. The case plan shall be developed subject to the following requirements:

(a) The case plan must be developed in a face-to-face conference with the parent of the child, any court-appointed guardian ad litem, and, if appropriate, the child and the temporary custodian of the child.

(b) Notwithstanding s. 39.202, the department may discuss confidential information during the case planning conference in the presence of individuals who participate in the conference. All individuals who participate in the conference shall maintain the confidentiality of all information shared during the case planning conference.

(c)~~(b)~~ The parent may receive assistance from any person or social service agency in preparing the case plan. The social service agency, the department, and the court, when applicable, shall inform the parent of the right to receive such assistance, including the right to assistance of counsel.

(d)~~(c)~~ If a parent is unwilling or unable to participate in developing a case plan, the department shall document that unwillingness or inability to participate. The documentation must be provided in writing to the parent when available for the court record, and the department shall prepare a case plan conforming as nearly as possible with the requirements set forth in this section. The unwillingness or inability of the parent to participate in developing a case plan does not preclude the filing of a petition for dependency or for termination of parental rights. The parent, if available, must be provided a copy of the case plan and be advised that he or she may, at any time before the filing of a petition for termination of parental rights, enter into a case plan and that he or she may request judicial review of any provision of the case plan with which he or she disagrees at any court hearing set for the child.

Section 15. Subsection (1) of section 39.6012, Florida Statutes, is amended to read:

39.6012 Case plan tasks; services.—

(1) The services to be provided to the parent and the tasks that must be completed are subject to the following:

(a) The services described in the case plan must be designed to improve the conditions in the home and aid in maintaining the child in the home, facilitate the child's safe return to the home, ensure proper care of the child, or facilitate the child's permanent placement. The services offered must be the least intrusive possible into the life of the parent and child, must focus on clearly defined objectives, and must provide the most efficient path to quick reunification or permanent placement given the circumstances of the case and the child's need for safe and proper care.

(b) The case plan must describe each of the tasks with which the parent must comply and the services to be provided to the parent, specifically addressing the identified problem, including:

1. The type of services or treatment.

2. The date the department will provide each service or referral for the service if the service is being provided by the department or its agent.

3. The date by which the parent must complete each task.

4. The frequency of services or treatment provided. The frequency of the delivery of services or treatment provided shall be determined by the professionals providing the services or treatment on a case-by-case basis and adjusted according to their best professional judgment.

5. The location of the delivery of the services.

6. The staff of the department or service provider accountable for the services or treatment.

7. A description of the measurable objectives, including the timeframes specified for achieving the objectives of the case plan and addressing the identified problem.

(c) If there is evidence of harm as defined in s. 39.01(30)(g), the case plan must include as a required task for the parent whose actions caused the harm that the parent submit to a substance abuse disorder assessment or evaluation and participate and comply with treatment and services identified in the assessment or evaluation as being necessary.

Section 16. Subsection (4) of section 39.6035, Florida Statutes, is amended to read:

39.6035 Transition plan.—

(4) ~~If a child is planning to leave care upon reaching 18 years of age,~~ The transition plan must be approved by the court before the *child's 18th birthday and must be attached to the case plan and updated before each judicial review* ~~child leaves care and the court terminates jurisdiction~~.

Section 17. Present subsections (2) through (11) of section 39.621, Florida Statutes, are redesignated as subsections (3) through (12), respectively, and a new subsection (2) is added to that section, to read:

39.621 Permanency determination by the court.—

(2) The permanency goal of maintaining and strengthening the placement with a parent may be used in all of the following circumstances:

(a) If a child has not been removed from a parent, even if adjudication of dependency is withheld, the court may leave the child in the current placement with maintaining and strengthening the placement as a permanency option.

(b) If a child has been removed from a parent and is placed with the parent from whom the child was not removed, the court may leave the child in the placement with the parent from whom the child was not removed with maintaining and strengthening the placement as a permanency option.

(c) If a child has been removed from a parent and is subsequently reunified with that parent, the court may leave the child with that parent with maintaining and strengthening the placement as a permanency option.

Section 18. Subsection (7) is added to section 39.6221, Florida Statutes, to read:

39.6221 Permanent guardianship of a dependent child.—

(7) The requirements of s. 61.13001 do not apply to permanent guardianships established under this section.

Section 19. Paragraph (h) is added to subsection (1) of section 39.701, Florida Statutes, to read:

39.701 Judicial review.—

(1) GENERAL PROVISIONS.—

(h) If a child is born into a family that is under the court's jurisdiction or a child moves into a home that is under the court's jurisdiction, the department shall assess the child's safety and provide notice to the court.

1. The department shall complete an assessment to determine how the addition of a child will impact family functioning. The assessment must be completed at least 30 days before a child is expected to be born or to move into a home, or within 72 hours after the department learns of the pregnancy or addition if the child is expected to be born or to move into the home in less than 30 days. The assessment shall be filed with the court.

2. Once a child is born into a family or a child moves into the home, the department shall complete a progress update and file it with the court.

3. The court has the discretion to hold a hearing on the progress update filed by the department.

Section 20. Subsection (3) of section 39.801, Florida Statutes, is amended to read:

39.801 Procedures and jurisdiction; notice; service of process.—

(3) Before the court may terminate parental rights, in addition to the other requirements set forth in this part, the following requirements must be met:

(a) Notice of the date, time, and place of the advisory hearing for the petition to terminate parental rights and a copy of the petition must be personally served upon the following persons, specifically notifying them that a petition has been filed:

1. The parents of the child.

2. The legal custodians of the child.

3. If the parents who would be entitled to notice are dead or unknown, a living relative of the child, unless upon diligent search and inquiry no such relative can be found.

4. Any person who has physical custody of the child.

5. Any grandparent entitled to priority for adoption under s. 63.0425.

6. Any prospective parent who has been identified under s. 39.503 or s. 39.803*, unless a court order has been entered pursuant to s. 39.503(4) or (9) or s. 39.803(4) or (9) which indicates no further notice is required. Except as otherwise provided in this section, if there is not a legal father, notice of the petition for termination of parental rights must be provided to any known prospective father who is identified under oath before the court or who is identified by a diligent search of the Florida Putative Father Registry. Service of the notice of the petition for termination of parental rights is not required if the prospective father executes an affidavit of nonpaternity or a consent to termination of his parental rights which is accepted by the court after notice and opportunity to be heard by all parties to address the best interests of the child in accepting such affidavit*.

7. The guardian ad litem for the child or the representative of the guardian ad litem program, if the program has been appointed.

The document containing the notice to respond or appear must contain, in type at least as large as the type in the balance of the document, the following or substantially similar language: "FAILURE TO PERSONALLY APPEAR AT THIS ADVISORY HEARING CONSTITUTES CONSENT TO THE TERMINATION OF PARENTAL RIGHTS OF THIS CHILD (OR CHILDREN). IF YOU FAIL TO APPEAR ON THE DATE AND TIME SPECIFIED, YOU MAY LOSE ALL LEGAL RIGHTS AS A PARENT TO THE CHILD OR CHILDREN NAMED IN THE PETITION ATTACHED TO THIS NOTICE."

(b) If a party required to be served with notice as prescribed in paragraph (a) cannot be served, notice of hearings must be given as prescribed by the rules of civil procedure, and service of process must be made as specified by law or civil actions.

(c) Notice as prescribed by this section may be waived, in the discretion of the judge, with regard to any person to whom notice must be given under this subsection if the person executes, before two witnesses and a notary public or other officer authorized to take acknowledgments, a written surrender of the child to a licensed child-placing agency or the department.

(d) If the person served with notice under this section fails to personally appear at the advisory hearing, the failure to personally appear shall constitute consent for termination of parental rights by the person given notice. If a parent appears for the advisory hearing and the court orders that parent to personally appear at the adjudicatory hearing for the petition for termination of parental rights, stating the date, time, and location of said hearing, then failure of that parent to personally appear at the adjudicatory hearing shall constitute consent for termination of parental rights.

Section 21. Section 39.803, Florida Statutes, is amended to read:

39.803 Identity or location of parent unknown after filing of termination of parental rights petition; special procedures.—

(1) If the identity or location of a parent is unknown and a petition for termination of parental rights is filed, the court shall conduct *under oath* the following inquiry of the parent who is available, or, if no parent is available, of any relative, caregiver, or legal custodian of the child who is present at the hearing and likely to have the information:

(a) Whether the mother of the child was married at the probable time of conception of the child or at the time of birth of the child.

(b) Whether the mother was cohabiting with a male at the probable time of conception of the child.

(c) Whether the mother has received payments or promises of support with respect to the child or because of her pregnancy from a man who claims to be the father.

(d) Whether the mother has named any man as the father on the birth certificate of the child or in connection with applying for or receiving public assistance.

(e) Whether any man has acknowledged or claimed paternity of the child in a jurisdiction in which the mother resided at the time of or since conception of the child, or in which the child has resided or resides.

(f) Whether a man is named on the birth certificate of the child pursuant to s. 382.013(2).

(g) Whether a man has been determined by a court order to be the father of the child.

(h) Whether a man has been determined to be the father of the child by the Department of Revenue as provided in s. 409.256.

(2) The information required in subsection (1) may be supplied to the court or the department in the form of a sworn affidavit by a person having personal knowledge of the facts.

(3) If the inquiry under subsection (1) identifies any person as a parent or prospective parent, the court shall require notice of the hearing to be provided to that person.

(4) If the inquiry under subsection (1) fails to identify any person as a parent or prospective parent, the court shall so find and may proceed without further notice.

(5) If the inquiry under subsection (1) identifies a parent or prospective parent, and that person's location is unknown, the court shall direct the petitioner to conduct a diligent search for that person before scheduling an adjudicatory hearing regarding the petition for termination of parental rights to the child unless the court finds that the best interest of the child requires proceeding without actual notice to the person whose location is unknown.

(6) The diligent search required by subsection (5) must include, at a minimum, inquiries of all known relatives of the parent or prospective parent, inquiries of all offices of program areas of the department likely to have information about the parent or prospective parent, inquiries of other state and federal agencies likely to have information about the parent or prospective parent, inquiries of appropriate utility and postal providers, *a thorough search of at least one electronic database specifically designed for locating persons, a search of the Florida Putative Father Registry,* and inquiries of appropriate law enforcement agencies. *Pursuant to s. 453 of the Social Security Act, 42 U.S.C. s. 653(c)(4), the department, as the state agency administering Titles IV-B and IV-E of the act, shall be provided access to the federal and state parent locator service for diligent search activities.*

(7) Any agency contacted by petitioner with a request for information pursuant to subsection (6) shall release the requested information to the petitioner without the necessity of a subpoena or court order.

(8) If the inquiry and diligent search identifies a prospective parent, that person must be given the opportunity to become a party to the proceedings by completing a sworn affidavit of parenthood and filing it with the court or the department. A prospective parent who files a sworn affidavit of parenthood while the child is a dependent child but no later than at the time of or *before* ~~prior to~~ the adjudicatory hearing in the termination of parental rights proceeding for the child shall be considered a parent for all purposes under this section.

(9) If the diligent search under subsection (5) fails to identify and locate a prospective parent, the court shall so find and may proceed without further notice.

Section 22. Paragraph (l) of subsection (1) of section 39.806, Florida Statutes, is amended, and subsections (2) and (3) of that section are republished, to read:

39.806 Grounds for termination of parental rights.—

(1) Grounds for the termination of parental rights may be established under any of the following circumstances:

(l) On three or more occasions the child or another child of the parent or parents has been placed in out-of-home care pursuant to this chapter *or the law of any state, territory, or jurisdiction of the United States which is substantially similar to this chapter*, and the conditions that led to the child's out-of-home placement were caused by the parent or parents.

(2) Reasonable efforts to preserve and reunify families are not required if a court of competent jurisdiction has determined that any of the events described in paragraphs (1)(b)-(d) or paragraphs (1)(f)-(m) have occurred.

(3) If a petition for termination of parental rights is filed under subsection (1), a separate petition for dependency need not be filed and the department need not offer the parents a case plan having a goal of reunification, but may instead file with the court a case plan having a goal of termination of parental rights to allow continuation of services until the termination is granted or until further orders of the court are issued.

Section 23. Subsection (6) of section 39.811, Florida Statutes, is amended to read:

39.811 Powers of disposition; order of disposition.—

(6) The parental rights of one parent may be severed without severing the parental rights of the other parent only under the following circumstances:

(a) If the child has only one surviving parent;

(b) If the identity of a prospective parent has been established as unknown after sworn testimony;

(c) If the parent whose rights are being terminated became a parent through a single-parent adoption;

(d) If the protection of the child demands termination of the rights of a single parent; or

(e) If the parent whose rights are being terminated meets any of the criteria specified in s. 39.806(1)*(c),* (d)*, (f), (g), (h), (i), (j), (k), (l), (m), or (n)* ~~and (f)-(m)~~.

Section 24. Paragraph (b) of subsection (4) of section 125.901, Florida Statutes, is amended to read:

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

(4)

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

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

(II) For a district in existence on July 1, 2010, and serving a county with a population of 2 million or more persons as of that date*, unless the governing body of the county has previously submitted such question voluntarily to the electorate for a second time since 2005,* . . . . . 2020.

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

2. The governing body of the district may specify, and submit to the governing body of the county no later than 9 months before the scheduled election, that the district is not subsequently subject to reauthorization or may specify the number of years for which a reauthorization under this paragraph shall remain effective. If the governing body of the district makes such specification and submission, the governing body of the county shall include that information in the question submitted to the electorate. If the governing body of the district does not specify and submit such information, the governing body of the county shall resubmit the question of reauthorization to the electorate every 12 years after the year prescribed in subparagraph 1. The governing body of the district may recommend to the governing body of the county language for the question submitted to the electorate.

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

4. Nothing in this paragraph precludes the governing body of a district from requesting that the governing body of the county submit the question of retention or dissolution of a district with voter-approved taxing authority to the electorate at a date earlier than the year prescribed in subparagraph 1. If the governing body of the county accepts the request and submits the question to the electorate, the governing body satisfies the requirement of that subparagraph.

If any district is dissolved pursuant to this subsection, each county must first obligate itself to assume the debts, liabilities, contracts, and outstanding obligations of the district within the total millage available to the county governing body for all county and municipal purposes as provided for under s. 9, Art. VII of the State Constitution. Any district may also be dissolved pursuant to part VII of chapter 189.

Section 25. Paragraphs (g) and (h) of subsection (2) of section 394.463, Florida Statutes, are amended to read:

394.463 Involuntary examination.—

(2) INVOLUNTARY EXAMINATION.—

(g) *The examination period must be for up to 72 hours. For a minor, the examination shall be initiated within 12 hours after the patient's arrival at the facility.* Within the ~~72-hour~~ examination period or, if the *examination period* ~~72-hours~~ ends on a weekend or holiday, no later than the next working day thereafter, one of the following actions must be taken, based on the individual needs of the patient:

1. The patient shall be released, unless he or she is charged with a crime, in which case the patient shall be returned to the custody of a law enforcement officer;

2. The patient shall be released, subject to ~~the provisions of~~ subparagraph 1., for voluntary outpatient treatment;

3. The patient, unless he or she is charged with a crime, shall be asked to give express and informed consent to placement as a voluntary patient and, if such consent is given, the patient shall be admitted as a voluntary patient; or

4. A petition for involuntary services shall be filed in the circuit court if inpatient treatment is deemed necessary or with the criminal county court, as defined in s. 394.4655(1), as applicable. When inpatient treatment is deemed necessary, the least restrictive treatment consistent with the optimum improvement of the patient's condition shall be made available. When a petition is to be filed for involuntary outpatient placement, it shall be filed by one of the petitioners specified in s. 394.4655(4)(a). A petition for involuntary inpatient placement shall be filed by the facility administrator.

(h) A person for whom an involuntary examination has been initiated who is being evaluated or treated at a hospital for an emergency medical condition specified in s. 395.002 must be examined by a facility within *the examination period specified in paragraph (g)* ~~72-hours~~. The *examination* ~~72-hour~~ period begins when the patient arrives at the hospital and ceases when the attending physician documents that the patient has an emergency medical condition. If the patient is examined at a hospital providing emergency medical services by a professional qualified to perform an involuntary examination and is found as a result of that examination not to meet the criteria for involuntary outpatient services pursuant to s. 394.4655(2) or involuntary inpatient placement pursuant to s. 394.467(1), the patient may be offered voluntary services or placement, if appropriate, or released directly from the hospital providing emergency medical services. The finding by the professional that the patient has been examined and does not meet the criteria for involuntary inpatient services or involuntary outpatient placement must be entered into the patient's clinical record. This paragraph is not intended to prevent a hospital providing emergency medical services from appropriately transferring a patient to another hospital before stabilization if the requirements of s. 395.1041(3)(c) have been met.

Section 26. *(1) There is created a task force within the Department of Children and Families to address the issue of involuntary examinations under s. 394.463, Florida Statutes, of children age 17 years and younger. The task force shall, at a minimum, analyze data on the initiation of involuntary examinations of children, research the root causes of any trends in such involuntary examinations, identify and evaluate options for expediting examinations for children, and identify recommendations for encouraging alternatives to and eliminating inappropriate initiations of such examinations. The task force shall submit a report of its findings to the Governor, the President of the Senate, and the Speaker of the House of Representatives on or before November 15, 2017.*

(2) The Secretary of Children and Families or his or her designee shall chair the task force, which shall consist of the following members appointed by the secretary:

(a) The Commissioner of Education or his or her designee.

(b) A representative of the Florida Public Defender Association.

(c) A representative of the Florida Association of District School Superintendents.

(d) A representative of the Florida Sheriffs Association.

(e) A representative of the Florida Police Chiefs Association.

(f) A representative of the Florida Council for Community Mental Health.

(g) A representative of the Florida Alcohol and Drug Abuse Association.

(h) A representative of the Behavioral Health Care Council of the Florida Hospital Association.

(i) A representative of the Florida Psychiatric Society.

(j) A representative of the National Alliance on Mental Illness.

(k) One individual who is a family member of a minor who has been subject to an involuntary examination.

(l) Other members as deemed appropriate by the Secretary of Children and Families.

(3) The department shall use existing and available resources to administer and support the activities of the task force. Members of the task force shall serve without compensation and are not entitled to reimbursement for per diem or travel expense. The task force may conduct its meetings by teleconference.

(4) This section expires March 31, 2018.

Section 27. Paragraph (g) of subsection (4) of section 395.3025, Florida Statutes, is amended, and subsection (8) of that section is republished, to read:

395.3025 Patient and personnel records; copies; examination.—

(4) Patient records are confidential and must not be disclosed without the consent of the patient or his or her legal representative, but appropriate disclosure may be made without such consent to:

(g) The Department of Children and Families, ~~or~~ its agent, *or its contracted entity,* for the purpose of investigations of *or services for* cases of abuse, neglect, or exploitation of children or vulnerable adults.

(8) Patient records at hospitals and ambulatory surgical centers are exempt from disclosure under s. 119.07(1), except as provided by subsections (1)-(5).

Section 28. Subsections (2) and (6) of section 402.40, Florida Statutes, are amended to read:

402.40 Child welfare training and certification.—

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

(a) "Child welfare certification" means a professional credential awarded by a department-approved third-party credentialing entity to individuals demonstrating core competency in any child welfare practice area.

(b) "Child welfare services" means any intake, protective investigations, preprotective services, protective services, foster care, shelter and group care, and adoption and related services program, including supportive services and supervision provided to children who are alleged to have been abused, abandoned, or neglected or who are at risk of becoming, are alleged to be, or have been found dependent pursuant to chapter 39.

(c) "Child welfare trainer" means any person providing training for the purposes of child welfare professionals earning certification.

(d)~~(c)~~ "Core competency" means the minimum knowledge, skills, and abilities necessary to carry out work responsibilities.

(e)~~(d)~~ "Person providing child welfare services" means a person who has a responsibility for supervisory, direct care, or support-related work in the provision of child welfare services pursuant to chapter 39.

(f)~~(e)~~ "Preservice curriculum" means the minimum statewide training content based upon the core competencies which is made available to all persons providing child welfare services.

(g)~~(f)~~ "Third-party credentialing entity" means a department-approved nonprofit organization that has met nationally recognized standards for developing and administering professional certification programs.

(6) ADOPTION OF RULES.—The Department of Children and Families shall adopt rules necessary to carry out ~~the provisions of~~ this section*, including the requirements for child welfare trainers*.

Section 29. Section 409.16742, Florida Statutes, is created to read:

409.16742 Shared family care residential services program for substance-exposed newborns.—

(1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds that there is evidence that, with appropriate support and training, some families can remain safely together without court involvement or traumatic separations. Therefore, it is the intent of the Legislature that alternative types of placement options be available which provide both safety for substance-exposed newborns and an opportunity for parents recovering from substance abuse disorders to achieve independence while living together in a protective, nurturing family environment.

(2) ESTABLISHMENT OF PILOT PROGRAM.—The department shall establish a shared family care residential services program to serve substance-exposed newborns and their families through a contract with the designated lead agency established in accordance with s. 409.987 or with a private entity capable of providing residential care that satisfies the requirements of this section. The private entity or lead agency is responsible for all programmatic functions necessary to carry out the intent of this section. As used in this section, the term "shared family care" means out-of-home care in which an entire family in need is temporarily placed in the home of a family who is trained to mentor and support the biological parents as they develop the caring skills and supports necessary for independent living.

(3) SERVICES.—The department shall specify services that must be made available to newborns and their families through the pilot program.

Section 30. Section 409.992, Florida Statutes, is amended to read:

409.992 Lead agency expenditures.—

(1) The procurement of commodities or contractual services by lead agencies shall be governed by the financial guidelines developed by the department and must comply with applicable state and federal law and follow good business practices. Pursuant to s. 11.45, the Auditor General may provide technical advice in the development of the financial guidelines.

(2) Notwithstanding any other provision of law, a community-based care lead agency may make expenditures for staff cellular telephone allowances, contracts requiring deferred payments and maintenance agreements, security deposits for office leases, related agency professional membership dues other than personal professional membership dues, promotional materials, and grant writing services. Expenditures for food and refreshments, other than those provided to clients in the care of the agency or to foster parents, adoptive parents, and caseworkers during training sessions, are not allowable.

(3) Notwithstanding any other provision of law, a community-based care lead agency administrative employee may not receive a salary, whether base pay or base pay combined with any bonus or incentive payments, in excess of 150 percent of the annual salary paid to the secretary of the Department of Children and Families from state-appropriated funds, including state-appropriated federal funds. This subsection does not prohibit any party from providing cash that is not from appropriated state funds to a community-based care lead agency administrative employee.

(4)~~(3)~~ A lead community-based care agency and its subcontractors are exempt from state travel policies as provided in s. 112.061(3)(a) for their travel expenses incurred in order to comply with the requirements of this section.

Section 31. Subsections (22) and (23) are added to section 409.996, Florida Statutes, to read:

409.996 Duties of the Department of Children and Families.—The department shall contract for the delivery, administration, or management of care for children in the child protection and child welfare system. In doing so, the department retains responsibility for the quality of contracted services and programs and shall ensure that services are delivered in accordance with applicable federal and state statutes and regulations.

(22) The department shall develop, in collaboration with the Florida Institute for Child Welfare, lead agencies, service providers, current and former foster children placed in residential group care, and other community stakeholders, a statewide accountability system for residential group care providers based on measureable quality standards.

(a) The accountability system must:

1. Promote high quality in services and accommodations, differentiating between shift and family-style models and programs and services for children with specialized or extraordinary needs, such as pregnant teens and children with Department of Juvenile Justice involvement.

2. Include a quality measurement system with domains and clearly defined levels of quality. The system must measure the level of quality for each domain, using criteria that residential group care providers must meet in order to achieve each level of quality. Domains may include, but are not limited to, admissions, service planning, treatment planning, living environment, and program and service requirements. The system may also consider outcomes 6 months and 12 months after a child leaves the provider's care. However, the system may not assign a single summary rating to residential group care providers.

3. Consider the level of availability of trauma-informed care and mental health and physical health services, providers' engagement with the schools children in their care attend, and opportunities for children's involvement in extracurricular activities.

(b) After development and implementation of the accountability system in accordance with paragraph (a), the department and each lead agency shall use the information from the accountability system to promote enhanced quality in residential group care within their respective areas of responsibility. Such promotion may include, but is not limited to, the use of incentives and ongoing contract monitoring efforts.

(c) The department shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by October 1 of each year, with the first report due October 1, 2017. The report must, at a minimum, include an update on the development of a statewide accountability system for residential group care providers and a plan for department oversight and implementation of the statewide accountability system. After implementation of the statewide accountability system, the report must also include a description of the system, including measures and any tools developed, a description of how the information is being used by the department and lead agencies, an assessment of placement of children in residential group care using data from the accountability system measures, and recommendations to further improve quality in residential group care.

(d) The accountability system must be implemented by July 1, 2022.

(e) Nothing in this subsection impairs the department's licensure authority under s. 409.175.

(f) The department may adopt rules to administer this subsection.

(23)(a) The department, in collaboration with the Florida Institute for Child Welfare, shall convene a workgroup on foster home quality. The workgroup, at a minimum, shall identify measures of foster home quality, review current efforts by lead agencies and subcontractors to enhance foster home quality, identify barriers to the greater availability of high-quality foster homes, and recommend additional strategies for assessing the quality of foster homes and increasing the availability of high-quality foster homes.

(b) The workgroup shall include representatives from the department, the Florida Institute for Child Welfare, foster parents, current and former foster children, foster parent organizations, lead agencies, child-placing agencies, other service providers, and others as determined by the department.

(c) The Florida Institute for Child Welfare shall provide the workgroup with relevant research on, at a minimum, measures of quality of foster homes; evidence-supported strategies to increase the availability of high-quality foster homes, such as those regarding recruitment, screening, training, retention, and child placement; descriptions and results of quality improvement efforts in other jurisdictions; and the root causes of placement disruption.

(d) The department shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 15, 2017. The report shall, at a minimum:

1. Describe the important dimensions of quality for foster homes;

2. Describe the foster home quality enhancement efforts in the state, including, but not limited to, recruitment, retention, placement procedures, systems change, and quality measurement programs, and any positive or negative results;

3. Identify barriers to the greater availability of high-quality foster homes;

4. Discuss available research regarding high-quality foster homes; and

5. Present a plan for developing and implementing strategies to increase the availability of high-quality foster homes. The strategies shall address important elements of quality, be based on available research, include both qualitative and quantitative measures of quality, integrate with the community-based care model, and be respectful of the privacy and needs of foster parents. The plan shall recommend possible instruments and measures and identify any changes to general law or rule necessary for implementation.

Section 32. Paragraph (a) of subsection (7) of section 456.057, Florida Statutes, is amended to read:

456.057 Ownership and control of patient records; report or copies of records to be furnished; disclosure of information.—

(7)(a) Except as otherwise provided in this section and in s. 440.13(4)(c), such records may not be furnished to, and the medical condition of a patient may not be discussed with, any person other than the patient, the patient's legal representative, or other health care practitioners and providers involved in the patient's care or treatment, except upon written authorization from the patient. However, such records may be furnished without written authorization under the following circumstances:

1. To any person, firm, or corporation that has procured or furnished such care or treatment with the patient's consent.

2. When compulsory physical examination is made pursuant to Rule 1.360, Florida Rules of Civil Procedure, in which case copies of the medical records shall be furnished to both the defendant and the plaintiff.

3. In any civil or criminal action, unless otherwise prohibited by law, upon the issuance of a subpoena from a court of competent jurisdiction and proper notice to the patient or the patient's legal representative by the party seeking such records.

4. For statistical and scientific research, provided the information is abstracted in such a way as to protect the identity of the patient or provided written permission is received from the patient or the patient's legal representative.

5. To a regional poison control center for purposes of treating a poison episode under evaluation, case management of poison cases, or compliance with data collection and reporting requirements of s.

395.1027 and the professional organization that certifies poison control centers in accordance with federal law.

6. To the Department of Children and Families, its agent, or its contracted entity, for the purpose of investigations of or services for cases of abuse, neglect, or exploitation of children or vulnerable adults.

Section 33. *Section 409.141, Florida Statutes, is repealed.*

Section 34. *Section 409.1677, Florida Statutes, is repealed.*

Section 35. Section 743.067, Florida Statutes, is amended to read:

743.067 *Certified* unaccompanied homeless youths.—

(1) For purposes of this section, an "unaccompanied homeless youth" is an individual who is 16 years of age or older and is:

(a) Found by a school district's liaison for homeless children and youths to be an unaccompanied homeless youth eligible for services pursuant to the McKinney-Vento Homeless Assistance Act, 42 U.S.C. ss. 11431-11435; or

(b) Believed to qualify as an unaccompanied homeless youth, as that term is defined in the McKinney-Vento Homeless Assistance Act, by:

1. The director of an emergency shelter program funded by the United States Department of Housing and Urban Development, or the director's designee;

2. The director of a runaway or homeless youth basic center or transitional living program funded by the United States Department of Health and Human Services, or the director's designee; *or*

~~3. A clinical social worker licensed under chapter 491; or~~

~~4. A circuit court.~~

3. A continuum of care lead agency, or its designee.

(2)*(a) The State Office on Homelessness within the Department of Children and Families shall develop a standardized form that must be used by the entities specified in subsection (1) to certify qualifying unaccompanied homeless youth. The front of the form must include the circumstances that qualify the youth; the date the youth was certified; and the name, title, and signature of the certifying individual. This section must be reproduced in its entirety on the back of the form* ~~A minor who qualifies as an unaccompanied homeless youth shall be issued a written certificate documenting his or her status by the appropriate individual as provided in subsection (1). The certificate shall be issued on the official letterhead stationery of the person making the determination and shall include the date of the finding, a citation to this section, and the signature of the individual making the finding.~~

(b) A certified unaccompanied homeless youth may use the completed form to apply at no charge for an identification card issued by the Department of Highway Safety and Motor Vehicles pursuant to s. 322.051(9).

(c) A health care provider may accept the written certificate as proof of the minor's status as *a certified* ~~an~~ unaccompanied homeless youth and may keep a copy of the certificate in the youth's medical file.

(3) *A certified* ~~an~~ unaccompanied homeless youth may:

(a) Petition the circuit court to have the disabilities of nonage removed under s. 743.015. The youth shall qualify as a person not required to prepay costs and fees as provided in s. 57.081. The court shall advance the cause on the calendar.

(b) Notwithstanding s. 394.4625(1), consent to medical, dental, psychological, substance abuse, and surgical diagnosis and treatment, including preventative care and care by a facility licensed under chapter 394, chapter 395, or chapter 397 and any forensic medical examination for the purpose of investigating any felony offense under chapter 784, chapter 787, chapter 794, chapter 800, or chapter 827, for:

1. Himself or herself; or

2. His or her child, if the *certified* unaccompanied homeless youth is unmarried, is the parent of the child, and has actual custody of the child.

(4) This section does not affect the requirements of s. 390.01114.

Section 36. Paragraph (f) of subsection (1) of section 1009.25, Florida Statutes, is amended to read:

1009.25 Fee exemptions.—

(1) The following students are exempt from the payment of tuition and fees, including lab fees, at a school district that provides workforce education programs, Florida College System institution, or state university:

(f) A student who lacks a fixed, regular, and adequate nighttime residence or whose primary nighttime residence is a public or private shelter designed to provide temporary residence*, a public or private transitional living program* ~~for individuals intended to be institutionalized~~, or a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. *This includes a student who would otherwise meet the requirements of this paragraph, as determined by a college or university, but for his or her residence in college or university dormitory housing.*

Section 37. Subsection (1) of section 39.524, Florida Statutes, is amended to read:

39.524 Safe-harbor placement.—

(1) Except as provided in s. 39.407 or s. 985.801, a dependent child 6 years of age or older who has been found to be a victim of sexual exploitation as defined in *s. 39.01(71)(g)* ~~s. 39.01(70)(g)~~ must be assessed for placement in a safe house or safe foster home as provided in s. 409.1678 using the initial screening and assessment instruments provided in s. 409.1754(1). If such placement is determined to be appropriate for the child as a result of this assessment, the child may be placed in a safe house or safe foster home, if one is available. However, the child may be placed in another setting, if the other setting is more appropriate to the child's needs or if a safe house or safe foster home is unavailable, as long as the child's behaviors are managed so as not to endanger other children served in that setting.

Section 38. Paragraph (p) of subsection (4) of section 394.495, Florida Statutes, is amended to read:

394.495 Child and adolescent mental health system of care; programs and services.—

(4) The array of services may include, but is not limited to:

(p) Trauma-informed services for children who have suffered sexual exploitation as defined in *s. 39.01(71)(g)* ~~s. 39.01(70)(g)~~.

Section 39. Paragraph (c) of subsection (1) and paragraphs (a) and (b) of subsection (6) of section 409.1678, Florida Statutes, are amended to read:

409.1678 Specialized residential options for children who are victims of sexual exploitation.—

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

(c) "Sexually exploited child" means a child who has suffered sexual exploitation as defined in *s. 39.01(71)(g)* ~~s. 39.01(70)(g)~~ and is ineligible for relief and benefits under the federal Trafficking Victims Protection Act, 22 U.S.C. ss. 7101 et seq.

(6) LOCATION INFORMATION.—

(a) Information about the location of a safe house, safe foster home, or other residential facility serving victims of sexual exploitation, as defined in *s. 39.01(71)(g)* ~~s. 39.01(70)(g)~~, which is held by an agency, as defined in s. 119.011, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption applies to such confidential and exempt information held by an agency before, on, or after the effective date of the exemption.

(b) Information about the location of a safe house, safe foster home, or other residential facility serving victims of sexual exploitation, as defined in *s. 39.01(71)(g)* ~~s. 39.01(70)(g)~~, may be provided to an agency, as defined in s. 119.011, as necessary to maintain health and safety standards and to address emergency situations in the safe house, safe foster home, or other residential facility.

Section 40. Subsection (5) of section 960.065, Florida Statutes, is amended to read:

960.065 Eligibility for awards.—

(5) A person is not ineligible for an award pursuant to paragraph (2)(a), paragraph (2)(b), or paragraph (2)(c) if that person is a victim of sexual exploitation of a child as defined in *s. 39.01(71)(g)* ~~s. 39.01(70)(g)~~.

Section 41. Section 409.1679, Florida Statutes, is amended to read:

409.1679 Additional requirements; reimbursement methodology.—

(1) Each program established under *s. 409.1676* ~~ss. 409.1676 and 409.1677~~ must meet the following expectations, which must be included in its contracts with the department or lead agency:

(a) No more than 10 percent of the children served may move from one living environment to another, unless the child is returned to family members or is moved, in accordance with the treatment plan, to a less-restrictive setting. Each child must have a comprehensive transitional plan that identifies the child's living arrangement upon leaving the program and specific steps and services that are being provided to prepare for that arrangement. Specific expectations as to the time period necessary for the achievement of these permanency goals must be included in the contract.

(b) Each child must receive a full academic year of appropriate educational instruction. No more than 10 percent of the children may be in more than one academic setting in an academic year, unless the child is being moved, in accordance with an educational plan, to a less-restrictive setting. Each child must demonstrate academic progress and must be performing at grade level or at a level commensurate with a valid academic assessment.

(c) Siblings must be kept together in the same living environment 100 percent of the time, unless that is determined by the provider not to be in the children's best interest. When siblings are separated in placement, the decision must be reviewed and approved by the court within 30 days.

(d) The program must experience a caregiver turnover rate and an incidence of child runaway episodes which are at least 50 percent below the rates experienced in the rest of the state.

(e) In addition to providing a comprehensive assessment, the program must provide, 100 percent of the time, any or all of the following services that are indicated through the assessment: residential care; transportation; behavioral health services; recreational activities; clothing, supplies, and miscellaneous expenses associated with caring for these children; necessary arrangements for or provision of educational services; and necessary and appropriate health and dental care.

(f) The children who are served in this program must be satisfied with the services and living environment.

(g) The caregivers must be satisfied with the program.

(2) ~~Notwithstanding the provisions of s. 409.141,~~ The Department of Children and Families shall fairly and reasonably reimburse the programs established under *s. 409.1676* ~~ss. 409.1676 and 409.1677~~ based on a prospective per diem rate, which must be specified annually in the General Appropriations Act. Funding for these programs shall be made available from resources appropriated and identified in the General Appropriations Act.

Section 42. Subsection (11) of section 1002.3305, Florida Statutes, is amended to read:

1002.3305 College-Preparatory Boarding Academy Pilot Program for at-risk students.—

(11) STUDENT HOUSING.—Notwithstanding *s. 409.176* ~~ss. 409.1677(3)(d) and 409.176~~ or any other provision of law, an operator may house and educate dependent, at-risk youth in its residential school for the purpose of facilitating the mission of the program and encouraging innovative practices.

Section 43. For the purpose of incorporating the amendment made by this act to section 456.057, Florida Statutes, in a reference thereto, subsection (2) of section 483.181, Florida Statutes, is reenacted to read:

483.181 Acceptance, collection, identification, and examination of specimens.—

(2) The results of a test must be reported directly to the licensed practitioner or other authorized person who requested it, and appropriate disclosure may be made by the clinical laboratory without a patient's consent to other health care practitioners and providers involved in the care or treatment of the patient as specified in s. 456.057(7)(a). The report must include the name and address of the clinical laboratory in which the test was actually performed, unless the test was performed in a hospital laboratory and the report becomes an integral part of the hospital record.

Section 44. *The sum of $250,000 from nonrecurring general revenue is appropriated to the Department of Children and Families the 2017-2018 fiscal year for the purpose of implementing a shared family care residential services pilot program to serve substance-exposed newborns and their families pursuant to s. 409.16742, Florida Statutes.*

Section 45. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2017.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to child welfare and mental health services for children; amending s. 39.01, F.S.; defining the term "legal father"; redefining the terms "parent" and "permanency goal"; amending s. 39.013, F.S.; extending court jurisdiction to 22 years of age for young adults with disabilities in foster care; amending s. 39.202, F.S.; providing that confidential records held by the Department of Children and Families concerning reports of child abandonment, abuse, or neglect, including reports made to the central abuse hotline and all records generated as a result of such reports, may be accessed for employment screening of residential group home caregivers; changing the time period for the release of records to certain individuals; amending s. 39.301, F.S.; requiring a safety plan to be issued for a perpetrator of domestic violence only if the perpetrator can be located; specifying what constitutes reasonable efforts; requiring that a child new to a family under investigation be added to the investigation and assessed for safety; amending s. 39.302, F.S.; conforming a cross-reference; providing that central abuse hotline information may be used for certain employment screenings; amending s. 39.402, F.S.; requiring a court to inquire as to the identity and location of a child's legal father at the shelter hearing; specifying the types of information that fall within the scope of such inquiry; amending s. 39.503, F.S.; requiring a court to conduct under oath the inquiry to determine the identity or location of an unknown parent; requiring a court to seek additional information relating to a father's identity in such inquiry; requiring the diligent search to determine a parent's or prospective parent's location to include a search of the Florida Putative Father Registry; amending s. 39.504, F.S.; requiring that, if there is a pending dependency proceeding regarding a child for whom an injunction is sought to protect, the same judge must hear both proceedings; providing that the court may enter an injunction based on specified evidence; amending s. 39.507, F.S.; requiring a court to consider maltreatment allegations against a parent in an evidentiary hearing relating to a dependency petition; amending s. 39.5085, F.S.; revising eligibility guidelines for the Relative Caregiver Program with respect to relative and nonrelative caregivers; prohibiting a relative or nonrelative caregiver from receiving payments under the Relative Caregiver Program under certain circumstances; amending s. 39.521, F.S.; providing new time guidelines for filing with the court and providing copies of case plans and family functioning assessments; providing for assessment and program compliance for a parent who caused harm to a child by exposing the child to a controlled substance; providing in-home safety plan requirements; providing requirements for family functioning assessments; providing supervision requirements after reunification; amending s. 39.522, F.S.; providing conditions for

returning a child to the home with an in-home safety plan; amending s. 39.523, F.S.; providing legislative findings and intent; requiring children placed in out-of-home care to be assessed to determine the least restrictive placement that meets the needs of the child; requiring specified entities to document the placement assessments and decisions; requiring a court to review and approve placements; requiring the department to post specified information relating to assessment and placement on its website and update that information annually on specified dates; authorizing the department to adopt rules; amending s. 39.6011, F.S.; providing requirements for confidential information in a case planning conference; providing restrictions; amending s. 39.6012, F.S.; requiring that, if a parent caused harm to a child by exposing the child to a controlled substance, the case plan include as a required task that the parent submit to a certain assessment and comply with any treatment and services identified as necessary; amending s. 39.6035, F.S.; requiring a transition plan to be approved before a child reaches 18 years of age; amending s. 39.621, F.S.; specifying the circumstances under which the permanency goal of maintaining and strengthening the placement with a parent may be used; amending s. 39.6221, F.S.; providing that relocation requirements for parents in dissolution proceedings do not apply to certain permanent guardianships; amending s. 39.701, F.S.; providing safety assessment requirements for children coming into a home under court jurisdiction; amending s. 39.801, F.S.; providing an exception to the notice requirement regarding the advisory hearing for a petition to terminate parental rights; amending s. 39.803, F.S.; requiring a court to conduct under oath the inquiry to determine the identity or location of an unknown parent after the filing of a termination of parental rights petition; requiring a court to seek additional information relating to a legal father's identity in such inquiry; revising minimum requirements for the diligent search to determine the location of a parent or prospective parent; authorizing a court to schedule an adjudicatory hearing regarding a petition for termination of parental rights if a diligent search fails to identify and locate a prospective parent; amending s. 39.806, F.S.; revising circumstances under which grounds for the termination of parental rights may be established; amending s. 39.811, F.S.; revising circumstances under which the rights of one parent may be terminated without terminating the rights of the other parent; amending s. 125.901, F.S.; creating an exception to the requirement that, for an independent special district in existence on a certain date and serving a population of a specified size, the governing body of the county submit the question of the district's retention or dissolution to the electorate in a specified general election; amending s. 394.463, F.S.; requiring a facility to initiate an involuntary examination of a minor within 12 hours after his or her arrival; creating a task force within the Department of Children and Families; providing the purpose and membership of the task force; requiring the task force to analyze certain data and make recommendations in a report to the Governor and the Legislature by a specified date; providing for expiration of the task force; amending s. 395.3025, F.S.; revising requirements for access to patient records; amending s. 402.40, F.S.; defining the term "child welfare trainer"; providing rulemaking authority; creating s. 409.16742, F.S.; providing legislative findings and intent; establishing a shared family care residential services pilot program for substance-exposed newborns; amending s. 409.992, F.S.; limiting compensation from state-appropriated funds for administrative employees of community-based care agencies; amending s. 409.996, F.S.; requiring the Department of Children and Families to develop, in collaboration with specified entities, a statewide accountability system for residential group care providers; specifying requirements for the accountability system; requiring the department and the lead agencies to use the collected information to promote enhanced quality in residential group care; requiring the department to submit an annual report, beginning on a specified date, to the Governor and the Legislature; specifying report requirements; requiring implementation of the accountability system by a certain date; providing construction; authorizing the department to adopt rules; requiring the department, in collaboration with the Florida Institute for Child Welfare, to convene a workgroup on foster home quality; specifying requirements for the workgroup; providing for membership of the workgroup; requiring the Florida Institute for Child Welfare to provide the workgroup with specified research; requiring the workgroup to submit a report by a specified date to the Governor and the Legislature; specifying requirements for the report; amending s. 456.057, F.S.; revising requirements for access to patient records; repealing s. 409.141, F.S., relating to equitable reimbursement methodology; repealing s. 409.1677, F.S., relating to model comprehensive residential services programs; amending s. 743.067, F.S.; revising the term "unaccompanied homeless youth"; requiring the State Office on Homelessness within the Department of Children and Families to develop a standardized form to be used in the certification of unaccompanied homeless youth; providing information that must be included in the certification form; authorizing a certified unaccompanied homeless youth to apply to the Department of Highway Safety and Motor Vehicles for an identification card; conforming terminology; amending s. 1009.25, F.S.; revising the exemption from the payment of tuition and fees for homeless students; amending ss. 39.524, 394.495, 409.1678, and 960.065, F.S.; conforming cross-references; amending ss. 409.1679 and 1002.3305, F.S.; conforming provisions to changes made by the act; reenacting s. 483.181(2), F.S., relating to acceptance, collection, identification, and examination of specimens, to incorporate the amendment made to s. 456.057, F.S., in a reference thereto; providing an appropriation; providing effective dates.

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendment was allowed:

Senator Bean moved the following amendment to **Amendment 1 (226564)**:

Amendment 1A (487050) (with title amendment)—Before line 5 insert:

Section 1. Present subsection (9) of section 395.1055, Florida Statutes, is redesignated as subsection (10), and a new subsection (9) is added to that section, to read:

395.1055 Rules and enforcement.—

(9) The agency shall establish a technical advisory panel to develop procedures and standards for measuring outcomes of pediatric cardiac catheterization programs and pediatric open-heart surgery programs.

(a) The panel must be composed of 3 at-large members, including 1 cardiologist who is board certified in caring for adults with congenital heart disease and 2 board-certified pediatric cardiologists, neither of whom may be employed by any of the hospitals specified in subparagraphs 1.-10. or their affiliates, each of whom is appointed by the Secretary of Health Care Administration, and 10 members, each of whom is a pediatric cardiologist or a pediatric cardiovascular surgeon, each appointed by the chief executive officer of one of the following hospitals:

1. Johns Hopkins All Children's Hospital in St. Petersburg.

2. Arnold Palmer Hospital for Children in Orlando.

3. Joe DiMaggio Children's Hospital in Hollywood.

4. Nicklaus Children's Hospital in Miami.

5. St. Joseph's Children's Hospital in Tampa.

6. University of Florida Health Shands Hospital in Gainesville.

7. University of Miami Holtz Children's Hospital in Miami.

8. Wolfson Children's Hospital in Jacksonville.

9. Florida Hospital for Children in Orlando.

10. Nemours Children's Hospital in Orlando.

(b) Based on the recommendations of the panel, the agency shall develop and adopt rules for pediatric cardiac catheterization programs and pediatric open-heart surgery programs which include at least the following:

1. A risk adjustment procedure that accounts for the variations in severity and case mix found in hospitals in this state;

2. Outcome standards specifying expected levels of performance in pediatric cardiac programs. Such standards may include, but are not limited to, in-hospital mortality, infection rates, nonfatal myocardial infarctions, length of postoperative bleeds, and returns to surgery; and

3. Specific steps to be taken by the agency and licensed facilities that do not meet the outcome standards within a specified time, including time required for detailed case reviews and development and implementation of corrective action plans.

And the title is amended as follows:

Delete lines 2160-2161 and insert: An act relating to child welfare; amending s. 395.1055, F.S.; requiring the Agency for Health Care Administration to establish a technical advisory panel to develop procedures and standards for measuring outcomes of pediatric cardiac catheterization programs and pediatric open-heart surgery programs; providing for the membership of the technical advisory panel; requiring the agency to develop and adopt rules for pediatric cardiac catheterization programs and pediatric open-heart surgery programs based on recommendations of the technical advisory panel; amending s. 39.01, F.S.;

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendment was allowed:

Senator Bean moved the following substitute amendment to **Amendment 1A (487050)** which was adopted:

Amendment 1B (749430) (with title amendment)—Before line 5 insert:

Section 1. Present subsection (9) of section 395.1055, Florida Statutes, is redesignated as subsection (10), and a new subsection (9) is added to that section, to read:

395.1055 Rules and enforcement.—

(9) The agency shall establish a technical advisory panel to develop procedures and standards for measuring outcomes of pediatric cardiac catheterization programs and pediatric open-heart surgery programs.

(a) The panel must be composed of 3 at-large members, including 1 cardiologist who is board certified in caring for adults with congenital heart disease and 2 board-certified pediatric cardiologists, neither of whom may be employed by any of the hospitals specified in subparagraphs 1.-10. or their affiliates, each of whom is appointed by the Secretary of Health Care Administration, and 10 members, each of whom is a pediatric cardiologist or a pediatric cardiovascular surgeon, each appointed by the chief executive officer of one of the following hospitals:

1. Johns Hopkins All Children's Hospital in St. Petersburg.

2. Arnold Palmer Hospital for Children in Orlando.

3. Joe DiMaggio Children's Hospital in Hollywood.

4. Nicklaus Children's Hospital in Miami.

5. St. Joseph's Children's Hospital in Tampa.

6. University of Florida Health Shands Hospital in Gainesville.

7. University of Miami Holtz Children's Hospital in Miami.

8. Wolfson Children's Hospital in Jacksonville.

9. Florida Hospital for Children in Orlando.

10. Nemours Children's Hospital in Orlando.

(b) Based on the recommendations of the panel, the agency shall develop and adopt rules for pediatric cardiac catheterization programs and pediatric open-heart surgery programs which include at least the following:

1. A risk adjustment procedure that accounts for the variations in severity and case mix found in hospitals in this state;

2. Outcome standards specifying expected levels of performance in pediatric cardiac programs. Such standards may include, but are not limited to, in-hospital mortality, infection rates, nonfatal myocardial infarctions, length of postoperative bleeds, and returns to surgery; and

3. Specific steps to be taken by the agency and licensed facilities that do not meet the outcome standards within a specified time, including time required for detailed case reviews and development and implementation of corrective action plans.

(c) This subsection is repealed on July 1, 2022.

And the title is amended as follows:

Delete lines 2160-2161 and insert: An act relating to child welfare; amending s. 395.1055, F.S.; requiring the Agency for Health Care Administration to establish a technical advisory panel to develop procedures and standards for measuring outcomes of pediatric cardiac catheterization programs and pediatric open-heart surgery programs; providing for the membership of the technical advisory panel; requiring the agency to develop and adopt rules for pediatric cardiac catheterization programs and pediatric open-heart surgery programs based on recommendations of the technical advisory panel; providing for future repeal of the advisory panel; amending s. 39.01, F.S.;

Amendment 1 (226564), as amended, was adopted.

Pursuant to Rule 4.19, **CS for CS for HB 1121**, as amended, was placed on the calendar of Bills on Third Reading.

CS for SB 14—A bill to be entitled An act for the relief of Lillian Beauchamp, as the personal representative of the Estate of Aaron Beauchamp, by the St. Lucie County School Board; providing for an appropriation to compensate the Estate of Aaron Beauchamp for his wrongful death as a result of the negligence of the St. Lucie County School District; providing a limitation on the payment of compensation, fees, and costs; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 14**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 6529** was withdrawn from the Committee on Appropriations.

On motion by Senator Steube—

CS for CS for HB 6529—A bill to be entitled An act for the relief of Lillian Beauchamp, as the personal representative of the estate of Aaron Beauchamp, by the St. Lucie County School District; providing for an appropriation to compensate the estate of Aaron Beauchamp for his wrongful death as a result of the negligence of the St. Lucie County School District; providing a limitation on the payment of compensation, fees, and costs; providing an effective date.

—a companion measure, was substituted for **CS for SB 14** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 6529** was placed on the calendar of Bills on Third Reading.

CS for SB 28—A bill to be entitled An act for the relief of J.D.S.; providing an appropriation from the General Revenue Fund to compensate J.D.S. for injuries and damages sustained as a result of the negligence of the Agency for Persons with Disabilities, as successor agency of the Department of Children and Family Services; providing that certain payments and the appropriation satisfy all present and future claims related to the negligent act; providing a limitation on the payment of attorney fees; providing an effective date.

—was read the second time by title.

THE PRESIDENT PRESIDING

Pending further consideration of **CS for SB 28**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 6501** was withdrawn from the Committee on Appropriations.

On motion by Senator Simmons—

CS for HB 6501—A bill to be entitled An act for the relief of J.D.S.; providing an appropriation from the General Revenue Fund to compensate J.D.S. for injuries and damages sustained as a result of the negligence of the Agency for Persons with Disabilities, as successor agency of the Department of Children and Family Services; providing that certain payments and the appropriation satisfy all present and

future claims related to the negligent act; providing a limitation on the payment of fees and costs; providing an effective date.

—a companion measure, was substituted for **CS for SB 28** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 6501** was placed on the calendar of Bills on Third Reading.

CS for SB 40—A bill to be entitled An act for the relief of Sean McNamee and his parents, Todd McNamee and Jody McNamee, by the School Board of Hillsborough County; providing for an appropriation to the Sean R. McNamee Irrevocable Trust as compensation for injuries and damages sustained by Sean McNamee as a result of the negligence of employees of the School Board of Hillsborough County; providing a limitation on the payment of attorney fees; providing an effective date.

—was read the second time by title.

SENATOR BRADLEY PRESIDING

Pending further consideration of **CS for SB 40**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 6503** was withdrawn from the Committees on Judiciary; Community Affairs; and Rules.

On motion by Senator Galvano—

CS for HB 6503—A bill to be entitled An act for the relief of Sean McNamee and his parents, Todd McNamee and Jody McNamee, by the School Board of Hillsborough County; providing for an appropriation to compensate them for injuries and damages sustained by Sean McNamee as a result of the negligence of employees of the School Board of Hillsborough County; providing a limitation on the payment of compensation, fees, and costs; providing an effective date.

—a companion measure, was substituted for **CS for SB 40** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 6503** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 110—A bill to be entitled An act relating to public records and public meetings; creating s. 1004.055, F.S.; creating an exemption from public records requirements for certain records held by a state university or Florida College System institution which identify detection, investigation, or response practices for suspected or confirmed information technology security incidents; creating an exemption from public records requirements for certain portions of risk assessments, evaluations, audits, and other reports of a university's or institution's information technology security program; creating an exemption from public meetings requirements for portions of public meetings which would reveal such data and information; providing an exemption from public records requirements for a specified period for the recording and transcript of a closed meeting; authorizing disclosure of confidential and exempt information to certain agencies and officers; providing retroactive application; providing for future legislative review and repeal of the exemptions; providing statements of public necessity; providing a directive to the Division of Law Revision and Information; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 110**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 501** was withdrawn from the Committees on Education; Governmental Oversight and Accountability; and Rules.

On motion by Senator Brandes—

CS for CS for HB 501—A bill to be entitled An act relating to public records and public meetings; creating s. 1004.055, F.S.; creating an exemption from public records requirements for certain records held by a state university or Florida College System institution which identify detection, investigation, or response practices for suspected or confirmed information technology security incidents; creating an exemption from public records requirements for certain portions of risk assessments, evaluations, audits, and other reports of a university's or institution's information technology security program; creating an exemption from public meetings requirements for portions of public meetings which would reveal such data and information; providing an exemption from public records requirements for a specified period for the recording and transcript of a closed meeting; authorizing disclosure of confidential and exempt information to certain agencies and officers; providing retroactive application; providing for future legislative review and repeal of the exemptions; providing statements of public necessity; providing a directive to the Division of Law Revision and Information; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 110** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 501** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for CS for SB 188**, **CS for CS for SB 406**, and **CS for CS for SB 726** was deferred.

SB 1228—A bill to be entitled An act relating to the Marine Turtle Protection Act; amending s. 921.0022, F.S.; adding the existing offense of possession of any marine turtle species or hatchling, or parts thereof, or nests to level 3 of the offense severity ranking chart for the purpose of increasing sentencing points for conviction of the offense; updating a cross-reference; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 1228**, pursuant to Rule 3.11(3), there being no objection, **HB 1031** was withdrawn from the Committees on Criminal Justice; Environmental Preservation and Conservation; and Appropriations.

On motion by Senator Gainer—

HB 1031—A bill to be entitled An act relating to marine turtle protection; amending s. 921.0022, F.S.; ranking and revising the description of criminal violations of the Marine Turtle Protection Act in the offense severity ranking chart of the Criminal Punishment Code; 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 1031** was placed on the calendar of Bills on Third Reading.

CS for SB 1678—A bill to be entitled An act relating to motor vehicle applicants, licensees, and dealers; amending s. 320.64, F.S.; providing that a motor vehicle dealer who constructs or alters sales or service facilities in reliance upon a program or incentive offered by an applicant or licensee is deemed to be in compliance with certain requirements for a specified period; specifying eligibility for benefits under a revised or new program, standard, policy, bonus, incentive, rebate, or other benefit; providing construction; authorizing denial, suspension, or revocation of the license of an applicant or licensee who establishes certain performance measurement criteria that have a material or adverse effect on motor vehicle dealers; requiring an applicant, licensee, or common entity, or an affiliate thereof, under certain circumstances and upon the request of the motor vehicle dealer, to describe in writing to the motor vehicle dealer how certain performance measurement criteria were designed, calculated, established, and uniformly applied; reenacting s. 320.6992, F.S., relating to provisions that apply to all systems of distribution of motor vehicles in this state, to incorporate the amendment made to s. 320.64, F.S., in references thereto; reenacting ss. 320.60, 320.605, 320.61, 320.615, 320.62, 320.63, 320.6403, 320.6405, 320.641, 320.6412, 320.6415, 320.642, 320.643, 320.644, 320.645, 320.646, 320.664, 320.67, 320.68, 320.69, 320.695, 320.696, 320.697, 320.6975, 320.698, 320.699, 320.69915, and 320.70, F.S., to incorporate the amendment made to s. 320.64, F.S.; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 1678**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 1175** was withdrawn from the Committees on Transportation; Commerce and Tourism; and Rules.

On motion by Senator Garcia—

CS for CS for HB 1175—A bill to be entitled An act relating to motor vehicle manufacturers and dealers; amending s. 320.64, F.S.; providing that a motor vehicle dealer who constructs or alters sales or service facilities in reliance upon a program or incentive offered by an applicant or licensee is deemed to be in compliance with certain requirements for a specified period; specifying eligibility for benefits under a revised or new program, standard, policy, bonus, incentive, rebate, or other benefit; providing construction; authorizing denial, suspension, or revocation of the license of an applicant or licensee who establishes certain performance measurement criteria that have a material or adverse effect on motor vehicle dealers; requiring an applicant, licensee, or common entity, or an affiliate thereof, under certain circumstances and upon the request of the motor vehicle dealer, to describe in writing to the motor vehicle dealer how certain performance measurement criteria were designed, calculated, established, and uniformly applied; reenacting s. 320.6992, F.S., relating to provisions that apply to all systems of distribution of motor vehicles in this state, to incorporate the amendment made to s. 320.64, F.S., in references thereto; reenacting ss. 320.60, 320.605, 320.61, 320.615, 320.62, 320.63, 320.6403, 320.6405, 320.641, 320.6412, 320.6415, 320.642, 320.643, 320.644, 320.645, 320.646, 320.664, 320.67, 320.68, 320.69, 320.695, 320.696, 320.697, 320.6975, 320.698, 320.699, 320.69915, and 320.70, F.S., to incorporate the amendment made to s. 320.64, F.S.; providing an effective date.

—a companion measure, was substituted for **CS for SB 1678** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 1175** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1844** was deferred.

CS for SB 476—A bill to be entitled An act relating to terrorism and terrorist activities; amending s. 775.30, F.S.; extending the applicability of the definition of the term "terrorism" to other sections of ch. 775, F.S.; defining the term "terrorist activity"; providing that a violation of specified criminal provisions in furtherance of certain objectives is a crime of terrorism; providing penalties; providing increased penalties if the action results in death or serious bodily injury; defining the term "serious bodily injury"; amending s. 775.31, F.S.; redefining the term "terrorism"; providing applicability; creating s. 775.32, F.S.; defining terms; prohibiting a person from using, attempting to use, or conspiring to use military-type training received from a designated foreign terrorist organization for certain purposes; providing penalties; providing increased penalties if the actions result in death or serious bodily injury; creating s. 775.33, F.S.; defining terms; prohibiting a person from providing material support or resources, or engaging in other specified actions, to violate specified criminal provisions; providing penalties; prohibiting a person from attempting to provide, conspiring to provide, or knowingly providing material support or resources to a designated foreign terrorist organization; providing penalties; providing increased penalties if specified actions result in death or serious bodily injury; specifying the circumstances under which a person provides material support by providing personnel; prohibiting prosecution under certain circumstances; providing legislative intent; requiring the Department of Law Enforcement, in consultation with the Office of the Attorney General, to create specified guidelines; creating s. 775.34, F.S.; providing penalties for a person who willfully becomes a member of a designated foreign terrorist organization and serves under the direction or control of the organization with the intent to further the illegal acts of the organization; defining the term "designated foreign terrorist organization"; creating s. 775.35, F.S.; providing penalties for a person who intentionally disseminates or spreads any type of contagious, communicable, or infectious disease among crops, poultry, livestock, or other animals; providing an affirmative defense; providing increased penalties if specified actions result in death or serious bodily injury; defining the term "serious bodily injury"; amending s. 782.04, F.S.; revising the provisions related to terrorism for murder in the first degree, murder in the second degree, and murder in the third degree to include the terrorism felonies created by this act; reenacting ss. 373.6055(3)(c), 381.95(1), 395.1056(1)(a) and (2), 874.03(7), 907.041(4)(a), 943.0312(2), and 943.0321(2), F.S., relating to the definition of the term "terrorism," to incorporate the amendment made to s. 775.30, F.S., in references thereto; reenacting ss. 27.401(2), 39.806(1)(d), 63.089(4)(b), 95.11(10), 435.04(2)(e), 435.07(4)(c), 775.082(1)(b) and (3)(a), (b), and (c), 775.0823(1), (2), (4), (5), (6), and (7), 782.051, 782.065, 903.133, 921.0022(3)(h) and (i), 921.16(1), 947.146(3)(i), 948.06(8)(c), 948.062(1), 985.265(3)(b), and 1012.315(1)(d), F.S., relating to capital felonies, murder in the first degree, murder in the second degree, and murder in the third degree, to incorporate the amendment made to s. 782.04, F.S., in references thereto; reenacting s. 1012.467(2)(g), F.S., relating to terrorism and murder, to incorporate the amendments made to ss. 775.30 and 782.04, F.S., in references thereto; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 476**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 457** was withdrawn from the Committees on Criminal Justice; Military and Veterans Affairs, Space, and Domestic Security; Appropriations Subcommittee on Criminal and Civil Justice; and Appropriations.

On motion by Senator Bean—

CS for HB 457—A bill to be entitled An act relating to terrorism and terrorist activities; amending s. 775.30, F.S.; extending the applicability of the definition of the term "terrorism" to other sections of ch. 775, F.S.; defining the term "terrorist activity"; providing that a violation of specified criminal provisions in furtherance of certain objectives is a crime of terrorism; providing penalties; providing increased penalties if the action results in death or serious bodily injury; defining the term "serious bodily injury"; amending s. 775.31, F.S.; redefining the term "terrorism"; providing applicability; creating s. 775.32, F.S.; defining terms; prohibiting a person from using, attempting to use, or conspiring to use military-type training received from a designated foreign terrorist organization for certain purposes; providing penalties; providing increased penalties if the actions result in death or serious bodily injury; creating s. 775.33, F.S.; defining terms; prohibiting a person from providing material support or resources, or engaging in other specified actions, to violate specified criminal provisions; providing penalties; prohibiting a person from attempting to provide, conspiring to provide, or knowingly providing material support or resources to a designated foreign terrorist organization; providing penalties; providing increased penalties if specified actions result in death or serious bodily injury; specifying the circumstances under which a person provides material support by providing personnel; prohibiting prosecution under certain circumstances; providing legislative intent; requiring the Department of Law Enforcement, in consultation with the Office of the Attorney General, to create specified guidelines; creating s. 775.34, F.S.; providing penalties for a person who willfully becomes a member of a designated foreign terrorist organization and serves under the direction or control of the organization with the intent to further the illegal acts of the organization; defining the term "designated foreign terrorist organization"; creating s. 775.35, F.S.; providing penalties for a person who intentionally disseminates or spreads any type of contagious, communicable, or infectious disease among crops, poultry, livestock, or other animals; providing an affirmative defense; providing increased penalties if specified actions result in death or serious bodily injury; defining the term "serious bodily injury"; amending s. 782.04, F.S.; revising the provisions related to terrorism for murder in the first degree, murder in the second degree, and murder in the third degree to include the terrorism felonies created by this act; reenacting ss. 373.6055(3)(c), 381.95(1), 395.1056(1)(a) and (2), 874.03(7), 907.041(4)(a), 943.0312(2), and 943.0321(2), F.S., relating to the definition of the term "terrorism," to incorporate the amendment made to s. 775.30, F.S., in references thereto; reenacting ss. 27.401(2), 39.806(1)(d), 63.089(4)(b), 95.11(10), 435.04(2)(e), 435.07(4)(c), 775.082(1)(b) and (3)(a), (b), and (c), 775.0823(1), (2), (4), (5), (6), and (7), 782.051, 782.065, 903.133, 921.0022(3)(h) and (i), 921.16(1), 947.146(3)(i), 948.06(8)(c), 948.062(1), 985.265(3)(b), and 1012.315(1)(d), F.S., relating to capital felonies, murder in the first degree, murder in the second degree, and murder in the third degree, to incorporate the amendment made to s. 782.04, F.S., in references thereto; reenacting s. 1012.467(2)(g), F.S., relating to terrorism and murder, to incorporate the amendments made to ss. 775.30 and 782.04, F.S., in references thereto; providing an effective date.

—a companion measure, was substituted for **CS for SB 476** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 457** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 832** and **CS for CS for SB 1314** was deferred.

CS for CS for SB 1562—A bill to be entitled An act relating to limited access and toll facilities; amending s. 338.166, F.S.; authorizing the Department of Transportation to require the use of an electronic transponder interoperable with the department's electronic toll collection system for the use of high-occupancy toll lanes or express lanes; requiring, as of a specified date, that a customer be charged the minimum express lane toll if his or her average travel speed for a trip in an express lane falls below a specified rate; providing measurement of a customer's express lane average travel speed; amending s. 338.2216, F.S.; authorizing the Florida Turnpike Enterprise to require the use of an electronic transponder interoperable with the department's electronic toll collection system for the use of express lanes on the turnpike system; prohibiting variable pricing from being implemented in express lanes when the level of service in the express lane, determined in accordance with specified criteria, is equal to level of service A; specifying that variable pricing in express lanes when the level of service in the express lane is level of service B may only be implemented by charging the general toll lane toll amount plus an amount set by department rule; providing that pricing in express lanes when the level of service is other than level of service A or level of service B may vary in the manner established by the Florida Turnpike Enterprise to manage congestion in the express lanes; requiring, as of a specified date, that a customer be charged a general toll lane toll amount plus an amount set by department rule if his or her average travel speed for a trip in an express lane falls below a specified rate; providing for measurement of a customer's express lane average travel speed; amending s. 338.231, F.S.; extending the timeframe during which the department must program sufficient funds in the tentative work program such that the percentage of turnpike toll and bond financed commitments in Miami-Dade County, Broward County, and Palm Beach County are at least a specified percent of a certain share of certain net toll collections; amending s. 348.0004, F.S.; providing applicability; requiring toll increases by authorities in certain counties to be justified by an independent study by a third party; providing an exception for an increase to adjust for inflation pursuant to a specified procedure for toll rate adjustments; requiring toll increases to be approved by a specified margin in a vote of the expressway authority board; prohibiting the amount of toll revenues used for administrative expenses by the authority from being greater than a specified percentage above the annual state average of administrative costs; requiring the Florida Transportation Commission to determine the annual state average of administrative costs based on the annual administrative expenses of all the expressway authorities of this state; authorizing the commission to adopt certain rules; requiring a specified distance between main through-lane tolling points on transportation facilities constructed after a specified date; providing applicability; conforming a cross-reference; requiring authorities in certain counties to reduce toll charges by a specified amount at the time that any toll is incurred for certain SunPass registrants, subject to certain requirements; prohibiting such authorities from imposing additional requirements for receipt of the reduced toll amount; requiring an authority in certain counties to determine its surplus revenues and dedicate a certain amount of the annual surplus revenues to transportation- and transit-related expenses for projects in the area served by the authority; requiring the metropolitan planning organization for certain counties to annually select a project or projects within the counties to be funded by the authority's dedicated surplus revenues and provide to the authority a list reflecting the selected project or projects; requiring the authority to select from the list for funding from the authority's dedicated surplus revenues transportation- and transit-related expenses that have a rational nexus to the transportation facilities of the authority; requiring a rational nexus to demonstrate that the proposed transportation expenditure makes a substantial impact on the capacity or use of the transportation facilities of the authority or that the proposed transit expenditure complements the operation of, or expands the access to, the transportation facilities of the authority; requiring certain counties to have a financial audit of the revenues and expenditures of the county's transportation plan conducted by an independent third party not less than biennially and to post the audits on the counties' websites to be eligible to receive the dedicated surplus revenues; requiring that an authority established in certain counties have an audit conducted by an independent third party not less than biennially; requiring the audit report be made publicly available on the authority's website; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1562**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 1049** was withdrawn from the Committees on Transportation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; and Appropriations.

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

CS for HB 1049—A bill to be entitled An act relating to expressway authorities; providing a short title; amending s. 348.0004, F.S.; requiring toll increases by authorities in certain counties to be approved by an independent study and vote of the expressway authority board; limiting the extent of such increases; limiting the amount of toll revenues such authorities may use for administrative expenses; requiring a certain distance between tolling points on transportation facilities constructed after a specified date, subject to certain restrictions; providing applicability; requiring such authorities to reduce tolls paid by SunPass customers; creating s. 348.00115, F.S.; requiring such authorities to post certain information on a website; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1562** and read the second time by title.

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendment was allowed:

Senator Garcia moved the following amendment which was adopted:

Amendment 1 (977650) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Present subsections (5) and (6) of section 338.166, Florida Statutes, are redesignated as subsections (6) and (7), respectively, subsection (4) of that section is amended, and a new subsection (5) is added to that section, to read:

338.166 High-occupancy toll lanes or express lanes.—

(4) The department may implement variable rate tolls on high-occupancy toll lanes or express lanes. *The department may require the use of an electronic transponder interoperable with the department's electronic toll collection system for the use of high-occupancy toll lanes or express lanes.*

(5) Effective July 1, 2018, if a customer's average travel speed for a trip in an express lane falls below 40 miles per hour, the customer must be charged the minimum express lane toll. A customer's express lane average travel speed is his or her average travel speed from the customer's entry point to the customer's exit point.

Section 2. Paragraph (d) of subsection (1) of section 338.2216, Florida Statutes, is amended, and paragraph (e) is added to that subsection, to read:

338.2216 Florida Turnpike Enterprise; powers and authority.—

(1)

(d) The Florida Turnpike Enterprise shall pursue and implement new technologies and processes in its operations and collection of tolls and the collection of other amounts associated with road and infrastructure usage. Such technologies and processes must include, without limitation, video billing and variable pricing. *The Florida Turnpike Enterprise may require the use of an electronic transponder interoperable with the department's electronic toll collection system for the use of express lanes on the turnpike system. Variable pricing may not be implemented in express lanes when the level of service in the express lane, determined in accordance with the criteria established by the Trans-*

portation Research Board Highway Capacity Manual (5th Edition, HCM 2010), as amended from time to time, is equal to level of service A. Variable pricing in express lanes when the level of service in the express lane is level of service B may only be implemented by charging the general toll lane toll amount plus an amount set by department rule. Except as otherwise provided in this subsection, pricing in express lanes when the level of service is other than level of service A or level of service B may vary in the manner established by the Florida Turnpike Enterprise to manage congestion in the express lanes.

(e) Effective July 1, 2018, if a customer's average travel speed for a trip in an express lane falls below 40 miles per hour, the customer must be charged the general toll lane toll amount plus an amount set by department rule. A customer's express lane average travel speed is his or her average travel speed from the customer's entry point to the customer's exit point.

Section 3. Paragraph (a) of subsection (3) of section 338.231, Florida Statutes, is amended to read:

338.231 Turnpike tolls, fixing; pledge of tolls and other revenues.—The department shall at all times fix, adjust, charge, and collect such tolls and amounts for the use of the turnpike system as are required in order to provide a fund sufficient with other revenues of the turnpike system to pay the cost of maintaining, improving, repairing, and operating such turnpike system; to pay the principal of and interest on all bonds issued to finance or refinance any portion of the turnpike system as the same become due and payable; and to create reserves for all such purposes.

(3)(a) For the period July 1, 1998, through June 30, *2027* ~~2017~~, the department shall, to the maximum extent feasible, program sufficient funds in the tentative work program such that the percentage of turnpike toll and bond financed commitments in Miami-Dade County, Broward County, and Palm Beach County as compared to total turnpike toll and bond financed commitments shall be at least 90 percent of the share of net toll collections attributable to users of the turnpike system in Miami-Dade County, Broward County, and Palm Beach County as compared to total net toll collections attributable to users of the turnpike system. This subsection does not apply when the application of such requirements would violate any covenant established in a resolution or trust indenture relating to the issuance of turnpike bonds. The department may at any time for economic considerations establish lower temporary toll rates for a new or existing toll facility for a period not to exceed 1 year, after which the toll rates adopted pursuant to s. 120.54 shall become effective.

Section 4. Present subsections (6) through (9) of section 348.0004, Florida Statutes, are redesignated as subsections (7) through (10), respectively, paragraph (e) of subsection (2) of that section is amended, and a new subsection (6) and subsections (11), (12), and (13) are added to that section, to read:

348.0004 Purposes and powers.—

(2) Each authority may exercise all powers necessary, appurtenant, convenient, or incidental to the carrying out of its purposes, including, but not limited to, the following rights and powers:

(e) To fix, alter, charge, establish, and collect tolls, rates, fees, rentals, and other charges for the services and facilities system, which tolls, rates, fees, rentals, and other charges must always be sufficient to comply with any covenants made with the holders of any bonds issued pursuant to the Florida Expressway Authority Act. However, such right and power may be assigned or delegated by the authority to the department.

1. Notwithstanding any other provision of law to the contrary, but subject to any contractual requirements contained in documents securing any indebtedness outstanding on July 1, 2017, in any county as defined in s. 125.011(1):

a. The authority may not increase a toll unless the increase is justified to the satisfaction of the authority by a traffic and revenue study conducted by an independent third party, except for an increase to the extent necessary to adjust for inflation pursuant to the procedure for toll rate adjustments provided in s. 338.165.

b. A toll increase must be approved by a two-thirds vote of the expressway authority board.

c. The amount of toll revenues used for administrative expenses by the authority may not be greater than 10 percent above the annual state average of administrative costs determined as provided in this sub-subparagraph. The Florida Transportation Commission shall determine the annual state average of administrative costs based on the annual administrative expenses of all the expressway authorities of this state. For purposes of this sub-subparagraph, administrative expenses include, but are not limited to, employee salaries and benefits, small business outreach, insurance, professional service contracts not directly related to the operation and maintenance of the expressway system, and other overhead costs. The commission may adopt rules necessary for the implementation of this sub-subparagraph.

d. On transportation facilities constructed after July 1, 2017, there must be a distance of at least 5 miles between main through-lane tolling points. The distance requirement of this sub-subparagraph does not apply to entry and exit ramps.

2. Notwithstanding s. 338.165 or any other provision of law to the contrary, in any county as defined in s. 125.011(1), to the extent surplus revenues exist, they may be used for purposes enumerated in subsection *(8)* ~~(7)~~, provided the expenditures are consistent with the metropolitan planning organization's adopted long-range plan.

3. Notwithstanding any other provision of law to the contrary, but subject to any contractual requirements contained in documents securing any outstanding indebtedness payable from tolls, in any county as defined in s. 125.011(1), the board of county commissioners may, by ordinance adopted on or before September 30, 1999, alter or abolish existing tolls and currently approved increases thereto if the board provides a local source of funding to the county expressway system for transportation in an amount sufficient to replace revenues necessary to meet bond obligations secured by such tolls and increases.

(6) Subject to compliance with any covenants made with the holders of any bonds issued pursuant to the Florida Expressway Authority Act, an authority in any county as defined in s. 125.011(1) shall, at the time that any toll is incurred, reduce the toll charged on any of the authority's toll facilities by at least 5 percent, but not more than 10 percent, for each SunPass registrant having an account in good standing and having the license plate of the vehicle or vehicles incurring the toll registered to the SunPass account at the time the toll is incurred. The authority may not impose additional requirements for receipt of the reduced toll amount.

(11) Notwithstanding any other provision of the Florida Expressway Authority Act, an authority in any county as defined in s. 125.011(1) shall determine its surplus revenues as defined in s. 348.0002(12). The authority shall then dedicate at least 20 percent, but not more than 50 percent, of the annual surplus revenues to transportation- and transit-related expenses for projects in the area served by the authority. The metropolitan planning organization for any county as defined in s. 125.011(1) shall annually select a project or projects within the county to be funded by the authority's dedicated surplus revenues as provided in this subsection and provide to the authority a list reflecting the selected project or projects. The authority shall select from the list for funding from the authority's dedicated surplus revenues transportation- and transit-related expenses that have a rational nexus to the transportation facilities of the authority and may include, but are not limited to, expenses associated with the planning, design, acquisition, construction, extension, rehabilitation, equipping, preservation, maintenance, or improvement of public transportation facilities, transit facilities, intermodal facilities, or multimodal corridors owned or operated by such municipality or county; and transit-related expenses that impact the capacity or use of the transportation facilities of the authority. For the purpose of this subsection, a rational nexus must demonstrate that the proposed transportation expenditure makes a substantial impact on the capacity or use of the transportation facilities of the authority, or that the proposed transit expenditure complements the operation of, or expands the access to, the transportation facilities of the authority.

(12) A county as defined in s. 125.011(1) must have a financial audit of the revenues and expenditures of the county's transportation plan conducted by an independent third party not less than biennially and must post the audits on the county's website to be eligible to receive the dedicated surplus revenues as provided in subsection (11).

(13) An authority established in any county as defined in 125.011(1) must have a financial audit conducted by an independent third party not less than biennially, and the audit report must be made publicly available on the authority's website.

Section 5. Section 348.00115, Florida Statutes, is created to read:

348.00115 Public accountability.—An expressway authority in a county as defined in s. 125.011(1) shall post the following information on its website:

(1) Audited financial statements and any interim financial reports.

(2) Board and committee meeting agendas, meeting packets, and minutes.

(3) Bond covenants for any outstanding bond issues.

(4) Authority budgets.

(5) Authority contracts. For purposes of this subsection, the term "contract" means a written agreement or purchase order issued for the purchase of goods or services or a written agreement for the receipt of state or federal financial assistance.

(6) Authority expenditure data, which must include the name of the payee, the date of the expenditure, and the amount of the expenditure. Such data must be searchable by name of the payee, name of the paying agency, and fiscal year and must be downloadable in a format that allows offline analysis.

(7) Information relating to current, recently completed, and future projects on authority facilities.

Section 6. This act shall take effect July 1, 2017.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to limited access and toll facilities; amending s. 338.166, F.S.; authorizing the Department of Transportation to require the use of an electronic transponder interoperable with the department's electronic toll collection system for the use of high-occupancy toll lanes or express lanes; requiring, as of a specified date, that a customer be charged the minimum express lane toll if his or her average travel speed for a trip in an express lane falls below a specified rate; providing measurement of a customer's express lane average travel speed; amending s. 338.2216, F.S.; authorizing the Florida Turnpike Enterprise to require the use of an electronic transponder interoperable with the department's electronic toll collection system for the use of express lanes on the turnpike system; prohibiting variable pricing from being implemented in express lanes when the level of service in the express lane, determined in accordance with specified criteria, is equal to level of service A; specifying that variable pricing in express lanes when the level of service in the express lane is level of service B may only be implemented by charging the general toll lane toll amount plus an amount set by department rule; providing that pricing in express lanes when the level of service is other than level of service A or level of service B may vary in the manner established by the Florida Turnpike Enterprise to manage congestion in the express lanes; requiring, as of a specified date, that a customer be charged a general toll lane toll amount plus an amount set by department rule if his or her average travel speed for a trip in an express lane falls below a specified rate; providing for measurement of a customer's express lane average travel speed; amending s. 338.231, F.S.; extending the timeframe during which the department must program sufficient funds in the tentative work program such that the percentage of turnpike toll and bond financed commitments in Miami-Dade County, Broward County, and Palm Beach County are at least a specified percent of a certain share of certain net toll collections; amending s. 348.0004, F.S.; providing applicability; requiring toll increases by authorities in certain counties to be justified by an independent study by a third party; providing an exception for an increase to adjust for inflation pursuant to a specified procedure for toll rate adjustments; requiring toll increases to be approved by a specified margin in a vote of the expressway authority board; prohibiting the amount of toll revenues used for administrative expenses by the authority from being greater than a specified percentage above the annual state average of administrative costs; requiring the Florida Transportation Commission to determine the annual state average of administrative costs based on the annual administrative expenses of all the expressway authorities of this state; authorizing the commission to adopt certain rules; requiring a specified distance between main through-lane tolling points on transportation facilities constructed after a specified date; providing applicability; conforming a cross-reference; requiring authorities in certain counties to reduce toll charges by a specified amount at the time that any toll is incurred for certain SunPass registrants, subject to certain requirements; prohibiting such authorities from imposing additional requirements for receipt of the reduced toll amount; requiring an authority in certain counties to determine its surplus revenues and dedicate a certain amount of the annual surplus revenues to transportation- and transit-related expenses for projects in the area served by the authority; requiring the metropolitan planning organization for certain counties to annually select a project or projects within the counties to be funded by the authority's dedicated surplus revenues and provide to the authority a list reflecting the selected project or projects; requiring the authority to select from the list for funding from the authority's dedicated surplus revenues transportation- and transit-related expenses that have a rational nexus to the transportation facilities of the authority; requiring a rational nexus to demonstrate that the proposed transportation expenditure makes a substantial impact on the capacity or use of the transportation facilities of the authority or that the proposed transit expenditure complements the operation of, or expands the access to, the transportation facilities of the authority; requiring certain counties to have a financial audit of the revenues and expenditures of the county's transportation plan conducted by an independent third party not less than biennially and to post the audits on the counties' websites to be eligible to receive the dedicated surplus revenues; requiring that an authority established in certain counties have an audit conducted by an independent third party not less than biennially; requiring the audit report be made publicly available on the authority's website; creating s. 348.00115, F.S.; requiring authorities in certain counties to post certain information on a website; defining the term "contract"; providing an effective date.

Pursuant to Rule 4.19, **CS for HB 1049**, as amended, was placed on the calendar of Bills on Third Reading.

CS for CS for SB 726—A bill to be entitled An act relating to vote-by-mail ballots; amending s. 101.69, F.S.; authorizing an elector to vote by personally delivering his or her completed vote-by-mail ballot to an early voting site in the elector's county of residence during the site's hours of operation; requiring the Division of Elections to adopt rules; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 726**, pursuant to Rule 3.11(3), there being no objection, **HB 521** was withdrawn from the Committees on Ethics and Elections; and Rules.

On motion by Senator Powell—

HB 521—A bill to be entitled An act relating to vote-by-mail ballots; amending s. 101.64, F.S.; authorizing an absent elector to personally deliver his or her completed vote-by-mail ballot to an early voting site during specified hours; requiring the Division of Elections to adopt rules; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 726** and read the second time by title.

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendment was allowed:

Senator Powell moved the following amendment which was adopted:

Amendment 1 (193534) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 101.69, Florida Statutes, is amended to read:

101.69 Voting in person; return of vote-by-mail ballot.—

(1) The provisions of this code shall not be construed to prohibit any elector from voting in person at the elector's precinct on the day of an election or at an early voting site, notwithstanding that the elector has

requested a vote-by-mail ballot for that election. An elector who has returned a voted vote-by-mail ballot to the supervisor, however, is deemed to have cast his or her ballot and is not entitled to vote another ballot or to have a provisional ballot counted by the county canvassing board. An elector who has received a vote-by-mail ballot and has not returned the voted ballot to the supervisor, but desires to vote in person, shall return the ballot, whether voted or not, to the election board in the elector's precinct or to an early voting site. The returned ballot shall be marked "canceled" by the board and placed with other canceled ballots. However, if the elector does not return the ballot and the election official:

(a)~~(1)~~ Confirms that the supervisor has received the elector's vote-by-mail ballot, the elector shall not be allowed to vote in person. If the elector maintains that he or she has not returned the vote-by-mail ballot or remains eligible to vote, the elector shall be provided a provisional ballot as provided in s. 101.048.

(b)~~(2)~~ Confirms that the supervisor has not received the elector's vote-by-mail ballot, the elector shall be allowed to vote in person as provided in this code. The elector's vote-by-mail ballot, if subsequently received, shall not be counted and shall remain in the mailing envelope, and the envelope shall be marked "Rejected as Illegal."

(c)~~(3)~~ Cannot determine whether the supervisor has received the elector's vote-by-mail ballot, the elector may vote a provisional ballot as provided in s. 101.048.

(2)(a) If the elector chooses not to vote in person as provided in subsection (1), the elector may vote by personally delivering his or her completed vote-by-mail ballot to an early voting site in the elector's county of residence during the early voting site's hours of operation.

(b) The division shall adopt uniform rules for the receipt of the ballots.

Section 2. This act shall take effect July 1, 2017.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to vote-by-mail ballots; amending s. 101.69, F.S.; authorizing an elector to vote by personally delivering his or her completed vote-by-mail ballot to an early voting site in the elector's county of residence during the site's hours of operation; requiring the Division of Elections to adopt rules; providing an effective date.

Pursuant to Rule 4.19, **HB 521**, as amended, was placed on the calendar of Bills on Third Reading.

CS for SB 1206—A bill to be entitled An act relating to the rights and responsibilities of patients; amending s. 381.026, F.S.; requiring health care facilities and providers to authorize patients to bring in any person of the patients' choosing to specified areas of the facilities or providers' offices under certain circumstances; requiring health care facilities and providers to include such authorization as an additional patient standard in the statement of rights and responsibilities made available to patients by health care providers; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 1206**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 1253** was withdrawn from the Committees on Health Policy; Judiciary; and Rules.

On motion by Senator Montford—

CS for HB 1253—A bill to be entitled An act relating to the rights and responsibilities of patients; amending s. 381.026, F.S.; requiring health care facilities and providers to authorize patients to bring in any person of the patients' choosing to specified areas of the facilities or providers' offices under certain circumstances; providing an exception; requiring health care facilities and providers to include such authorization as an additional patient standard in the statement of rights and responsibilities made available to patients by health care providers; providing an effective date.

—a companion measure, was substituted for **CS for SB 1206** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1253** was placed on the calendar of Bills on Third Reading.

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

BILLS ON THIRD READING

Consideration of **CS for SB 1238** was deferred.

CS for CS for HB 467—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 288.1175, F.S.; specifying that applications for funding for certain agriculture education and promotion facilities be postmarked or electronically submitted by a certain date; amending s. 472.003, F.S.; specifying that certain persons under contract with registered or certified surveyors and mappers are not subject to the provisions of ch. 472, F.S.; amending s. 472.005, F.S.; redefining the terms "practice of surveying and mapping" and "subordinate"; amending s. 472.013, F.S.; revising the standards for when an applicant is eligible to take the licensure examination to practice as a surveyor and mapper; amending s. 472.015, F.S.; revising the qualifications for licensure by endorsement for surveyors and mappers; amending s. 472.018, F.S.; revising the continuing education requirements for new surveyor and mapper licensees and renewal of surveyor and mapper licenses; authorizing the board to provide by rule the method of delivery of, criteria for, and provisions to carryover hours for continuing education requirements; deleting a requirement that the board approve courses; requiring the board to issue cease and desist orders and enact certain penalties for continuing education providers failing to conform to board rules; requiring the department to establish a system for the administration of continuing education requirements adopted by the board; amending s. 472.025, F.S.; deleting a requirement that registrant seals be of impression-type metal; amending s. 472.0366, F.S.; revising the requirements for copies of evaluation certificates that must be submitted to the Division of Emergency Management within the Executive Office of the Governor; requiring that certain copies of evaluation certificates be retained in the surveyor and mapper's records; amending s. 487.2041, F.S.; requiring the department to adopt by rule certain United States Environmental Protection Agency regulations relating to labeling requirements for pesticides and devices; amending s. 493.6101, F.S.; specifying that a manager of a private investigative agency may manage up to three offices, subject to certain requirements; amending s. 493.6105, F.S.; exempting certain partners and corporate officers from fingerprint retention requirements; revising the submission requirements for applications for Class "K" licenses; amending s. 493.6107, F.S.; deleting a specification that license fees are biennial; amending s. 493.6108, F.S.; providing an authorization to the Department of Law Enforcement to release certain mental health and substance abuse history of applicants and licensees for the purpose of determining licensure eligibility; requiring licensees to notify their employer of an arrest within a specified period; amending s. 493.6112, F.S.; revising the notification requirements for changes of certain partners, officers, and employees of private investigative, security, and recovery agencies; amending s. 493.6113, F.S.; specifying that Class "G" licensees must complete requalification training for each type and caliber of firearm carried in the course of performing regulated duties; conforming terminology; amending s. 493.6115, F.S.; correcting a cross-reference regarding the conditions under which a Class "G" licensee may carry a concealed weapon; revising the conditions under which the department may issue a temporary Class "G" license; amending s. 493.6118, F.S.; providing that failure of a licensee to timely notify his or her employer of an arrest is grounds for disciplinary action by the Department of Agriculture and Consumer Services; requiring the department to suspend specified licenses of a licensee arrested or formally charged with certain crimes until disposition of the case; requiring the department to notify a licensee of administrative hearing rights; specifying that any hearing must be limited to a determination as to whether the licensee has been arrested or charged with a disqualifying crime; providing that the suspension may be lifted under certain circumstances; requiring the department to proceed with revocation under certain circumstances; amending s. 493.6202, F.S.; deleting a specification that license fees are

biennial; amending s. 493.6203, F.S.; deleting a requirement that certain training be provided in two parts; deleting obsolete provisions; amending s. 493.6302, F.S.; deleting a specification that license fees are biennial; amending s. 493.6303, F.S.; deleting a requirement that certain training must be provided in two parts; deleting obsolete provisions; making technical changes; amending s. 493.6304, F.S.; making technical changes; amending s. 493.6402, F.S.; deleting a specification that license fees are biennial; amending s. 493.6403, F.S.; requiring that applicants for Class "E" and "EE" licenses submit proof of successful completion of certain training, not just complete such training; deleting an obsolete provision; amending s. 501.013, F.S.; exempting certain programs and facilities from health studio regulations; amending s. 501.059, F.S.; removing a limitation on the length of time for which the department must place certain persons on a no-solicitation list; amending s. 507.04, F.S.; making a technical change; amending s. 531.37, F.S.; revising a definition; amending s. 531.61, F.S.; removing an exemption from commercial use permit requirements for taximeters and transportation measurement systems; amending s. 531.63, F.S.; removing a limitation on annual commercial use permit fees for taximeters; amending s. 534.021, F.S.; specifying that a detailed drawing, rather than a facsimile, must accompany an application for the recording of certain marks and brands; amending s. 534.041, F.S.; extending the renewal period for certain mark or brand certificates; eliminating a renewal fee; repealing s. 534.061, F.S., relating to the transfer of ownership of cattle; amending s. 570.07, F.S.; authorizing the department to perform certain food safety inspection services relating to raw agricultural commodities; amending s. 573.118, F.S.; specifying that the Division of Fruit and Vegetables, rather than the Division of Marketing and Development, must file a specified certification; amending s. 590.02, F.S.; specifying that the department has exclusive authority to enforce the Florida Building Code as it relates to Florida Forest Service facilities under the jurisdiction of the department; amending s. 597.004, F.S.; authorizing certain saltwater products dealers to sell certain aquaculture products without restriction under a specified circumstance; amending s. 604.16, F.S.; specifying that dealers in agricultural products who pay by credit card are exempt from certain dealer requirements; amending s. 790.06, F.S.; revising the requirements to obtain a license to carry a concealed weapon or firearm; revising the requirements of the application form; reducing the fees for concealed weapon or firearm licenses; providing an effective date.

—was read the third time by title.

On motion by Senator Young, **CS for CS for HB 467** was passed and certified to the House. The vote on passage was:

Yeas—35

Baxley	Flores	Rader
Bean	Gainer	Rodriguez
Benacquisto	Galvano	Rouson
Book	Garcia	Simmons
Bracy	Gibson	Simpson
Bradley	Grimsley	Stargel
Brandes	Hutson	Steube
Braynon	Lee	Stewart
Broxson	Mayfield	Thurston
Campbell	Montford	Torres
Clemens	Passidomo	Young
Farmer	Perry	

Nays—1

Powell

CS for CS for HB 169—A bill to be entitled An act relating to fictitious name registration; amending s. 865.09, F.S.; defining the term "registrant"; revising the information required to register a fictitious name; revising requirements for a change in registration; revising provisions concerning the expiration of a registration; prohibiting a renewal of a registration if the registered fictitious name is prohibited by specified provisions; specifying additional forms of business organization that may not be required to register under certain circumstances; revising provisions concerning penalties for violations; specifying additional terms that may not be included in a fictitious name; providing an effective date.

—was read the third time by title.

On motion by Senator Stargel, **CS for CS for HB 169** was passed and certified to the House. The vote on passage was:

Yeas—37

Baxley	Gainer	Rader
Bean	Galvano	Rodriguez
Benacquisto	Garcia	Rouson
Book	Gibson	Simmons
Bracy	Grimsley	Simpson
Bradley	Hutson	Stargel
Brandes	Latvala	Steube
Braynon	Lee	Stewart
Broxson	Mayfield	Thurston
Campbell	Montford	Torres
Clemens	Passidomo	Young
Farmer	Perry	
Flores	Powell	

Nays—None

CS for HB 6539—A bill to be entitled An act for the relief of Eddie Weekley and Charlotte Williams, individually and as co-personal representatives of the Estate of Franklin Weekley, their deceased son, for the disappearance and death of their son while he was in the care of the Marianna Sunland Center, currently operated by the Agency for Persons with Disabilities; providing an appropriation to compensate them for the disappearance and death of Franklin Weekley, which were due to the negligence of the Department of Children and Families; providing a limitation on the payment of fees and costs; providing an effective date.

—was read the third time by title.

On motion by Senator Gibson, **CS for HB 6539** was passed and certified to the House. The vote on passage was:

Yeas—35

Baxley	Flores	Powell
Bean	Gainer	Rader
Benacquisto	Galvano	Rodriguez
Book	Garcia	Rouson
Bracy	Gibson	Simmons
Bradley	Grimsley	Simpson
Brandes	Hutson	Stargel
Braynon	Latvala	Steube
Broxson	Lee	Thurston
Campbell	Mayfield	Torres
Clemens	Montford	Young
Farmer	Passidomo	

Nays—1

Perry

CS for HB 6521—A bill to be entitled An act for the relief of Mary Mifflin-Gee by the City of Miami; providing for an appropriation to compensate her for injuries and damages sustained as a result of the negligence of employees of the City of Miami Department of Fire-Rescue; providing a limitation on the payment of compensation, fees, and costs; providing an effective date.

—was read the third time by title.

On motion by Senator Montford, **CS for HB 6521** was passed and certified to the House. The vote on passage was:

Yeas—35

Baxley	Gainer	Rader
Bean	Galvano	Rodriguez
Benacquisto	Garcia	Rouson
Book	Gibson	Simmons
Bracy	Grimsley	Simpson
Bradley	Hutson	Stargel
Braynon	Latvala	Steube
Broxson	Lee	Stewart
Campbell	Mayfield	Thurston
Clemens	Montford	Torres
Farmer	Passidomo	Young
Flores	Powell	

Nays—1

Perry

Vote after roll call:

Yea to Nay—Stargel

CS for HB 6507—A bill to be entitled An act for the relief of Angela Sanford by Leon County; providing for an appropriation to compensate her for injuries and damages sustained as a result of the negligence of an employee of Leon County; providing that certain payments and the appropriation satisfy all present and future claims related to the negligent act; providing a limitation on the payment of compensation, fees, and costs; providing an effective date.

—was read the third time by title.

On motion by Senator Montford, **CS for HB 6507** was passed and certified to the House. The vote on passage was:

Yeas—34

Baxley	Flores	Powell
Bean	Gainer	Rader
Benacquisto	Galvano	Rodriguez
Book	Garcia	Rouson
Bracy	Gibson	Simmons
Bradley	Grimsley	Steube
Brandes	Hutson	Stewart
Braynon	Latvala	Thurston
Broxson	Lee	Torres
Campbell	Mayfield	Young
Clemens	Montford	
Farmer	Passidomo	

Nays—2

Perry	Stargel

HB 299—A bill to be entitled An act relating to the Central Florida Expressway Authority; amending s. 348.753, F.S.; increasing the membership of the governing board of the authority to include a member appointed by the chair of the Brevard County Commission; authorizing the Governor to appoint a citizen member from Brevard County; conforming quorum and voting requirements; amending s. 348.754, F.S.; adding the area within the geographical boundary of Brevard County to the area to be served by the authority; authorizing the authority to exercise certain powers outside the jurisdictional boundaries of Brevard County; providing an effective date.

—was read the third time by title.

On motion by Senator Mayfield, **HB 299** was passed and certified to the House. The vote on passage was:

Yeas—36

Baxley	Flores	Powell
Bean	Gainer	Rader
Benacquisto	Galvano	Rodriguez
Book	Garcia	Rouson
Bracy	Gibson	Simmons
Bradley	Grimsley	Simpson
Brandes	Hutson	Stargel
Braynon	Lee	Steube
Broxson	Mayfield	Stewart
Campbell	Montford	Thurston
Clemens	Passidomo	Torres
Farmer	Perry	Young

Nays—None

CS for CS for HB 925—A bill to be entitled An act relating to the Department of Financial Services; amending s. 17.575, F.S.; replacing, within the Division of Treasury, the Treasury Investment Committee with the Treasury Investment Council; specifying the composition and term length of members; specifying duties of the council; providing that members shall serve without additional compensation or honorarium but may receive per diem and travel expense reimbursement; amending s. 215.422, F.S.; providing applicability of certain requirements relating to payments, warrants, and invoices to payments made in relation to certain agreements funded with federal or state assistance; reordering and amending s. 554.1021, F.S.; defining and redefining terms; amending s. 554.103, F.S.; requiring, rather than authorizing, the Department of Financial Services to adopt amendments and interpretations of a specified code into the State Boiler Code; revising requirements that installers, rather than owners, must comply with before installing a boiler; authorizing the department to adopt rules; conforming provisions to changes made by the act; amending s. 554.104, F.S.; deleting a provision relating to boilers of special design which is recreated in s. 554.103, F.S.; requiring certification of boiler inspectors; requiring an application for a certification examination; specifying qualifications and requirements for the certification examination; requiring the department to adopt a specified training course; providing authorized methods and requirements for the training course; requiring the chief boiler inspector to issue a certificate of competency to a person meeting certain requirements; providing procedures for renewing a certificate; authorizing the department to adopt rules; amending s. 554.105, F.S.; renaming the chief inspector as the chief boiler inspector; revising requirements for the department through the state boiler inspection program; amending s. 554.106, F.S.; renaming deputy inspectors as deputy boiler inspectors; specifying required and authorized duties of deputy boiler inspectors; amending s. 554.107, F.S.; renaming special inspectors as special boiler inspectors; revising entities that may employ special boiler inspectors; specifying required inspection intervals for special boiler inspectors; amending s. 554.108, F.S.; providing an exemption, under certain conditions, from inspection requirements; specifying duties of an owner or an owner's designee to allow an inspector to conduct inspections; specifying requirements for boiler inspections and inspection reports; providing a penalty against an insurance carrier if certain followup inspections are not conducted; revising conditions that require a boiler to be shut down; revising requirements and procedures for a boiler that must be shut down; providing construction; authorizing the department to adopt rules; creating s. 554.1081, F.S.; revising requirements for boiler inspections by insurance companies and local governmental agencies; amending s. 554.109, F.S.; conforming provisions to changes made by the act; revising boilers that are exempt from regulation under the chapter; revising requirements for certain exempt boilers and water heaters; amending s. 554.1101, F.S.; conforming provisions to changes made by the act; requiring a boiler insurance company to notify, within a specified timeframe, the chief boiler inspector under certain circumstances; requiring a certificateholder to submit a certain certificate of insurance to the chief boiler inspector under certain circumstances; amending s. 554.111, F.S.; requiring an application for a boiler permit to include a specified fee; requiring the chief boiler inspector to deposit fines into a specified trust fund; conforming provisions to changes made by the act; repealing ss. 554.112 and 554.113, F.S., relating to examinations, and certification of inspectors and renewals, respectively; amending s. 554.114, F.S.; revising prohibited acts; providing penalties for a boiler

insurance company or authorized inspection agency that fails to conduct certain inspections; conforming provisions to changes made by the act; amending s. 554.115, F.S.; adding authorized disciplinary actions for the department; adding specified grounds for disciplinary action against an owner of a boiler; revising grounds for disciplinary action against a boiler inspector; deleting a provision requiring a chief inspector to report certain persons to the state attorney; deleting a provision authorizing certain administrative action by the chief inspector; deleting a provision relating to the duration of a suspended certificate of compliance; creating s. 554.1151, F.S.; authorizing the department to impose specified administrative fines in lieu of or in addition to certain disciplinary actions; authorizing procedures for payment of fines by a certificateholder; requiring a certificate to be revoked under certain circumstances; amending s. 624.307, F.S.; authorizing the department to expend funds for professional development of its employees; amending s. 626.015, F.S.; defining terms; conforming a cross-reference; amending s. 626.207, F.S.; defining the term "applicant"; revising a list of felonies subject to a permanent bar from licensure; revising a condition for when certain disqualifying periods begin; conforming cross-references; providing an exception from a permanent bar on or disqualifying periods for cases of executive clemency; providing construction; amending s. 626.9954, F.S.; revising a list of felonies subject to a permanent bar from licensure; revising conditions for when certain disqualifying periods begin; conforming cross-references; providing an exception from a permanent bar on or disqualifying periods for cases of executive clemency; providing construction; amending s. 626.221, F.S.; revising qualifications for exemption from examinations for applicants for a license as an all-lines adjuster; amending s. 626.2815, F.S.; authorizing the department to approve a certain number of elective continuing education credits for certain insurance licensees; providing exceptions from a certain continuing education requirement for such licensees; amending s. 626.8734, F.S.; providing an exemption from the nonresident examination requirement for certain all-lines adjusters; amending s. 626.611, F.S.; deleting a condition for the involvement of moral turpitude in felonies or certain crimes in relation to compulsory disciplinary actions by the department against certain entities' licenses or appointments; conforming a cross-reference; amending s. 626.621, F.S.; revising grounds for the department's discretionary refusal, suspension, or revocation of the license or appointment of certain persons; amending s. 626.7845, F.S.; revising an exception to the prohibition against the unlicensed transaction of life insurance; conforming a cross-reference; amending s. 626.8305, F.S.; revising an exception to the prohibition against the unlicensed transaction of health insurance; conforming a cross-reference; amending s. 626.861, F.S.; authorizing certain insurer employees to adjust specified claim losses or damage; amending s. 626.9543, F.S.; removing the scheduled expiration of a requirement for insurers to permit claims from a Holocaust victim or certain related persons irrespective of certain conditions; removing the scheduled expiration of an exception from statutes of limitations or laches for certain actions brought by Holocaust victims or certain related persons; amending s. 633.516, F.S.; authorizing the Division of State Fire Marshal within the division to contract for studies of, rather than to make a continuous study of, occupational diseases of firefighters; adding persons in other fire-related fields to such studies; authorizing the division to release confidential information of an individual firefighter or a person in another fire-related field to certain parties under certain circumstances; amending s. 658.21, F.S.; revising requirements relating to the financial institution experience of certain proposed directors and officers of a proposed bank or trust company; amending s. 658.33, F.S.; revising the residency requirement for certain directors of a bank or trust company; revising requirements relating to the financial institution experience of certain officers of a bank or trust company; amending s. 768.28, F.S.; providing exceptions in tort claims against a county from requirements that a claimant present the written claim to the department within a specified timeframe and serve process upon the department; amending ss. 288.706, 626.7315, and 627.351, F.S.; conforming cross-references; repealing s. 43.19, F.S., relating to the disposition of certain money paid into a court which is unclaimed; amending s. 45.031, F.S.; revising the time periods within which certain persons must file claims for certain unclaimed surplus funds; amending s. 45.032, F.S.; deleting provisions defining and specifying the powers of a "surplus trustee"; authorizing specified entities to claim surplus funds that remain after a judicial sale; specifying procedures for those entities to receive such funds; specifying procedures for the clerk to use in handling surpluses that remain unclaimed; specifying the entities eligible for the surplus once the funds have been remitted to the department; conforming provisions to changes made by the act; amending s. 45.033, F.S.; conforming a provision to changes made by the act; repealing s. 45.034, F.S., relating to qualifications and appointment of a surplus trustee in foreclosure actions; amending s. 45.035, F.S.; revising service charges that a clerk may receive and deduct from surplus amounts; amending s. 717.113, F.S.; exempting certain funds remaining after a judicial sale and held in a court registry from becoming payable or distributable and subject to certain reporting requirements; amending ss. 717.124, 717.138, and 717.1401, F.S.; conforming cross-references; providingan effective date.

—as amended May 2, was read the third time by title.

On motion by Senator Stargel, **CS for CS for HB 925**, as amended, was passed and certified to the House. The vote on passage was:

Yeas—36

Baxley	Flores	Powell
Bean	Gainer	Rader
Benacquisto	Galvano	Rodriguez
Book	Garcia	Rouson
Bracy	Gibson	Simmons
Bradley	Grimsley	Simpson
Brandes	Hutson	Stargel
Braynon	Lee	Steube
Broxson	Mayfield	Stewart
Campbell	Montford	Thurston
Clemens	Passidomo	Torres
Farmer	Perry	Young

Nays—None

HB 6021—A bill to be entitled An act relating to home health agency licensure; amending s. 400.471, F.S.; repealing a provision prohibiting the Agency for Health Care Administration from issuing an initial license to an applicant for a home health agency license which is located within a certain distance of a licensed home health agency that has common controlling interests; providing an effective date.

—was read the third time by title.

On motion by Senator Garcia, **HB 6021** was passed and certified to the House. The vote on passage was:

Yeas—36

Baxley	Flores	Powell
Bean	Gainer	Rader
Benacquisto	Galvano	Rodriguez
Book	Garcia	Rouson
Bracy	Gibson	Simmons
Bradley	Grimsley	Simpson
Brandes	Hutson	Stargel
Braynon	Lee	Steube
Broxson	Mayfield	Stewart
Campbell	Montford	Thurston
Clemens	Passidomo	Torres
Farmer	Perry	Young

Nays—None

CS for HB 477—A bill to be entitled An act relating to controlled substances; amending s. 381.887, F.S.; providing that certain emergency responders and crime laboratory personnel may possess, store, and administer emergency opioid antagonists; amending s. 782.04, F.S.; providing that unlawful distribution of specified controlled substances and analogs or mixtures thereof by an adult which proximately cause a death is murder; providing criminal penalties; creating s. 893.015, F.S.; specifying purpose relating to drug abuse prevention and control; providing that a reference to ch. 893, F.S., or to any section or portion thereof, includes all subsequent amendments; amending s. 893.03, F.S.; adding certain synthetic opioid substitute compounds to the list of Schedule I controlled substances; amending s. 893.13, F.S.; prohibiting possession of more than 10 grams of specified substances; providing

criminal penalties; amending s. 893.135, F.S.; revising the substances that constitute the offenses of trafficking and capital trafficking in, and capital importation of, hydrocodone and oxycodone; creating the offense of trafficking in fentanyl; providing penalties and specifying minimum terms of imprisonment and fines based on the quantity involved in the offense; revising the substances that constitute the offenses of trafficking in phencyclidine and capital importation of phencyclidine; revising the substances that constitute trafficking in phenethylamines and capital manufacture or importation of phenethylamines; creating the offense of trafficking in synthetic cannabinoids; providing penalties and specifying minimum terms of imprisonment and fines based on the quantity involved in the offense; creating the offenses of trafficking in n-benzyl phenethylamines and capital manufacture or importation of a n-benzyl phenethylamine compound; providing penalties and specifying minimum terms of imprisonment and fines based on the quantity involved in the offense; reenacting and amending s. 921.0022, F.S.; ranking offenses on the offense severity ranking chart of the Criminal Punishment Code; incorporating the amendments made by the act in cross-references to amended provisions; reenacting ss. 39.806(1)(d), 63.089(4)(b), 95.11(10), 775.082(1)(b) and (3)(a), (b), and (c), 775.0823(1) and (2), 921.16(1), 948.06(8)(c), 948.062(1)(a), 985.265(3)(b), 1012.315(1)(d), and 1012.467(2)(g), relating to grounds for termination of parental rights, proceeding to terminate parental rights pending adoption, limitations other than for the recovery of real property, penalties, when sentences to be concurrent and when consecutive, violent offenses committed against specified officials, violation of probation or community control, reviewing and reporting serious offenses committed by offenders placed on probation or community control, detention transfer and release, disqualification from employment, and non-instructional contractors who are permitted access to school grounds when students are present, respectively, to incorporate the amendments made by the act in cross-references to amended provisions; providing an effective date.

—as amended May 2, was read the third time by title.

On motion by Senator Steube, further consideration of **CS for HB 477**, as amended, was deferred.

CS for HB 181—A bill to be entitled An act relating to natural hazards; creating s. 252.3655, F.S.; creating an interagency workgroup to share information, coordinate ongoing efforts, and collaborate on initiatives relating to natural hazards; defining the term "natural hazards"; requiring certain agencies to designate liaisons to the workgroup; designating the director of the Division of Emergency Management or his or her designee as the liaison to and coordinator of the workgroup; specifying duties and responsibilities of each liaison and the workgroup; requiring the division to prepare an annual report; specifying report requirements; requiring each agency liaison to ensure that the report is posted on his or her agency's website; requiring the workgroup to submit the report to the Governor and the Legislature; providing an appropriation and authorizing a position; providing an effective date.

—was read the third time by title.

On motion by Senator Clemens, **CS for HB 181** was passed and certified to the House. The vote on passage was:

Yeas—37

Baxley	Gainer	Rader
Bean	Galvano	Rodriguez
Benacquisto	Garcia	Rouson
Book	Gibson	Simmons
Bracy	Grimsley	Simpson
Bradley	Hutson	Stargel
Brandes	Latvala	Steube
Braynon	Lee	Stewart
Broxson	Mayfield	Thurston
Campbell	Montford	Torres
Clemens	Passidomo	Young
Farmer	Perry	
Flores	Powell	

Nays—None

Consideration of **CS for CS for HB 813** and **HB 6027** was deferred.

CS for CS for HB 435—A bill to be entitled An act relating to international financial institutions; amending s. 655.005, F.S.; redefining the term "financial institution" to include international trust entities and qualified limited service affiliates; amending s. 655.059, F.S.; specifying conditions under which confidential books and records of international trust entities may be disclosed to their home-country supervisors; revising conditions for such disclosure for international banking corporations; redefining the term "home-country supervisor"; requiring books and records pertaining to trust accounts to be kept confidential by financial institutions and their directors, officers, and employees; providing an exception; providing construction; creating s. 663.001, F.S.; providing legislative intent; amending s. 663.01, F.S.; redefining terms; deleting the definition of the term "international trust company representative office"; amending s. 663.02, F.S.; revising applicability of the financial institutions codes as to international banking corporations; amending s. 663.021, F.S.; conforming a provision to changes made by the act; amending s. 663.04, F.S.; deleting international trust companies from requirements for carrying on financial institution business; conforming a provision to changes made by the act; authorizing the Office of Financial Regulation to permit certain entities that would otherwise be prohibited from carrying on financial institution business to remain open and in operation under certain circumstances; amending s. 663.05, F.S.; providing for an abbreviated application procedure for certain entities established by an international banking corporation; specifying that the Financial Services Commission, rather than the office, prescribes a certain application form; requiring the commission to adopt rules for a time limitation for an application decision after a specified date; revising conditions for the office to issue an international banking corporation license; conforming a provision to changes made by the act; amending s. 663.055, F.S.; revising capital requirements for international banking corporations; amending s. 663.06, F.S.; making technical changes; conforming a provision to changes made by the act; creating s. 663.0601, F.S.; providing an after-the-fact licensure process in the event of the acquisition, merger, or consolidation of international banking corporations; specifying conditions for such license; amending s. 663.061, F.S.; providing permissible activities for international bank agencies; amending s. 663.062, F.S.; providing permissible activities for certain international representative offices; amending s. 663.063, F.S.; providing permissible activities for international administrative offices; amending s. 663.064, F.S.; requiring the commission to adopt rules relating to permissible deposits of international branches; providing permissible activities for international branches; amending s. 663.09, F.S.; revising requirements for the maintenance of books and records of international banking corporations; authorizing the office to require international banking corporations to translate certain documents into English at the expense of the international banking corporations; amending s. 663.11, F.S.; authorizing the office to permit certain entities that would otherwise be prohibited from continuing business to remain open and in operation under certain circumstances; authorizing the commission to adopt certain rules; requiring an entity to surrender its license under certain circumstances; making technical and conforming changes; amending s. 663.12, F.S.; conforming a provision to changes made by the act; amending s. 663.17, F.S.; making technical changes; providing a directive to the Division of Law Revision and Information to create part III of ch. 663, F.S., entitled "International Trust Company Representative Offices"; creating s. 663.4001, F.S.; providing legislative intent; creating s. 663.401, F.S.; defining terms; creating s. 663.402, F.S.; providing applicability of the financial institutions codes as to international trust entities; creating s. 663.403, F.S.; providing applicability of the Florida Business Corporation Act as to international trust entities; creating s. 663.404, F.S.; specifying requirements for an international trust entity or certain related entities to conduct financial institution business; authorizing the office to permit an international trust company representative office that would otherwise be prohibited from continuing business to remain open and in operation under certain circumstances; creating s. 663.405, F.S.; providing that an international trust company representative office is not required to produce certain books and records under certain circumstances; providing applicability; creating s. 663.406, F.S.; providing requirements for applications for an international trust entity license; requiring the office to disallow certain financial resources from capitalization requirements; requiring the international trust entity to submit to the office a certain certificate; providing an abbreviated application process for certain international trust entities to establish international trust company representative offices; specifying parameters and requirements for the office in determining whether to approve or disapprove an application; requiring the commission to adopt by rule general principles regarding the adequacy of supervision of an international trust entity's foreign estab-

lishments rules; creating s. 663.407, F.S.; providing capital requirements for an international trust entity; requiring the commission to adopt rules; creating s. 663.408, F.S.; providing permissible activities under and requirements and limitations for international trust entity licenses; providing procedures, conditions, and requirements for the suspension, revocation, or surrender of an international trust entity license; creating s. 663.4081, F.S.; providing for an after-the-fact licensure process in the event of the acquisition, merger, or consolidation of international trust entities; specifying conditions for such licensure; transferring, renumbering, and amending s. 663.0625, F.S.; adding prohibited activities of representatives and employees of an international trust company representative office; providing permissible activities of such offices; conforming provisions to changes made by the act; creating s. 663.410, F.S.; requiring international trust entities to certify to the office the amount of their capital accounts at specified intervals; providing construction; creating s. 663.411, F.S.; specifying reporting and recordkeeping requirements for international trust entities; providing penalties; authorizing the office to require an international trust entity to translate certain documents into English at the international trust entity's expense; creating s. 663.412, F.S.; prohibiting an international trust entity from continuing to conduct business in this state under certain circumstances; authorizing the office to permit an international trust company representative office to remain open and in operation under certain circumstances; authorizing the commission to adopt certain rules; requiring an entity to surrender its license under certain circumstances; requiring an international trust entity or its surviving officers and directors to deliver specified documents to the office; providing construction; creating s. 663.413, F.S.; specifying application and examination fees for international trust company representative offices; creating s. 663.414, F.S.; authorizing the commission to adopt certain rules; providing an exemption from statement of estimated regulatory costs requirements; creating s. 663.415, F.S.; requiring international trust company representative offices that are under examination to reimburse domestic or foreign travel expenses of the office; providing a directive to the Division of Law Revision and Information to create part IV of ch. 663, F.S., entitled "Qualified Limited Service Affiliates of International Trust Entities"; creating s. 663.530, F.S.; defining terms; creating s. 663.531, F.S.; specifying permissible and prohibited activities of a qualified limited service affiliate; requiring specified notices to be posted on an international trust entity's or qualified limited service affiliate's website; authorizing enforcement actions by the office; providing construction; creating s. 663.532, F.S.; requiring certain persons or entities to qualify as qualified limited service affiliates by a specified date or cease doing business in this state; permitting certain persons or entities to remain open and in operation under certain circumstances; amending s. 663.532, F.S., as created by this act; specifying qualification notice requirements; providing requirements and procedures for additional information requested by the office; providing summary suspension requirements and procedures; requiring the office to make investigation of specified persons upon the filing of a completed qualification notice; requiring the office to approve a qualification only if certain conditions are met; providing factors for the office to consider when evaluating a previous offense or violation committed by, or a previous fine or penalty imposed on, specified persons; providing that qualifications are not transferable or assignable; creating s. 663.5325, F.S.; providing that a qualified limited service affiliate is not required to produce certain books and records under certain circumstances; providing applicability; creating s. 663.533, F.S.; providing applicability of the financial institutions codes as to qualified limited service affiliates; providing construction; creating s. 663.534, F.S.; requiring qualified limited service affiliates to report changes of certain information to the office within a specified timeframe; creating s. 663.535, F.S.; requiring a specified notice to customers in marketing documents, advertisements, and displays at the qualified limited service affiliate's location or at certain events; creating s. 663.536, F.S.; specifying recordkeeping requirements relating to certain events that a qualified limited service affiliate participates in; creating s. 663.537, F.S.; authorizing the office to conduct examinations or investigations of qualified limited service affiliates for certain purposes; specifying a minimum interval of examinations to assess compliance; authorizing the office to examine a person or entity submitting a notice of qualification for certain purposes; creating s. 663.538, F.S.; providing requirements and procedures relating to the suspension, revocation, or voluntary surrender of a qualified limited service affiliate's qualification; providing a penalty; authorizing the office to conduct examinations under certain circumstances; prohibiting the office from denying a request to terminate operations except under certain circumstances; providing construction; creating s. 663.539, F.S.; requiring a qualified limited service affiliate to renew its qualification biennially; specifying requirements for the renewal qualification; reenacting s. 663.16, F.S., relating to definitions, to incorporate the amendment made to s. 663.01, F.S., in a reference thereto; providing effective dates.

—was read the third time by title.

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

Yeas—36

Baxley	Gainer	Powell
Bean	Galvano	Rader
Book	Garcia	Rodriguez
Bracy	Gibson	Rouson
Bradley	Grimsley	Simmons
Brandes	Hutson	Simpson
Braynon	Latvala	Stargel
Broxson	Lee	Steube
Campbell	Mayfield	Stewart
Clemens	Montford	Thurston
Farmer	Passidomo	Torres
Flores	Perry	Young

Nays—None

Vote after roll call:

Yea—Benacquisto

CS for CS for HB 437—A bill to be entitled An act relating to public records; creating ss. 663.416 and 663.540, F.S.; defining terms; providing exemptions from public records requirements for certain information held by the Office of Financial Regulation relating to international trust company representative offices or qualified limited service affiliates, respectively, and relating to affiliated international trust entities; authorizing the disclosure of the information by the office to specified persons; providing construction; providing criminal penalties; providing future legislative review and repeal of the exemptions; providing statements of public necessity; amending s. 655.057, F.S.; providing that certain exemptions from public records requirements for information relating to investigations, reports of examinations, operations, or condition, including working papers, and certain materials supplied by governmental agencies are exempt from Section 24(a) of Article I of the State Constitution, as a result of the expansion of such exemptions to include the records of international trust entities and qualified limited service affiliates, as made by CS/CS/HB 435, 2017 Regular Session; providing a statement of public necessity; providing a contingent effective date.

—was read the third time by title.

On motion by Senator Mayfield, **CS for CS for HB 437** was passed by the required constitutional two-thirds vote of the members present and voting and certified to the House. The vote on passage was:

Yeas—35

Baxley	Flores	Rader
Bean	Gainer	Rodriguez
Benacquisto	Galvano	Rouson
Book	Garcia	Simmons
Bracy	Gibson	Simpson
Bradley	Grimsley	Stargel
Brandes	Hutson	Steube
Braynon	Mayfield	Stewart
Broxson	Montford	Thurston
Campbell	Passidomo	Torres
Clemens	Perry	Young
Farmer	Powell	

Nays—None

Vote after roll call:

Yea—Lee

CS for CS for HB 837—A bill to be entitled An act relating to insurer insolvency; amending s. 631.015, F.S.; adding the Insurer Receivership Model Act to a list of acts that extend reciprocity in the treatment of policyholders in receivership if such act is enacted in other states; amending s. 631.021, F.S.; adding the Florida Health Maintenance Organization Consumer Assistance Plan to a list of entities that must be given reasonable written notice by the Department of Financial Services of hearings pertaining to certain insurers; revising the exclusive jurisdiction of the Circuit Court of Leon County, upon issuance of specified orders, of an insurer's assets or property in a delinquency proceeding; providing construction; amending s. 631.031, F.S.; requiring an insurer to file its response and defenses to a certain order within a specified timeframe; requiring that a hearing to determine whether cause exists to appoint the department as receiver must be commenced by a specified time; amending s. 631.041, F.S.; providing an exception for the Office of Insurance Regulation from applicability of a certain application or petition operating as an automatic stay; amending s. 631.141, F.S.; authorizing a receiver to assume or reject an insurer's executory contract or unexpired lease; authorizing the department as domiciliary receiver to pay certain expenses or reject certain contracts; providing that, under certain circumstances, certain persons of an insurer that is under liquidation are permanently discharged and have no further authority over the affairs or assets of the insurer; amending s. 631.152, F.S.; conforming a cross-reference; creating s. 631.1521, F.S.; prohibiting certain defenses in actions by and against a receiver; authorizing certain defenses in actions by and against a receiver; specifying that a principal under a surety bond or surety undertaking, under certain circumstances, is entitled to credit for the value of certain property against a reimbursement obligation to the receiver; limiting admissibility of evidence of fraud in the inducement to evidence contained in insurer records; creating s. 631.1522, F.S.; prohibiting, in a receiver's proceeding or claim, the assertion of defenses or claims by an affiliate or certain persons of an insurer except under certain circumstances; providing construction; amending s. 631.181, F.S.; authorizing a receivership court to allow alternative procedures and requirements for filing proofs of claim or allowing or proving claims; providing construction; prohibiting a receivership court from waiving certain filing requirements; providing conditions in which claims will be late-filed; authorizing a receiver to petition the receivership court to set certain deadlines; requiring a receiver to provide notice of filing a certain petition to certain claimants; amending s. 631.191, F.S.; providing definitions; providing applicability; requiring that specified large deductible claims under certain workers' compensation policies must be turned over to the applicable responsible guaranty association for handling; providing for construction relating to payment of deductible claims; authorizing receivers to collect reimbursements owed for certain deductible claims; providing requirements for such collections; providing for construction relating to such collections; requiring receivers to use collateral, when available, to secure certain obligations; providing that a guaranty association is entitled to collateral for a certain purpose; providing for construction relating to certain distributions; requiring receivers to draw down collateral under certain circumstances; providing a procedure for payment of claims; authorizing the return of excess collateral under certain circumstances; providing that a receiver is entitled to deduct certain expenses from the collateral or deductible reimbursements; providing for construction; amending s. 631.192, F.S.; prohibiting specified claims; amending s. 631.271, F.S.; adding and revising claims to a list that establishes the priority of distribution of claims from an insurer's estate; specifying when interest on claims accrue and the interest rate calculation; amending s. 631.391, F.S.; specifying that certain persons in relation to an insurer who must cooperate with the department or office in certain proceedings or investigations include present or former roles; defining the term "person"; amending s. 631.395, F.S.; requiring an order of liquidation to authorize the release of certain claims files, records, documents, or claims, rather than only copies of the claims files, records, documents, or claims; amending s. 631.397, F.S.; authorizing the department as receiver to apply to the court for approval of a specified proposal, rather than requiring the department to make such application within a specified timeframe; deleting a specified notice requirement of the department; deleting a provision authorizing the court to take action on the application under certain circumstances; providing an effective date.

—was read the third time by title.

On motion by Senator Passidomo, **CS for CS for HB 837** was passed and certified to the House. The vote on passage was:

Yeas—36

Baxley	Gainer	Powell
Bean	Galvano	Rader
Benacquisto	Garcia	Rodriguez
Book	Gibson	Rouson
Bracy	Grimsley	Simmons
Bradley	Hutson	Simpson
Braynon	Latvala	Stargel
Broxson	Lee	Steube
Campbell	Mayfield	Stewart
Clemens	Montford	Thurston
Farmer	Passidomo	Torres
Flores	Perry	Young

Nays—None

Vote after roll call:

Yea—Brandes

CS for CS for HB 249—A bill to be entitled An act relating to drug overdoses; providing legislative findings and intent; creating s. 401.253, F.S.; permitting certain entities to report controlled substance overdoses to the Department of Health; defining the term "overdose"; providing requirements for such reports; providing immunity for persons who make reports in good faith; providing that a failure to report is not a basis for licensure discipline; requiring sharing of data with specified entities; providing for use of such data; amending s. 395.1041, F.S.; requiring a hospital with an emergency department to develop a best practices policy to promote the prevention of unintentional drug overdoses; authorizing the policy to include certain processes, guidelines, and protocols; providing an effective date.

—was read the third time by title.

On motion by Senator Passidomo, **CS for CS for HB 249** was passed and certified to the House. The vote on passage was:

Yeas—37

Baxley	Gainer	Rader
Bean	Galvano	Rodriguez
Benacquisto	Garcia	Rouson
Book	Gibson	Simmons
Bracy	Grimsley	Simpson
Bradley	Hutson	Stargel
Brandes	Latvala	Steube
Braynon	Lee	Stewart
Broxson	Mayfield	Thurston
Campbell	Montford	Torres
Clemens	Passidomo	Young
Farmer	Perry	
Flores	Powell	

Nays—None

HB 7091—A bill to be entitled An act relating to probation and community control; amending s. 948.001, F.S.; redefining terms and deleting a definition; amending s. 948.01, F.S.; requiring the Department of Corrections to revise and make available to the courts, rather than develop and disseminate to the courts, uniform order of supervision forms; amending s. 948.012, F.S.; adding the addiction-recovery supervision program as an exception to the immediate commencement of the period of probation upon the release of the defendant; amending s. 948.013, F.S.; revising the list of offenses that make an offender ineligible for placement on administrative probation during specified time periods; amending s. 948.03, F.S.; authorizing the court to require a probationer or offender to report to, to permit visits by, to submit to random testing as directed by, probation officers, rather than probation and parole supervisors or correctional probation officers; removing the option of incarceration in specified locations if a court withholds adjudication of guilt or imposes incarceration as a condition of probation; amending s. 948.031, F.S.; replacing the term "public service" with the

term "community service"; amending s. 948.035, F.S.; removing a probation program drug punishment treatment community facility from the list of residential treatment or incarceration facilities that an offender must be restricted to under certain circumstances; requiring a qualified practitioner to provide, rather than a court to obtain, an assessment and recommendation on the treatment needs of an offender entering a treatment facility; amending s. 948.037, F.S.; authorizing, rather than requiring, a court to require an offender to make a good faith effort toward completion of certain skills or a specific diploma as a condition of community control, probation, or probation following incarceration; amending s. 948.06, F.S.; replacing the term "parole or probation supervisor" with the term "probation officer"; specifying that the probationary period is tolled after the issuance of a violation of probation or community control warrant, rather than an arrest warrant; authorizing a chief judge to direct the department to use a notice to appear for technical violations; amending s. 948.09, F.S.; expanding the types of supervision under which an offender must pay for the cost of supervision; conforming provisions to changes made by the act; revising the factors under which the department may exempt an offender from payments; requiring the certification of student status to be supplied to the offender's probation officer, rather than to the Secretary of Corrections; deleting duties of the secretary; deleting provisions authorizing the department to provide monthly payments to court-approved entities that provide supervision or rehabilitation for offenders under certain circumstances; deleting provisions relating to contract terms with, and a monthly report from, certain entities; amending s. 948.10, F.S.; requiring a community control program to focus on the provision of home confinement with limitations, rather than sanctions and consequences, commensurate with the crime committed; specifying and revising who the target population is for the community control program; revising departmental requirements for the operation of the program and caseloads; making technical changes; specifying the types of facilities used for the community control program; deleting an annual reporting requirement of the department to the Governor and the Legislature which includes certain information; amending s. 948.101, F.S.; conforming provisions to changes made by the act; amending s. 948.11, F.S.; requiring, rather than authorizing, the department to electronically monitor offenders sentenced to community control under certain circumstances; conforming terminology to changes made by the act; amending s. 948.15, F.S.; revising the required terms of the contract for a private entity providing services for the supervision of misdemeanor probationers; repealing s. 948.50, F.S., relating to a short title; reenacting s. 921.187(1)(n), F.S., relating to disposition and sentencing, alternatives, and restitution, to incorporate the amendment made to s. 948.013, F.S., in a reference thereto; reenacting s. 947.1405(7)(b), F.S., relating to the conditional release program, to incorporate the amendment made to s. 948.09, F.S., in a reference thereto; reenacting ss. 947.1747 and 948.01(3), F.S., relating to community control as a special condition of parole and when a court may place a defendant on probation or into community control, respectively, to incorporate the amendment made to s. 948.10, F.S., in references thereto; providing effective dates.

—was read the third time by title.

On motion by Senator Brandes, **HB 7091** was passed and certified to the House. The vote on passage was:

Yeas—35

Baxley	Flores	Powell
Bean	Gainer	Rader
Benacquisto	Galvano	Rodriguez
Book	Garcia	Simmons
Bracy	Gibson	Simpson
Bradley	Grimsley	Stargel
Brandes	Hutson	Steube
Braynon	Lee	Stewart
Broxson	Mayfield	Thurston
Campbell	Montford	Torres
Clemens	Passidomo	Young
Farmer	Perry	

Nays—None

Vote after roll call:

Yea—Rouson

By direction of the President, the Senate resumed consideration of—

CS for HB 477—A bill to be entitled An act relating to controlled substances; amending s. 381.887, F.S.; providing that certain emergency responders and crime laboratory personnel may possess, store, and administer emergency opioid antagonists; amending s. 782.04, F.S.; providing that unlawful distribution of specified controlled substances and analogs or mixtures thereof by an adult which proximately cause a death is murder; providing criminal penalties; creating s. 893.015, F.S.; specifying purpose relating to drug abuse prevention and control; providing that a reference to ch. 893, F.S., or to any section or portion thereof, includes all subsequent amendments; amending s. 893.03, F.S.; adding certain synthetic opioid substitute compounds to the list of Schedule I controlled substances; amending s. 893.13, F.S.; prohibiting possession of more than 10 grams of specified substances; providing criminal penalties; amending s. 893.135, F.S.; revising the substances that constitute the offenses of trafficking and capital trafficking in, and capital importation of, hydrocodone and oxycodone; creating the offense of trafficking in fentanyl; providing penalties and specifying minimum terms of imprisonment and fines based on the quantity involved in the offense; revising the substances that constitute the offenses of trafficking in phencyclidine and capital importation of phencyclidine; revising the substances that constitute trafficking in phenethylamines and capital manufacture or importation of phenethylamines; creating the offense of trafficking in synthetic cannabinoids; providing penalties and specifying minimum terms of imprisonment and fines based on the quantity involved in the offense; creating the offenses of trafficking in n-benzyl phenethylamines and capital manufacture or importation of a n-benzyl phenethylamine compound; providing penalties and specifying minimum terms of imprisonment and fines based on the quantity involved in the offense; reenacting and amending s. 921.0022, F.S.; ranking offenses on the offense severity ranking chart of the Criminal Punishment Code; incorporating the amendments made by the act in cross-references to amended provisions; reenacting ss. 39.806(1)(d), 63.089(4)(b), 95.11(10), 775.082(1)(b) and (3)(a), (b), and (c), 775.0823(1) and (2), 921.16(1), 948.06(8)(c), 948.062(1)(a), 985.265(3)(b), 1012.315(1)(d), and 1012.467(2)(g), relating to grounds for termination of parental rights, proceeding to terminate parental rights pending adoption, limitations other than for the recovery of real property, penalties, when sentences to be concurrent and when consecutive, violent offenses committed against specified officials, violation of probation or community control, reviewing and reporting serious offenses committed by offenders placed on probation or community control, detention transfer and release, disqualification from employment, and noninstructional contractors who are permitted access to school grounds when students are present, respectively, to incorporate the amendments made by the act in cross-references to amended provisions; providing an effective date.

—which was previously considered this day and amended May 2.

On motion by Senator Steube, **CS for HB 477**, as amended, was passed and certified to the House. The vote on passage was:

Yeas—37

Baxley	Gainer	Rader
Bean	Galvano	Rodriguez
Benacquisto	Garcia	Rouson
Book	Gibson	Simmons
Bracy	Grimsley	Simpson
Bradley	Hutson	Stargel
Brandes	Latvala	Steube
Braynon	Lee	Stewart
Broxson	Mayfield	Thurston
Campbell	Montford	Torres
Clemens	Passidomo	Young
Farmer	Perry	
Flores	Powell	

Nays—None

CS for CS for SB 744—A bill to be entitled An act relating to community associations; creating s. 633.2225, F.S.; requiring certain condominium or cooperative associations to post certain signs or symbols on buildings; requiring the State Fire Marshal to adopt rules governing such signs or symbols; providing enforcement; providing penalties; amending s. 718.111, F.S.; prohibiting an officer, director, or manager

from soliciting, offering to accept, or accepting a kickback for which consideration has not been provided; providing criminal penalties; requiring that an officer or director charged with certain crimes be removed from office; providing requirements for filling the vacancy left by such removal; prohibiting such officer or director from being appointed or elected or having access to official condominium association records for a specified time; providing an exception; requiring an officer or director to be reinstated if the charges are resolved without a finding of guilt; prohibiting an association from hiring an attorney who represents the management company of the association; prohibiting a board member, manager, or management company from purchasing a unit at a foreclosure sale under certain circumstances; revising recordkeeping requirements; providing that the official records of an association are open to inspection by an association member's authorized representative; providing that a renter of a unit has a right to inspect and copy the association's bylaws and rules; providing requirements relating to the posting of specified documents on an association's website; providing a remedy for an association's failure to provide a unit owner with a copy of the most recent financial report; revising reporting requirements; requiring the Division of Florida Condominiums, Timeshares, and Mobile Homes to maintain and provide copies of financial reports; prohibiting a condominium association and its officers, directors, employees, and agents from using a debit card issued in the name of the association, or billed directly to the association, for the payment of any association expense; providing that the use of such debit card for any expense that is not a lawful obligation of the association may be prosecuted as credit card fraud; amending s. 718.112, F.S.; authorizing an association to adopt rules for posting certain notices on a website; revising provisions relating to required condominium and cooperative association bylaws; revising provisions relating to evidence of condominium and cooperative association compliance with the fire and life safety code; revising unit and common elements required to be retrofitted; revising provisions relating to an association vote to forego retrofitting; providing applicability; amending s. 718.113, F.S.; revising voting requirements relating to alterations and additions to certain common elements or association property; amending s. 718.117, F.S.; revising legislative findings; revising voting requirements for the rejection of a plan of termination; increasing the length of time to consider a plan of termination under certain conditions; revising the requirements to qualify for payment as a homestead owner if the owner has rejected a plan of termination; revising and providing notice requirements; providing applicability; amending s. 718.707, F.S.; revising the time period for classification as bulk assignee or bulk buyer; amending s. 719.104, F.S.; revising recordkeeping and reporting requirements; amending s. 719.1055, F.S.; revising provisions relating to required condominium and cooperative association bylaws; revising provisions relating to evidence of condominium and cooperative association compliance with the fire and life safety code; revising unit and common elements required to be retrofitted; revising provisions relating to an association vote to forego retrofitting; providing applicability; amending s. 719.106, F.S.; revising requirements to serve as a board member; prohibiting a board member from voting via e-mail; requiring that directors who are delinquent in certain payments owed in excess of certain periods of time be deemed to have abandoned their offices; authorizing an association to adopt rules for posting certain notices on a website; amending s. 719.107, F.S.; specifying certain services that are obtained pursuant to a bulk contract to be deemed a common expense; amending s. 720.303, F.S.; prohibiting a board member from voting via e-mail; revising certain notice requirements relating to board meetings; revising financial reporting requirements; authorizing an association to adopt rules for posting certain notices on a website; amending s. 720.306, F.S.; revising elections requirements; amending s. 720.3085, F.S.; providing applicability; providing an effective date.

—as amended May 2, was read the third time by title.

Pending further consideration of **CS for CS for SB 744**, as amended, pursuant to Rule 3.11(3), there being no objection, **CS for CS for CS for HB 653** was withdrawn from the Committee on Rules.

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

CS for CS for CS for HB 653—A bill to be entitled An act relating to community associations; creating s. 633.2225, F.S.; requiring certain condominium or cooperative associations to post certain signs or symbols on buildings; requiring the State Fire Marshal to adopt rules governing such signs or symbols; providing for enforcement; providing penalties; amending s. 718.111, F.S.; prohibiting an officer, director, or manager from soliciting, offering to accept, or accepting a kickback for which consideration has not been provided; providing criminal penalties; requiring that an officer or director charged with certain crimes be removed from office; providing requirements for filling the vacancy left by such removal; prohibiting such officer or director from being appointed or elected or having access to official condominium association records for a specified time; providing an exception; requiring an officer or director to be reinstated if the charges are resolved without a finding of guilt; prohibiting an association from hiring an attorney who represents the management company of the association; prohibiting a board member, manager, or management company from purchasing a unit at a foreclosure sale under certain circumstances; revising recordkeeping requirements; providing that the official records of an association are open to inspection by an association member's authorized representative; providing that a renter of a unit has a right to inspect and copy the association's bylaws and rules; providing requirements relating to the posting of specified documents on an association's website; providing a remedy for an association's failure to provide a unit owner with a copy of the most recent financial report; revising reporting requirements; requiring the Division of Florida Condominiums, Timeshares, and Mobile Homes to maintain and provide copies of financial reports; prohibiting a condominium association and its officers, directors, employees, and agents from using a debit card issued in the name of the association, or billed directly to the association, for the payment of any association expense; providing that the use of such debit card for any expense that is not a lawful obligation of the association may be prosecuted as credit card fraud; providing a directive to the Department of Business and Professional Regulation; revising reporting requirements; amending s. 718.112, F.S.; authorizing an association to adopt rules for posting certain notices on a website; revising provisions relating to required condominium and cooperative association bylaws; revising provisions relating to evidence of condominium and cooperative association compliance with the fire and life safety code; revising unit and common elements required to be retrofitted; revising provisions relating to an association vote to forego retrofitting; providing applicability; amending s. 718.113, F.S.; revising voting requirements relating to alterations and additions to certain common elements or association property; amending s. 718.117, F.S.; revising legislative findings; revising voting requirements for the rejection of a plan of termination; increasing the amount of time to consider a plan of termination under certain conditions; revising the requirements to qualify for payment as a homestead owner if the owner has rejected a plan of termination; revising and providing notice requirements; providing applicability; amending s. 718.707, F.S.; revising the time period for classification as bulk assignee or bulk buyer; amending s. 719.104, F.S.; revising recordkeeping and reporting requirements; amending s. 719.1055, F.S.; revising provisions relating to required condominium and cooperative association bylaws; revising provisions relating to evidence of condominium and cooperative association compliance with the fire and life safety code; revising unit and common elements required to be retrofitted; revising provisions relating to an association vote to forego retrofitting; providing applicability; amending s. 719.106, F.S.; revising requirements to serve as a board member; prohibiting a board member from voting via e-mail; requiring that directors who are delinquent in certain payments owed in excess of certain periods of time be deemed to have abandoned their offices; authorizing an association to adopt rules for posting certain notices on a website; amending s. 719.107, F.S.; specifying certain services which are obtained pursuant to a bulk contract to be deemed a common expense; amending s. 720.303, F.S.; prohibiting a board member from voting via e-mail; revising certain notice requirements relating to board meetings; revising financial reporting requirements; authorizing an association to adopt rules for posting certain notices on a website; amending s. 720.306, F.S.; revising elections requirements; amending s. 720.3085, F.S.; providing applicability; providing an effective date; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 744**, as amended, and read the second time by title.

On motion by Senator Passidomo, by two-thirds vote, **CS for CS for CS for HB 653** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—36

Baxley	Flores	Perry
Bean	Gainer	Powell
Benacquisto	Galvano	Rader
Book	Garcia	Rodriguez
Bracy	Gibson	Rouson
Bradley	Grimsley	Simmons
Brandes	Hutson	Simpson
Braynon	Latvala	Stargel
Broxson	Lee	Stewart
Campbell	Mayfield	Thurston
Clemens	Montford	Torres
Farmer	Passidomo	Young

Nays—1

Steube

HB 1203—A bill to be entitled An act relating to public records; amending s. 945.10, F.S.; providing that certain protected health information held by the Department of Corrections is confidential and exempt from public records requirements; authorizing the release of protected health information and other records of an inmate to certain entities, subject to specified conditions and under certain circumstances; providing a statement of public necessity; providing an effective date.

—was read the third time by title.

On motion by Senator Bracy, **HB 1203** was passed by the required constitutional two-thirds vote of the members present and voting and certified to the House. The vote on passage was:

Yeas—37

Baxley	Gainer	Rader
Bean	Galvano	Rodriguez
Benacquisto	Garcia	Rouson
Book	Gibson	Simmons
Bracy	Grimsley	Simpson
Bradley	Hutson	Stargel
Brandes	Latvala	Steube
Braynon	Lee	Stewart
Broxson	Mayfield	Thurston
Campbell	Montford	Torres
Clemens	Passidomo	Young
Farmer	Perry	
Flores	Powell	

Nays—None

CS for HB 1269—A bill to be entitled An act relating to child protection; amending s. 39.303, F.S.; revising the entities responsible for screening, employing, and terminating child protection team medical directors to include the Statewide Medical Director for Child Protection; revising the term "district medical director" to "child protection team medical director"; revising references to subdivisions of the state from "districts" to "circuits"; revising the required board certifications for child protection team medical directors and reviewing physicians; revising the timeframe in which child protection team medical directors must obtain certification; requiring Children's Medical Services to convene a task force to develop a protocol for forensic interviewing of children suspected of having been abused; specifying membership of the task force; requiring Children's Medical Services to develop, maintain, and coordinate one or more sexual abuse treatment programs; amending s. 39.3031, F.S.; requiring the Department of Health in consultation with the Department of Children and Families to adopt rules regarding sexual abuse treatment programs; amending ss. 458.3175, 459.0066, and 827.03, F.S.; revising provisions regarding expert testimony provided by certain entities to include criminal cases involving child abuse and neglect, dependency cases, and cases involving sexual abuse of a child; providing an effective date.

—was read the third time by title.

On motion by Senator Broxson, **CS for HB 1269** was passed and certified to the House. The vote on passage was:

Yeas—37

Baxley	Gainer	Rader
Bean	Galvano	Rodriguez
Benacquisto	Garcia	Rouson
Book	Gibson	Simmons
Bracy	Grimsley	Simpson
Bradley	Hutson	Stargel
Brandes	Latvala	Steube
Braynon	Lee	Stewart
Broxson	Mayfield	Thurston
Campbell	Montford	Torres
Clemens	Passidomo	Young
Farmer	Perry	
Flores	Powell	

Nays—None

CS for CS for HB 981—A bill to be entitled An act relating to public records; creating s. 744.2111, F.S.; providing an exemption from public records requirements for certain identifying information of complainants and wards held by the Department of Elderly Affairs; providing applicability; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

—was read the third time by title.

On motion by Senator Broxson, **CS for CS for HB 981** was passed by the required constitutional two-thirds vote of the members present and voting and certified to the House. The vote on passage was:

Yeas—37

Baxley	Gainer	Rader
Bean	Galvano	Rodriguez
Benacquisto	Garcia	Rouson
Book	Gibson	Simmons
Bracy	Grimsley	Simpson
Bradley	Hutson	Stargel
Brandes	Latvala	Steube
Braynon	Lee	Stewart
Broxson	Mayfield	Thurston
Campbell	Montford	Torres
Clemens	Passidomo	Young
Farmer	Perry	
Flores	Powell	

Nays—None

HB 7093—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 119.071, F.S., which provides exemptions from public record requirements for certain personal identifying and location information of specified agency personnel, and the spouses and children thereof; revising the exemptions; removing redundant exemptions for social security numbers; providing an exemption from public record requirements for the names of the spouses and children of certain agency personnel; providing an exemption from public record requirements for the dates of birth for certain agency personnel and their spouses and children; removing the scheduled repeal of certain exemptions; providing for retroactive application; providing for future legislative review and repeal of certain exemptions; providing statements of public necessity; providing an effective date.

—was read the third time by title.

On motion by Senator Baxley, **HB 7093** was passed by the required constitutional two-thirds vote of the members present and voting and certified to the House. The vote on passage was:

Yeas—36

Bean	Gainer	Powell
Benacquisto	Galvano	Rader
Book	Garcia	Rodriguez
Bracy	Gibson	Rouson
Bradley	Grimsley	Simmons
Brandes	Hutson	Simpson
Braynon	Latvala	Stargel
Broxson	Lee	Steube
Campbell	Mayfield	Stewart
Clemens	Montford	Thurston
Farmer	Passidomo	Torres
Flores	Perry	Young

Nays—None

Vote after roll call:

Yea—Baxley

HB 65—A bill to be entitled An act relating to civil remedies for terrorism; creating s. 772.13, F.S.; creating a cause of action relating to terrorism; specifying a measure of damages; prohibiting claims by specified individuals; providing for attorney fees and court costs; providing construction; providing an effective date.

—was read the third time by title.

On motion by Senator Simmons, **HB 65** was passed and certified to the House. The vote on passage was:

Yeas—37

Baxley	Gainer	Rader
Bean	Galvano	Rodriguez
Benacquisto	Garcia	Rouson
Book	Gibson	Simmons
Bracy	Grimsley	Simpson
Bradley	Hutson	Stargel
Brandes	Latvala	Steube
Braynon	Lee	Stewart
Broxson	Mayfield	Thurston
Campbell	Montford	Torres
Clemens	Passidomo	Young
Farmer	Perry	
Flores	Powell	

Nays—None

CS for CS for HB 747—A bill to be entitled An act relating to mortgage brokering; amending s. 494.00115, F.S.; providing an exemption from regulation under parts I and II of ch. 494, F.S., for certain securities dealers, investment advisors, and associated persons; providing requirements for certain solicitations and referrals; providing an effective date.

—as amended May 2, was read the third time by title.

On motion by Senator Baxley, **CS for CS for HB 747**, as amended, was passed and certified to the House. The vote on passage was:

Yeas—37

Baxley	Book	Brandes
Bean	Bracy	Braynon
Benacquisto	Bradley	Broxson
Campbell	Latvala	Simmons
Clemens	Lee	Simpson
Farmer	Mayfield	Stargel
Flores	Montford	Steube
Gainer	Passidomo	Stewart
Galvano	Perry	Thurston
Garcia	Powell	Torres
Gibson	Rader	Young
Grimsley	Rodriguez	
Hutson	Rouson	

Nays—None

HB 6027—A bill to be entitled An act relating to financial reporting; amending ss. 718.111, 719.104, and 720.303, F.S.; deleting a provision authorizing certain associations to prepare a report of cash receipts and expenditures in lieu of specified financial statements; deleting provisions prohibiting condominium and cooperative associations from waiving certain financial reporting requirements; providing an effective date.

—was read the third time by title.

On motion by Senator Bracy, **HB 6027** was passed and certified to the House. The vote on passage was:

Yeas—36

Baxley	Flores	Powell
Bean	Gainer	Rader
Benacquisto	Galvano	Rodriguez
Book	Garcia	Rouson
Bracy	Gibson	Simmons
Bradley	Grimsley	Simpson
Brandes	Hutson	Stargel
Braynon	Lee	Steube
Broxson	Mayfield	Stewart
Campbell	Montford	Thurston
Clemens	Passidomo	Torres
Farmer	Perry	Young

Nays—None

CS for CS for HB 229—A bill to be entitled An act relating to health care practitioner licensure; amending s. 456.076, F.S.; revising provisions related to impaired practitioner programs; providing definitions; deleting a requirement that the Department of Health designate approved programs by rule; deleting a requirement authorizing the department to adopt by rule the manner in which consultants work with the department; authorizing, rather than requiring, the department to retain one or more consultants to operate its impaired practitioner program; requiring the department to establish the terms and conditions of the program by contract; providing contract terms; requiring consultants to establish the terms of monitoring impaired practitioners; authorizing consultants to consider the recommendations of certain persons in establishing the terms of monitoring; authorizing consultants to modify monitoring terms under certain circumstances; requiring consultants to assist the department and licensure boards on certain matters; requiring the department to refer practitioners to consultants under certain circumstances; prohibiting the department from referring practitioners to consultants under certain circumstances; authorizing consultants to withhold certain information about self-reporting participants from the department under certain circumstances; requiring consultants to disclose all information relating to practitioners who are terminated from the program for specified reasons; providing that all information obtained by a consultant retains its confidential or exempt status; providing that consultants, and certain agents of consultants, may not be held liable financially or have a cause of action for damages brought against them for disclosing certain information or for any other act or omission relating to the program; authorizing consultants to contract with a school or program to provide services to certain students; amending s. 456.0635, F.S.; revising grounds for refusing to issue or renew a license, certificate, or regis-

tration in a health care profession; providing applicability; amending ss. 401.411, 456.072, 457.109, 458.331, 459.015, 460.413, 461.013, 462.14, 463.016, 464.018, 465.016, 466.028, 467.203, 468.217, 468.3101, and 483.825, F.S.; providing that an impaired practitioner may be reported to a consultant rather than the department under certain circumstances; amending ss. 455.227, 464.204, and 474.221, F.S.; conforming provisions to changes made by the act; providing effective dates.

—was read the third time by title.

On motion by Senator Young, **CS for CS for HB 229** was passed and certified to the House. The vote on passage was:

Yeas—37

Baxley	Gainer	Rader
Bean	Galvano	Rodriguez
Benacquisto	Garcia	Rouson
Book	Gibson	Simmons
Bracy	Grimsley	Simpson
Bradley	Hutson	Stargel
Brandes	Latvala	Steube
Braynon	Lee	Stewart
Broxson	Mayfield	Thurston
Campbell	Montford	Torres
Clemens	Passidomo	Young
Farmer	Perry	
Flores	Powell	

Nays—None

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

SPECIAL ORDER CALENDAR, continued

CS for CS for SB 902—A bill to be entitled An act relating to the Gardiner Scholarship Program; amending s. 1002.385, F.S.; redefining the terms "disability" and "IEP"; defining the term "inactive"; prohibiting a student who is enrolled in the Florida School for the Deaf and the Blind from being eligible for the program; revising the purposes for which program funds may be used; requiring that a student's account be closed and program funds revert to the state after the account is inactive for a specified number of years; specifying that certain actions of a private school are a basis for program ineligibility; revising parent and student responsibilities for program participation; revising obligations of scholarship-funding organizations; providing an effective date.

—was read the second time by title.

THE PRESIDENT PRESIDING

On motion by Senator Simmons, further consideration of **CS for CS for SB 902** was deferred.

SPECIAL GUESTS

Senator Simmons introduced Ethan Fisher and his parents, Candi Fisher and Jimbo Fisher, the Florida State University Head Football Coach, who were present in the chamber. Ethan was diagnosed with Fanconi Anemia, a rare blood disorder.

SENATOR BRADLEY PRESIDING

CS for SB 7020—A bill to be entitled An act relating to the ratification of a Department of Elder Affairs rule and a Department of Health rule; ratifying a specific rule relating to the practice for professional guardians; ratifying a specific rule adopted by the Board of Medicine relating to the standard of care for office surgery for the sole and exclusive purpose of satisfying any condition on effectiveness pursuant to s. 120.541(3), F.S., which requires ratification of any rule exceeding the specified thresholds for likely adverse impact or increase in regulatory costs; providing applicability; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 7020**, pursuant to Rule 3.11(3), there being no objection, **HB 7073** was withdrawn from the Committee on Rules.

On motion by Senator Garcia—

HB 7073—A bill to be entitled An act relating to the ratification of rules of the Department of Elder Affairs; ratifying a specific rule relating to the standards of practice for professional guardians for the sole and exclusive purpose of satisfying any condition on effectiveness pursuant to s. 120.541(3), F.S., which requires ratification of any rule exceeding the specified thresholds for likely adverse impact or increase in regulatory costs; providing applicability; providing an effective date.

—a companion measure, was substituted for **CS for SB 7020** and read the second time by title.

Senator Garcia moved the following amendment which was adopted:

Amendment 1 (639748) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *(1) The following rule is ratified for the sole and exclusive purpose of satisfying any condition on effectiveness imposed under s. 120.541(3), Florida Statutes: Rule 58M-2.009, Florida Administrative Code, as filed for adoption with the Department of State pursuant to the certification package dated February 9, 2017.*

(2) The following rule is ratified for the sole and exclusive purpose of satisfying any condition on effectiveness imposed under s. 120.541(3), Florida Statutes: Rule 64B8-9.009, Florida Administrative Code, titled "Standard of Care for Office Surgery" as filed for adoption with the Department of State pursuant to the certification package dated June 15, 2016.

(3) This act serves no other purpose and may not be codified in the Florida Statutes. After this act becomes law, its enactment and effective dates shall be noted in the Florida Administrative Code, the Florida Administrative Register, or both, as appropriate. This act does not alter rulemaking authority delegated by prior law, does not constitute legislative preemption of or exception to any provision of law governing adoption or enforcement of the rule cited, and is intended to preserve the status of any cited rule as a rule under chapter 120, Florida Statutes. This act does not cure any rulemaking defect or preempt any challenge based on a lack of authority or a violation of the legal requirements governing the adoption of any rule cited.

Section 2. This act shall take effect upon becoming law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the ratification of a Department of Elder Affairs rule and a Department of Health rule; ratifying a specific rule relating to the practice for professional guardians; ratifying a specific rule adopted by the Board of Medicine relating to the standard of care for office surgery for the sole and exclusive purpose of satisfying any condition on effectiveness pursuant to s. 120.541(3), F.S., which requires ratification of any rule exceeding the specified thresholds for likely adverse impact or increase in regulatory costs; providing applicability; providing an effective date.

Pursuant to Rule 4.19, **HB 7073**, as amended, was placed on the calendar of Bills on Third Reading.

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

BILLS ON THIRD READING, continued

Consideration of **HB 7087** was deferred.

CS for CS for HB 421—A bill to be entitled An act relating to public housing authority insurance; amending s. 624.46226, F.S.; authorizing

certain business entities to join self-insurance funds participated in by certain public housing authorities for a specified purpose; authorizing reinsurance companies to issue coverage directly to certain self-insuring entities organized by a public housing authority under certain circumstances; specifying that such entities are considered insurers under certain circumstances; requiring that reinsurance contracts issued to such entities receive the same tax treatment as contracts issued to insurance companies; revising construction; providing an effective date.

—was read the third time by title.

On motion by Senator Rouson, **CS for CS for HB 421** was passed and certified to the House. The vote on passage was:

Yeas—36

Baxley	Flores	Powell
Bean	Gainer	Rader
Benacquisto	Galvano	Rodriguez
Book	Garcia	Rouson
Bracy	Gibson	Simmons
Bradley	Grimsley	Simpson
Brandes	Hutson	Stargel
Braynon	Lee	Steube
Broxson	Mayfield	Stewart
Campbell	Montford	Thurston
Clemens	Passidomo	Torres
Farmer	Perry	Young

Nays—None

HB 7087—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending ss. 741.30 and 784.046, F.S., which provide exemptions from public record requirements for personal identifying and location information of a petitioner requesting notification of service of an injunction for protection against domestic violence, repeat violence, sexual violence, and dating violence and other court actions related to the injunction held by the clerks and law enforcement agencies; extending the repeal dates; providing an effective date.

—was read the third time by title.

On motion by Senator Steube, **HB 7087** was passed and certified to the House. The vote on passage was:

Yeas—36

Baxley	Flores	Powell
Bean	Gainer	Rader
Benacquisto	Galvano	Rodriguez
Book	Garcia	Rouson
Bracy	Gibson	Simmons
Bradley	Grimsley	Simpson
Brandes	Hutson	Stargel
Braynon	Lee	Steube
Broxson	Mayfield	Stewart
Campbell	Montford	Thurston
Clemens	Passidomo	Torres
Farmer	Perry	Young

Nays—None

Consideration of **CS for HB 7047** was deferred.

RECESS

On motion by Senator Benacquisto, the Senate recessed at 12:05 p.m. to reconvene at 2:30 p.m., or upon call of the President.

SENATOR BRADLEY PRESIDING

AFTERNOON SESSION

The Senate was called to order by the President at 2:30 p.m. A quorum present—31:

Mr. President	Farmer	Rodriguez
Baxley	Flores	Rouson
Bean	Gainer	Simmons
Benacquisto	Gibson	Simpson
Book	Hutson	Stargel
Bradley	Mayfield	Stewart
Brandes	Montford	Thurston
Braynon	Passidomo	Torres
Broxson	Perry	Young
Campbell	Powell	
Clemens	Rader	

BILLS ON THIRD READING, continued

CS for CS for HB 813—A bill to be entitled An act relating to flood insurance; amending s. 627.0628, F.S.; revising the intervals at which specified standards and guidelines for projecting certain rate filings must be revised by the Florida Commission on Hurricane Loss Projection Methodology; amending s. 627.715, F.S.; authorizing certain insurers to issue insurance policies, contracts, or endorsements providing certain excess coverage for the peril of flood on a flexible basis; revising applicability; exempting certain surplus lines insurers from a diligent-effort requirement under certain circumstances; extending the expiration date of the exemption under certain conditions; revising applicability of certain notification and filing requirements; requiring agents to provide certain written notice to be signed by applicants when procuring private flood insurance policies for properties currently insured under the National Flood Insurance Program; requiring the agent to obtain the signed written notice from the applicant within a specified period; providing applicability; providing an effective date.

—as amended May 2, was read the third time by title.

On motion by Senator Brandes, **CS for CS for HB 813**, as amended, was passed and certified to the House. The vote on passage was:

Yeas—31

Bean	Gainer	Rodriguez
Benacquisto	Gibson	Rouson
Book	Grimsley	Simmons
Bradley	Hutson	Simpson
Brandes	Lee	Stargel
Braynon	Mayfield	Stewart
Broxson	Montford	Thurston
Campbell	Passidomo	Torres
Clemens	Perry	Young
Farmer	Powell	
Flores	Rader	

Nays—None

Vote after roll call:

Yea—Baxley, Galvano, Steube

SPECIAL ORDER CALENDAR, continued

CS for CS for SB 832—A bill to be entitled An act relating to unmanned devices; amending s. 316.003, F.S.; revising and providing definitions; amending s. 316.008, F.S.; authorizing operation of personal delivery devices within a county or municipality under certain circumstances; providing construction; providing exceptions; creating s. 316.2071, F.S.; providing requirements for the operation of personal delivery devices; requiring specified insurance coverage; amending s. 320.01, F.S.; redefining the term "motor vehicle"; amending s. 320.02, F.S.; exempting personal delivery devices from certain registration and insurance requirements; amending ss. 324.021, and 324.022, F.S.; re-

defining the term "motor vehicle"; creating s. 330.41, F.S.; providing a short title; defining terms; providing that, except as provided in federal regulations, authorizations, or exemptions, the authority to regulate the operation of unmanned aircraft systems is vested in the state; prohibiting a political subdivision from enacting or enforcing certain ordinances or resolutions relating to unmanned aircraft systems; providing that the authority of local government to enact or enforce local ordinances relating to nuisances, voyeurism, harassment, reckless endangerment, property damage, or other illegal acts arising from the use of unmanned aircraft systems is not limited, subject to certain requirements; requiring persons seeking to restrict or limit the operation of drones in close proximity to certain infrastructure or facilities to apply to the Federal Aviation Administration; prohibiting a person from knowingly and willfully operating a drone over or allowing a drone to make contact with or come within a certain distance of certain critical infrastructure facilities; providing that such a violation is a misdemeanor punishable under specified provisions of ch. 775, F.S.; providing an exemption from specified prohibited acts; providing for future sunset of a certain requirement; providing construction; creating s. 330.411, F.S.; prohibiting a person from possessing or operating an unmanned aircraft or unmanned aircraft system with certain attached weapons or devices; amending s. 934.50, F.S.; providing that the use of a drone by a communications service provider or contractor is not prohibited under certain provisions of ch. 934, F.S.; amending ss. 316.2128, 316.545, 316.613, and 655.960, F.S.; conforming cross-references; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 832**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 1027** was withdrawn from the Committees on Criminal Justice; Transportation; Communications, Energy, and Public Utilities; and Rules.

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

CS for HB 1027—A bill to be entitled An act relating to unmanned aircraft; creating s. 330.41, F.S.; providing a short title; providing definitions; providing that the authority to regulate the ownership or operation of unmanned aircraft systems is vested in the state; prohibiting a political subdivision from enacting or enforcing certain ordinances or resolutions relating to unmanned aircraft systems; providing construction; requiring persons seeking to restrict or limit the operation of unmanned aircraft in close proximity to certain infrastructure or facilities to apply to the Federal Aviation Administration; prohibiting certain operation of an unmanned aircraft in relation to certain critical infrastructure facilities; providing penalties; providing exceptions; creating s. 330.411, F.S.; prohibiting possession or operation of an unmanned aircraft or unmanned aircraft system with certain attached weapons or devices; providing penalties; amending s. 934.50, F.S.; exempting a communications services provider and its contractor from certain prohibitions against the use of a drone; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 832** and read the second time by title.

Senator Young moved the following amendment which was adopted:

Amendment 1 (598520) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Present subsections (51) through (97) of section 316.003, Florida Statutes, are renumbered as subsections (53) through (99), respectively, present subsections (40), (55), and (95) are amended, and new subsections (51) and (52) are added to that section, to read:

316.003 Definitions.—The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(40) MOTOR VEHICLE.—Except when used in s. 316.1001, a self-propelled vehicle not operated upon rails or guideway, but not including any bicycle, motorized scooter, electric personal assistive mobility device, *personal delivery device,* swamp buggy, or moped. For purposes of s. 316.1001, "motor vehicle" has the same meaning as provided in s. 320.01(1)(a).

(51) PERSONAL DELIVERY DEVICE.—An electrically powered device that:

(a) Is operated on sidewalks and crosswalks and intended primarily for transporting property;

(b) Weighs less than 80 pounds, excluding cargo;

(c) Has a maximum speed of 10 miles per hour; and

(d) Is equipped with technology to allow for operation of the device with or without the active control or monitoring of a natural person.

A personal delivery device is not considered a vehicle unless expressly defined by law as a vehicle.

(52) PERSONAL DELIVERY DEVICE OPERATOR.—An entity or its agent that exercises direct physical control over or monitoring of the navigation system and operation of a personal delivery device. For the purposes of this subsection, the term "agent" means a person charged by the entity with the responsibility of navigating and operating the personal delivery device. The term "personal delivery device operator" does not include an entity or person who requests the services of a personal delivery device for the purpose of transporting property or an entity or person who only arranges for and dispatches the requested services of a personal delivery device.

(57)~~(55)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise provided in paragraph *(79)(b)* ~~(77)(b)~~, any privately owned way or place used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

(97)~~(95)~~ VEHICLE.—Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except *personal delivery devices and* devices used exclusively upon stationary rails or tracks.

Section 2. Subsection (7) of section 316.008, Florida Statutes, is amended to read:

316.008 Powers of local authorities.—

(7)*(a)* A county or municipality may enact an ordinance to permit, control, or regulate the operation of vehicles, golf carts, mopeds, motorized scooters, and electric personal assistive mobility devices on sidewalks or sidewalk areas when such use is permissible under federal law. The ordinance must restrict such vehicles or devices to a maximum speed of 15 miles per hour in such areas.

(b)1. Except as provided in subparagraph 2., a personal delivery device may be operated on sidewalks and crosswalks within a county or municipality when such use is permissible under federal law. This paragraph does not restrict a county or municipality from otherwise adopting regulations for the safe operation of personal delivery devices.

2. A personal delivery device may not be operated on the Florida Shared-Use Nonmotorized Trail Network created under s. 339.81 or components of the Florida Greenways and Trails System created under chapter 260.

Section 3. Section 316.2071, Florida Statutes, is created to read:

316.2071 Personal delivery devices.—

(1) Notwithstanding any provision of law to the contrary, a personal delivery device may operate on sidewalks and crosswalks, subject to s. 316.008(7)(b). A personal delivery device operating on a sidewalk or crosswalk has all the rights and duties applicable to a pedestrian under the same circumstances, except that the personal delivery device must not unreasonably interfere with pedestrians or traffic and must yield the right-of-way to pedestrians on the sidewalk or crosswalk.

(2) A personal delivery device must:

(a) Obey all official traffic and pedestrian control signals and devices.

(b) Include a plate or marker that has a unique identifying device number and identifies the name and contact information of the personal delivery device operator.

(c) Be equipped with a braking system that, when active or engaged, enables the personal delivery device to come to a controlled stop.

(3) A personal delivery device may not:

(a) Operate on a public highway except to the extent necessary to cross a crosswalk.

(b) Operate on a sidewalk or crosswalk unless the personal delivery device operator is actively controlling or monitoring the navigation and operation of the personal delivery device.

(c) Transport hazardous materials as defined in s. 316.003.

(4) A person who owns and operates a personal delivery device in this state must maintain an insurance policy, on behalf of himself or herself and his or her agents, which provides general liability coverage of at least $100,000 for damages arising from the combined operations of personal delivery devices under the entity's or agent's control.

Section 4. Paragraph (a) of subsection (1) of section 320.01, Florida Statutes, is amended to read:

320.01 Definitions, general.—As used in the Florida Statutes, except as otherwise provided, the term:

(1) "Motor vehicle" means:

(a) An automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination, or any other vehicle operated on the roads of this state, used to transport persons or property, and propelled by power other than muscular power, but the term does not include traction engines, road rollers, *personal delivery devices as defined in s. 316.003,* special mobile equipment as defined in s. 316.003, vehicles that run only upon a track, bicycles, swamp buggies, or mopeds.

Section 5. Subsection (19) is added to section 320.02, Florida Statutes, to read:

320.02 Registration required; application for registration; forms.—

(19) A personal delivery device as defined in s. 316.003 is not required to satisfy the registration and insurance requirements of this section.

Section 6. Subsection (1) of section 324.021, Florida Statutes, is amended to read:

324.021 Definitions; minimum insurance required.—The following words and phrases when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

(1) MOTOR VEHICLE.—Every self-propelled vehicle *that* ~~which~~ is designed and required to be licensed for use upon a highway, including trailers and semitrailers designed for use with such vehicles, except traction engines, road rollers, farm tractors, power shovels, and well drillers, and every vehicle *that* ~~which~~ is propelled by electric power obtained from overhead wires but not operated upon rails, but not including any *personal delivery device as defined in s. 316.003,* bicycle, or moped. However, the term "motor vehicle" *does* ~~shall~~ not include *a* ~~any~~ motor vehicle as defined in s. 627.732(3) when the owner of such vehicle has complied with the requirements of ss. 627.730-627.7405, inclusive, unless the provisions of s. 324.051 apply; and, in such case, the applicable proof of insurance provisions of s. 320.02 apply.

Section 7. Paragraph (a) of subsection (2) of section 324.022, Florida Statutes, is amended to read:

324.022 Financial responsibility for property damage.—

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

(a) "Motor vehicle" means any self-propelled vehicle that has four or more wheels and that is of a type designed and required to be licensed for use on the highways of this state, and any trailer or semitrailer designed for use with such vehicle. The term does not include:

1. A mobile home.

2. A motor vehicle that is used in mass transit and designed to transport more than five passengers, exclusive of the operator of the motor vehicle, and that is owned by a municipality, transit authority, or political subdivision of the state.

3. A school bus as defined in s. 1006.25.

4. A vehicle providing for-hire transportation that is subject to the provisions of s. 324.031. A taxicab shall maintain security as required under s. 324.032(1).

5. A personal delivery device as defined in s. 316.003.

Section 8. Section 330.41, Florida Statutes, is created to read:

330.41 Unmanned Aircraft Systems Act.—

(1) SHORT TITLE.—This act may be cited as the "Unmanned Aircraft Systems Act."

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

(a) "Critical infrastructure facility" means any of the following, if completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders, or if clearly marked with a sign or signs which indicate that entry is forbidden and which are posted on the property in a manner reasonably likely to come to the attention of intruders:

1. An electrical power generation or transmission facility, substation, switching station, or electrical control center.

2. A chemical or rubber manufacturing or storage facility.

3. A mining facility.

4. A natural gas or compressed gas compressor station, storage facility, or natural gas or compressed gas pipeline.

5. A liquid natural gas or propane gas terminal or storage facility with a capacity of 4,000 gallons or more.

6. Any portion of an aboveground oil or gas pipeline.

7. A wireless communications facility, including the tower, antennae, support structures, and all associated ground-based equipment.

(b) "Drone" has the same meaning as s. 934.50(2).

(c) "Unmanned aircraft system" means a drone and its associated elements, including communication links and the components used to control the drone which are required for the pilot in command to operate the drone safely and efficiently.

(3) REGULATION.—

(a) The authority to regulate the operation of unmanned aircraft systems is vested in the state except as provided in federal regulations, authorizations, or exemptions.

(b) Except as otherwise expressly provided, a political subdivision may not enact or enforce an ordinance or resolution relating to the design, manufacture, testing, maintenance, licensing, registration, certification, or operation of an unmanned aircraft system, including airspace, altitude, flight paths, equipment or technology requirements; the purpose of operations; and pilot, operator, or observer qualifications, training, and certification.

(c) This subsection does not limit the authority of a local government to enact or enforce local ordinances relating to nuisances, voyeurism, harassment, reckless endangerment, property damage, or other illegal acts arising from the use of unmanned aircraft systems if such laws or

ordinances are not specifically related to the use of an unmanned aircraft system for those illegal acts.

(d) A person or governmental entity seeking to restrict or limit the operation of drones in close proximity to infrastructure or facilities that the person or governmental entity owns or operates must apply to the Federal Aviation Administration for such designation pursuant to section 2209 of the FAA Extension, Safety, and Security Act of 2016.

(4) PROTECTION OF CRITICAL INFRASTRUCTURE FACILITIES.—

(a) A person may not knowingly or willfully:

1. Operate a drone over a critical infrastructure facility;

2. Allow a drone to make contact with a critical infrastructure facility, including any person or object on the premises of or within the facility; or

3. Allow a drone to come within a distance of a critical infrastructure facility that is close enough to interfere with the operations of or cause a disturbance to the facility.

(b) A person who violates paragraph (a) commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A person who commits a second or subsequent violation commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(c) This subsection does not apply to actions identified in paragraph (a) which are committed by:

1. A federal, state, or other governmental entity, or a person under contract or otherwise acting under the direction of a federal, state, or other governmental entity.

2. A law enforcement agency that is in compliance with s. 934.50, or a person under contract with or otherwise acting under the direction of such law enforcement agency.

3. An owner, operator, or occupant of the critical infrastructure facility, or a person who has prior written consent of such owner, operator, or occupant.

(d) Subparagraph (a)1. does not apply to a drone operating in transit for commercial purposes in compliance with Federal Aviation Administration regulations, authorizations, or exemptions.

(e) This subsection shall sunset 60 days after the date that a process pursuant to Section 2209 of the FAA Extension, Safety and Security Act of 2016 becomes effective.

(5) CONSTRUCTION.—This section shall be construed in accordance with standards imposed by federal statutes, regulations, and Federal Aviation Administration guidance on unmanned aircraft systems.

Section 9. Section 330.411, Florida Statutes, is created to read:

330.411 Prohibited possession or operation of unmanned aircraft.—A person may not possess or operate an unmanned aircraft or unmanned aircraft system as defined in s. 330.41 with an attached weapon, firearm, explosive, destructive device, or ammunition as defined in s. 790.001.

Section 10. Paragraph (j) is added to subsection (4) of section 934.50, Florida Statutes, to read:

934.50 Searches and seizure using a drone.—

(4) EXCEPTIONS.—This section does not prohibit the use of a drone:

(j) By a communications service provider or a contractor for a communications service provider for routing, siting, installation, maintenance, or inspection of facilities used to provide communications services.

Section 11. Subsection (1) of section 316.2128, Florida Statutes, is amended to read:

316.2128 Operation of motorized scooters and miniature motorcycles; requirements for sales.—

(1) A person who engages in the business of, serves in the capacity of, or acts as a commercial seller of motorized scooters or miniature motorcycles in this state must prominently display at his or her place of business a notice that such vehicles are not legal to operate on public roads, may not be registered as motor vehicles, and may not be operated on sidewalks unless authorized by an ordinance enacted pursuant to s. *316.008(7)(a)* ~~316.008(7)~~ or s. 316.212(8). The required notice must also appear in all forms of advertising offering motorized scooters or miniature motorcycles for sale. The notice and a copy of this section must also be provided to a consumer prior to the consumer's purchasing or becoming obligated to purchase a motorized scooter or a miniature motorcycle.

Section 12. Paragraph (b) of subsection (2) of section 316.545, Florida Statutes, is amended to read:

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

(2)

(b) The officer or inspector shall inspect the license plate or registration certificate of the commercial vehicle to determine whether its gross weight is in compliance with the declared gross vehicle weight. If its gross weight exceeds the declared weight, the penalty shall be 5 cents per pound on the difference between such weights. In those cases when the commercial vehicle is being operated over the highways of the state with an expired registration or with no registration from this or any other jurisdiction or is not registered under the applicable provisions of chapter 320, the penalty herein shall apply on the basis of 5 cents per pound on that scaled weight which exceeds 35,000 pounds on laden truck tractor-semitrailer combinations or tandem trailer truck combinations, 10,000 pounds on laden straight trucks or straight truck-trailer combinations, or 10,000 pounds on any unladen commercial motor vehicle. A driver of a commercial motor vehicle entering the state at a designated port-of-entry location, as defined in s. *316.003* ~~316.003(54)~~, or operating on designated routes to a port-of-entry location, who obtains a temporary registration permit shall be assessed a penalty limited to the difference between its gross weight and the declared gross vehicle weight at 5 cents per pound. If the license plate or registration has not been expired for more than 90 days, the penalty imposed under this paragraph may not exceed $1,000. In the case of special mobile equipment, which qualifies for the license tax provided for in s. 320.08(5)(b), being operated on the highways of the state with an expired registration or otherwise not properly registered under the applicable provisions of chapter 320, a penalty of $75 shall apply in addition to any other penalty which may apply in accordance with this chapter. A vehicle found in violation of this section may be detained until the owner or operator produces evidence that the vehicle has been properly registered. Any costs incurred by the retention of the vehicle shall be the sole responsibility of the owner. A person who has been assessed a penalty pursuant to this paragraph for failure to have a valid vehicle registration certificate pursuant to the provisions of chapter 320 is not subject to the delinquent fee authorized in s. 320.07 if such person obtains a valid registration certificate within 10 working days after such penalty was assessed.

Section 13. Paragraph (a) of subsection (2) of section 316.613, Florida Statutes, is amended to read:

316.613 Child restraint requirements.—

(2) As used in this section, the term "motor vehicle" means a motor vehicle as defined in s. 316.003 that is operated on the roadways, streets, and highways of the state. The term does not include:

(a) A school bus as defined in s. *316.003* ~~316.003(68)~~.

Section 14. Subsection (1) of section 655.960, Florida Statutes, is amended to read:

655.960 Definitions; ss. 655.960-655.965.—As used in this section and ss. 655.961-655.965, unless the context otherwise requires:

(1) "Access area" means any paved walkway or sidewalk which is within 50 feet of any automated teller machine. The term does not

include any street or highway open to the use of the public, as defined in s. *316.003(79)(a) or (b)* ~~316.003(77)(a) or (b)~~, including any adjacent sidewalk, as defined in s. 316.003.

Section 15. This act shall take effect July 1, 2017.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to unmanned devices; amending s. 316.003, F.S.; revising and providing definitions; amending s. 316.008, F.S.; authorizing operation of personal delivery devices within a county or municipality under certain circumstances; providing construction; providing exceptions; creating s. 316.2071, F.S.; providing requirements for the operation of personal delivery devices; requiring specified insurance coverage; amending s. 320.01, F.S.; redefining the term "motor vehicle"; amending s. 320.02, F.S.; exempting personal delivery devices from certain registration and insurance requirements; amending ss. 324.021, and 324.022, F.S.; redefining the term "motor vehicle"; creating s. 330.41, F.S.; providing a short title; defining terms; providing that, except as provided in federal regulations, authorizations, or exemptions, the authority to regulate the operation of unmanned aircraft systems is vested in the state; prohibiting a political subdivision from enacting or enforcing certain ordinances or resolutions relating to unmanned aircraft systems; providing that the authority of local government to enact or enforce local ordinances relating to nuisances, voyeurism, harassment, reckless endangerment, property damage, or other illegal acts arising from the use of unmanned aircraft systems is not limited, subject to certain requirements; requiring persons seeking to restrict or limit the operation of drones in close proximity to certain infrastructure or facilities to apply to the Federal Aviation Administration; prohibiting a person from knowingly and willfully operating a drone over or allowing a drone to make contact with or come within a certain distance of certain critical infrastructure facilities; providing that such a violation is a misdemeanor punishable under specified provisions of ch. 775, F.S.; providing an exemption from specified prohibited acts; providing for future sunset of a certain requirement; providing construction; creating s. 330.411, F.S.; prohibiting a person from possessing or operating an unmanned aircraft or unmanned aircraft system with certain attached weapons or devices; amending s. 934.50, F.S.; providing that the use of a drone by a communications service provider or contractor is not prohibited under certain provisions of ch. 934, F.S.; amending ss. 316.2128, 316.545, 316.613, and 655.960, F.S.; conforming cross-references; providing an effective date.

Pursuant to Rule 4.19, **CS for HB 1027**, as amended, was placed on the calendar of Bills on Third Reading.

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

CS for CS for SB 902—A bill to be entitled An act relating to the Gardiner Scholarship Program; amending s. 1002.385, F.S.; redefining the terms "disability" and "IEP"; defining the term "inactive"; prohibiting a student who is enrolled in the Florida School for the Deaf and the Blind from being eligible for the program; revising the purposes for which program funds may be used; requiring that a student's account be closed and program funds revert to the state after the account is inactive for a specified number of years; specifying that certain actions of a private school are a basis for program ineligibility; revising parent and student responsibilities for program participation; revising obligations of scholarship-funding organizations; providing an effective date.

—which was previously considered this day.

On motion by Senator Simmons, further consideration of **CS for CS for SB 902** was deferred.

CS for CS for CS for SB 188—A bill to be entitled An act relating to vacation rentals; amending s. 509.032, F.S.; revising applicability for a preemption of certain local laws, ordinances, or regulations regarding vacation rentals; authorizing certain ordinances to be submitted for ratification by electors at a referendum; providing that, upon approval by the electors, the effective date of the ordinance is retroactive to the initial date of adoption by the governing body of the municipality; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for CS for SB 188**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 425** was withdrawn from the Committees on Regulated Industries; and Rules.

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

CS for HB 425—A bill to be entitled An act relating to vacation rentals; amending s. 509.032, F.S.; authorizing local laws, ordinances, or regulations to regulate activities relating to vacation rentals under specified circumstances; requiring a vacation rental owner to submit specified documents and information to the local jurisdiction; prohibiting the local jurisdiction from assessing certain fees; revising applicability for the preemption of certain local laws, ordinances, or regulations relating to vacation rentals; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 188** and read the second time by title.

Senator Steube moved the following amendment:

Amendment 1 (944410) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (b) of subsection (7) of section 509.032, Florida Statutes, is amended, and a new paragraph (d) is added to that subsection, to read:

509.032 Duties.—

(7) PREEMPTION AUTHORITY.—

(b) A local law, ordinance, or regulation may not prohibit vacation rentals or regulate the duration or frequency of rental of vacation rentals. This paragraph does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011. *This paragraph also does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011, if that local law, ordinance, or regulation adopted on or before June 1, 2011, is being amended to be less restrictive as to duration or frequency.*

(d) For properties owned, in whole or in part, by a servicemember as defined in s. 250.01 or by a disabled veteran with a service-connected disability rating of 30 percent or more according to the United States Department of Veterans Affairs, a local law, ordinance, or regulation may not prohibit such properties from being used as a vacation rental or regulate the duration or frequency of the vacation rental of such properties. This prohibition shall include local laws, ordinances, or regulations adopted before June 1, 2011.

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to vacation rentals; amending s. 509.032, F.S.; revising applicability for a preemption of certain local laws, ordinances, or regulations regarding vacation rentals; specifying that local laws, ordinances, or regulations regarding vacation rentals may not prohibit servicemember or certain disabled veteran-owned properties from being used as vacation rentals or regulate the frequency or duration of such rentals; providing an effective date.

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendment was allowed:

Senator Flores moved the following amendment to **Amendment 1 (944410)**:

Amendment 1A (499814) (with directory amendment)—Between lines 18 and 19 insert:

(c) Paragraph (b) does not apply to any local law, ordinance, or regulation ~~exclusively relating to property valuation as a criterion~~ for vacation rental if the local law, ordinance, or regulation is required to be approved by the state land planning agency pursuant to an area of critical state concern designation *under s. 380.051*.

And the directory clause is amended as follows:

Delete lines 5-6 and insert:

Section 1. Paragraphs (b) and (c) of subsection (7) of section 509.032, Florida Statutes, are amended, and a new paragraph (d)

On motion by Senator Steube, further consideration of **CS for HB 425** with pending **Amendment 1 (944410)** and **Amendment 1A (499814)** was deferred.

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

BILLS ON THIRD READING, continued

CS for HB 7047—A bill to be entitled An act relating to the deregulation of professions and occupations; amending s. 326.004, F.S.; deleting the requirement for a yacht broker to maintain a separate license for each branch office; deleting the requirement for the division to establish a fee; amending s. 447.02, F.S.; conforming provisions; repealing s. 447.04, F.S., relating to licensure and permit requirements for business agents; repealing s. 447.041, F.S., relating to hearings for persons or labor organizations denied licensure as a business agent; repealing s. 447.045, F.S., relating to confidential information obtained during the application process; repealing s. 447.06, F.S., relating to required registration of labor organizations; amending s. 447.09, F.S.; deleting certain prohibited actions relating to the right of franchise of a member of a labor organization; repealing s. 447.12, F.S., relating to registration fees; repealing s. 447.16, F.S., relating to applicability; amending s. 447.305, F.S.; deleting a provision that requires notification of registrations and renewals to the department; amending s. 469.006, F.S.; revising licensure requirements for asbestos abatement consulting or contracting as a partnership, corporation, business trust, or other legal entity; amending s. 469.009, F.S.; conforming provisions; amending s. 476.034, F.S.; defining the terms "restricted barber" and "restricted barbering"; amending s. 476.114, F.S.; revising training requirements for licensure as a barber; providing requirements for licensure by examination as a restricted barber; amending s. 476.144, F.S.; requiring the department to license an applicant who the board certifies is qualified to practice restricted barbering; amending s. 477.013, F.S.; revising and providing definitions; repealing s. 477.0132, F.S., relating to registration for hair braiding, hair wrapping, and body wrapping; amending s. 477.0135, F.S.; providing that licensure or registration is not required for persons whose occupation or practice is confined solely to hair braiding, hair wrapping, body wrapping, nail polishing, and makeup application; amending s. 477.019, F.S.; conforming provisions; amending s. 477.0201, F.S.; providing requirements for registration as a nail specialist, facial specialist, or full specialist; amending ss. 477.026, 477.0265, and 477.029, F.S.; conforming provisions; amending s. 481.203, F.S.; defining the term "business organization"; deleting the definition of the term "certificate of authorization"; amending s. 481.219, F.S.; revising the process by which a business organization obtains the requisite license to perform architectural services or interior design; requiring that a licensee or an applicant apply to qualify a business organization to practice architecture or interior design; providing application requirements; authorizing the Board of Architecture and Interior Design to deny an application under certain circumstances; providing notice requirements; prohibiting a business organization from engaging in certain practices until it is qualified by a qualifying agent; authorizing the executive director or the chair of the board to authorize a temporary qualifying agent for a specified timeframe under certain circumstances; requiring the board to allow an applicant to qualify one or more business organizations or to operate using a fictitious name under certain circumstances; deleting a requirement for the administration of disciplinary action against a corporation, limited liability company, or partnership conforming provisions to changes made by the act; amending s. 481.221, F.S.; requiring a business organization to include the license number of a certain registered architect or interior designer in any advertising; providing an exception; conforming provisions to changes made by the act; amending s. 481.229, F.S.; conforming provisions to changes made by the act; amending s. 481.303, F.S.; deleting the definition of the term "certificate of authorization"; defining the terms "business organization" and "qualifying agent"; amending ss. 481.311 and 481.317, F.S.; conforming provisions; amending s. 481.319, F.S.; deleting the requirement for a certificate of authorization; authorizing landscape architects to practice through a corporation or partnership; amending s. 481.321, F.S.; revising requirements related to the display of a certificate number; amending s. 481.329, F.S.; conforming a cross-reference; amending s. 287.055, F.S.; conforming a provision; amending s. 492.104, F.S.; making conforming and technical changes; amending s. 492.111, F.S.; deleting the requirements for a certificate of authorization for a professional geologist; amending ss. 492.113 and 492.115, F.S.; conforming provisions; amending s. 548.003, F.S.; deleting the requirement that the Florida State Boxing Commission adopt rules relating to a knockdown timekeeper; amending s. 548.017, F.S.; deleting the licensure requirement for a timekeeper or announcer; providing an effective date.

—as amended May 2, was read the third time by title.

RECONSIDERATION OF AMENDMENT

On motion by Senator Latvala, the Senate reconsidered the vote by which engrossed **Amendment 1 (162222)** was adopted May 2.

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendment was allowed:

Senator Latvala moved the following amendment to engrossed **Amendment 1 (162222)** which was adopted by two-thirds vote:

Amendment 1A (572896) (with title amendment)—Delete line 303 and insert:

(4) In the case of herd or flock animals, the establishment of a

And the title is amended as follows:

Delete line 891 and insert: not required for herd or flock animals; authorizing a

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendment was allowed:

Senator Young moved the following amendment to engrossed **Amendment 1 (162222)** which was adopted by two-thirds vote:

Amendment 1B (120196) (with title amendment)—Before line 5 insert:

Section 1. Section 546.13, Florida Statutes, is created to read:

546.13 Fantasy contests and fantasy contest operators.—

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

(a) "Fantasy contest" means any fantasy or simulated game or contest in which:

1. The fantasy contest operator is not a participant in the game or contest;

2. The value of all prizes and awards offered to winning participants are established and made known to the participants in advance of the contest;

3. All winning outcomes reflect the relative knowledge and skill of the participants and are determined predominantly by accumulated statistical results of the performance of individuals, including athletes in the case of sports events; and

4. No winning outcome is based on the score, point spread, or any performance or performances of any single actual team or combination of such teams or solely on any single performance of an individual athlete or player in any single actual event.

(b) "Fantasy contest operator" means a person or entity that offers fantasy contests for a cash prize or award. The term does not include an individual who serves as the commissioner of 10 or fewer fantasy contests.

(2) EXEMPTIONS.—A fantasy contest is not subject to regulation by the Department of Business and Professional Regulation and is not subject to s. 849.01, s. 849.08, s. 849.09, s. 849.11, s. 849.14, or s. 849.25.

Section 2. Paragraph (c) is added to subsection (2) of section 849.0931, Florida Statutes, and subsection (14) of that section is republished, to read:

849.0931 Bingo authorized; conditions for conduct; permitted uses of proceeds; limitations.—

(2)

(c) Veterans' organizations engaged in charitable, civic, benevolent, or scholastic works or other similar endeavors, which organizations have been in existence for 3 years or more, may conduct instant bingo in accordance with the requirements of this section using electronic tickets in lieu of or together with instant bingo paper tickets, only on the following premises:

1. A property owned by the veterans' organization.

2. A property owned by the veterans' organization that will benefit from the proceeds.

3. A property leased for at least 1 year by a veterans' organization, provided that the lease or rental agreement does not provide for the payment of a percentage of the proceeds generated at such premises to the lessor or any other party and provided that the rental rate for such premises does not exceed the rental rates charged for similar premises in the same locale.

Electronic tickets for instant bingo must be nontransparent until the electronic ticket is opened by the player in electronic form and may be sold or distributed in this state by veterans' organizations only after the software for such tickets has been independently analyzed and certified to be compliant with this section by a nationally recognized independent gaming laboratory.

(14) Any organization or other person who willfully and knowingly violates any provision of this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. For a second or subsequent offense, the organization or other person commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

And the title is amended as follows:

Delete lines 849-850 and insert: An act relating to the Department of Business and Professional Regulation; creating s. 546.13, F.S.; defining terms; exempting fantasy contests from certain regulations; amending s. 849.0931, F.S.; authorizing certain veterans' organizations to conduct instant bingo, subject to certain requirements; amending s. 287.055, F.S.; redefining the

Amendment 1 (162222), as amended, was adopted by two-thirds vote.

On motion by Senator Passidomo, **CS for HB 7047**, as amended, was passed and certified to the House. The vote on passage was:

Yeas—36

Baxley	Flores	Powell
Bean	Gainer	Rader
Benacquisto	Galvano	Rodriguez
Book	Garcia	Rouson
Bracy	Gibson	Simmons
Bradley	Grimsley	Simpson
Brandes	Hutson	Stargel
Braynon	Lee	Steube
Broxson	Mayfield	Stewart
Campbell	Montford	Thurston
Clemens	Passidomo	Torres
Farmer	Perry	Young

Nays—None

SPECIAL ORDER CALENDAR, continued

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

CS for CS for SB 902—A bill to be entitled An act relating to the Gardiner Scholarship Program; amending s. 1002.385, F.S.; redefining the terms "disability" and "IEP"; defining the term "inactive"; prohibiting a student who is enrolled in the Florida School for the Deaf and the Blind from being eligible for the program; revising the purposes for which program funds may be used; requiring that a student's account be closed and program funds revert to the state after the account is inactive for a specified number of years; specifying that certain actions of a private school are a basis for program ineligibility; revising parent and student responsibilities for program participation; revising obligations of scholarship-funding organizations; providing an effective date.

—which was previously considered this day.

Pending further consideration of **CS for CS for SB 902**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for CS for HB 15** was withdrawn from the Committee on Rules.

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

CS for CS for CS for HB 15—A bill to be entitled An act relating to educational options; amending s. 1002.385, F.S.; revising definitions for the Gardiner Scholarship Program; defining the term "inactive" for the purposes of the program; revising student eligibility criteria; authorizing program funds to be used for specified purposes and by specified entities; prohibiting billing of certain entities for services paid for through the program; revising private school eligibility requirements; providing that consecutive years of certain material exceptions constitutes program ineligibility for certain private schools; prohibiting certain students from receiving additional scholarship payments until certain conditions are met; revising funding calculations; amending s. 1002.395, F.S.; revising student eligibility criteria for the Florida Tax Credit Scholarship Program; requiring the Department of Education to provide a letter of denial to participate in the program to a specified entity within a certain period; requiring the department to provide a letter of acceptance or denial of specified actions related to a tax credit to a specified entity and include that entity on certain letters and correspondence; authorizing a child of a parent who is a member of the United States Armed Forces to apply for a scholarship at any time; requiring a parent to approve each payment made by funds transfer; prohibiting a parent from designating certain entities or individuals to approve a funds transfer; providing that consecutive years of certain material exceptions constitutes program ineligibility for certain private schools; revising the annual limits of a scholarship awarded to certain students; authorizing payment of the scholarship to be made by funds transfer; specifying approved means of funds transfer; requiring a parent to approve a funds transfer before funds are deposited; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 902** and read the second time by title.

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendment was allowed:

Senator Simmons moved the following amendment which was adopted:

Amendment 1 (135332) (with title amendment)—Delete lines 41-342 and insert:

Section 1. Paragraphs (d) and (h) of subsection (2) of section 1002.385, Florida Statutes, are amended, present paragraphs (i) and (j) of that subsection are redesignated as paragraphs (j) and (k), respectively, a new paragraph (i) is added to that subsection, paragraph (a) of subsection (3) of that section is amended, paragraph (e) is added to subsection (4) of that section, and subsection (5), paragraph (b) of subsection (6), subsection (8), paragraph (f) of subsection (11), and paragraph (j) of subsection (12) of that section are amended, to read:

1002.385 The Gardiner Scholarship.—

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

(d) "Disability" means, for a 3- or 4-year-old child or for a student in kindergarten to grade 12, autism spectrum disorder, as defined in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association; cerebral palsy, as defined in s. 393.063(6); Down syndrome, as defined in s. 393.063(15); an intellectual disability, as defined in s. 393.063(24); Phelan-McDermid syndrome, as defined in s. 393.063(28); Prader-Willi syndrome, as defined in s. 393.063(29); spina bifida, as defined in s. 393.063(40); being a high-risk child, as defined in s. 393.063(23)(a); muscular dystrophy; ~~and~~ Williams syndrome*; rare diseases which affect patient populations of fewer than 200,000 individuals in the United States, as defined by the National Organization for Rare Disorders; anaphylaxis; deaf; visually impaired; dual sensory impaired; traumatic brain injured; or hospital or homebound, as defined by rules of the State Board of Education and evidenced by reports from local school districts. The term "hospital or homebound" includes a student who has a medically diagnosed physical or psychiatric condition or illness, as defined by the state board in rule, and who is confined to the home or hospital for more than 6 months*.

(h) "IEP" means individual education plan*, regardless of whether the plan has been reviewed or revised within the last 12 months*.

(i) "Inactive" means that eligible expenditures have not been made from an account funded pursuant to paragraph (13)(d).

(3) PROGRAM ELIGIBILITY.—A parent of a student with a disability may request and receive from the state a Gardiner Scholarship for the purposes specified in subsection (5) if:

(a) The student:

1. Is a resident of this state;

2. Is 3 or 4 years of age on or before September 1 of the year in which the student applies for program participation*,* or is eligible to enroll in kindergarten through grade 12 in a public school in this state;

3. Has a disability as defined in paragraph (2)(d); and

4. Is the subject of an IEP written in accordance with rules of the State Board of Education or *with the applicable rules of another state or* has received a diagnosis of a disability from a physician who is licensed under chapter 458 or chapter 459*,* ~~or~~ a psychologist who is licensed under chapter 490*, or a physician who holds an active license issued by another state or territory of the United States, the District of Columbia, or the Commonwealth of Puerto Rico*.

(4) PROGRAM PROHIBITIONS.—A student is not eligible for the program if he or she is:

(e) Enrolled in the Florida School for the Deaf and the Blind.

(5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds must be used to meet the individual educational needs of an eligible student and may be spent for the following purposes:

(a) Instructional materials, including digital devices, digital periphery devices, and assistive technology devices that allow a student to access instruction or instructional content and training on the use of and maintenance agreements for these devices.

(b) Curriculum as defined in paragraph (2)(b).

(c) Specialized services by approved providers *or by a hospital in this state which* ~~that~~ are selected by the parent. These specialized services may include, but are not limited to:

1. Applied behavior analysis services as provided in ss. 627.6686 and 641.31098.

2. Services provided by speech-language pathologists as defined in s. 468.1125.

3. Occupational therapy services as defined in s. 468.203.

4. Services provided by physical therapists as defined in s. 486.021.

5. Services provided by listening and spoken language specialists and an appropriate acoustical environment for a child who is deaf or hard of hearing and who has received an implant or assistive hearing device.

(d) Enrollment in, or tuition or fees associated with enrollment in, a home education program, an eligible private school, an eligible postsecondary educational institution or a program offered by the institution, a private tutoring program authorized under s. 1002.43, a virtual program offered by a department-approved private online provider that meets the provider qualifications specified in s. 1002.45(2)(a), the Florida Virtual School as a private paying student, or an approved online course offered pursuant to s. 1003.499 or s. 1004.0961.

(e) Fees for nationally standardized, norm-referenced achievement tests, Advanced Placement Examinations, industry certification examinations, assessments related to postsecondary education, or other assessments.

(f) Contributions to the Stanley G. Tate Florida Prepaid College Program pursuant to s. 1009.98 or the Florida College Savings Program pursuant to s. 1009.981, for the benefit of the eligible student.

(g) Contracted services provided by a public school or school district, including classes. A student who receives services under a contract under this paragraph is not considered enrolled in a public school for eligibility purposes as specified in subsection (4).

(h) Tuition and fees for part-time tutoring services provided by a person who holds a valid Florida educator's certificate pursuant to s. 1012.56; a person who holds an adjunct teaching certificate pursuant to s. 1012.57; or a person who has demonstrated a mastery of subject area knowledge pursuant to s. 1012.56(5). As used in this paragraph, the term "part-time tutoring services" does not qualify as regular school attendance as defined in s. 1003.01(13)(e).

(i) Fees for specialized summer education programs.

(j) Fees for specialized after-school education programs.

(k) Transition services provided by job coaches.

(l) Fees for an annual evaluation of educational progress by a state-certified teacher under s. 1002.41(1)(c), if this option is chosen for a home education student.

(m) Tuition and fees associated with programs offered by Voluntary Prekindergarten Education Program providers approved pursuant to s. 1002.55 and school readiness providers approved pursuant to s. 1002.88.

(n) Fees for services provided at a center that is a member of the Professional Association of Therapeutic Horsemanship International.

(o) Fees for services provided by a therapist who is certified by the Certification Board for Music Therapists or credentialed by the Art Therapy Credentials Board.

A provider of any services receiving payments pursuant to this subsection may not share, refund, or rebate any moneys from the Gardiner Scholarship with the parent or participating student in any manner. *A parent, student, or provider of any services may not bill an insurance company, Medicaid, or any other agency for the same services that are paid through the Gardiner Scholarship funds.*

(6) TERM OF THE PROGRAM.—For purposes of continuity of educational choice and program integrity:

(b)1. A student's scholarship account must be closed and any remaining funds, including, but not limited to, contributions made to the Stanley G. Tate Florida Prepaid College Program or earnings from or contributions made to the Florida College Savings Program using program funds pursuant to paragraph (5)(f), shall revert to the state *after* ~~upon~~:

a. Denial or revocation of program eligibility by the commissioner for fraud or abuse, including, but not limited to, the student or student's parent accepting any payment, refund, or rebate, in any manner, from a provider of any services received pursuant to subsection (5); ~~or~~

b. ~~After~~ Any period of 3 consecutive years after high school completion or graduation during which the student has not been enrolled in an eligible postsecondary educational institution or a program offered by the institution*; or*~~.~~

c. Three consecutive fiscal years in which an account has been inactive.

2. The commissioner must notify the parent and the organization when a Gardiner Scholarship account is closed and program funds revert to the state.

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

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

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

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

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

2. Annually administering or making provision for students participating in the program in grades 3 through 10 to take one of the nationally norm-referenced tests identified by the Department of Education or the statewide assessments pursuant to s. 1008.22. Students with disabilities for whom standardized testing is not appropriate are exempt from this requirement. A participating private school shall report a student's scores to the parent.

3. Cooperating with the scholarship student whose parent chooses to have the student participate in the statewide assessments pursuant to s. 1008.22 or, if a private school chooses to offer the statewide assessments, administering the assessments at the school.

a. A participating private school may choose to offer and administer the statewide assessments to all students who attend the private school in grades 3 through 10.

b. A participating private school shall submit a request in writing to the Department of Education by March 1 of each year in order to administer the statewide assessments in the subsequent school year.

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

(e) Annually contract with an independent certified public accountant to perform the agreed-upon procedures developed under s. 1002.395(6)(o) and produce a report of the results if the private school receives more than $250,000 in funds from scholarships awarded under this section in the 2014-2015 state fiscal year or a state fiscal year thereafter. A private school subject to this paragraph must *annually* submit the report by September 15~~, 2015, and annually thereafter~~ to the organization that awarded the majority of the school's scholarship funds. The agreed-upon procedures must be conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants.

If ~~The inability of~~ a private school *is unable* to meet the requirements of this subsection *or has in consecutive years had material exceptions listed in its agreed-upon procedures reports, there is* ~~constitutes~~ a basis for the ineligibility of the private school to participate in the program as determined by the commissioner.

(11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM PARTICIPATION.—A parent who applies for program participation under this section is exercising his or her parental option to determine the appropriate placement or the services that best meet the needs of his or her child. The scholarship award for a student is based on a matrix that assigns the student to support Level III services. If a parent receives an IEP and a matrix of services from the school district pursuant to subsection (7), the amount of the payment shall be adjusted as needed, when the school district completes the matrix.

(f) The parent is responsible for procuring the services necessary to educate the student. *If a parent does not procure the necessary educational services for the student and the student's account has been inactive for 2 consecutive fiscal years, the student is ineligible for additional scholarship payments until the scholarship-funding organization verifies that expenditures from the account have occurred.* When the student receives a Gardiner Scholarship, the district school board is not obligated to provide the student with a free appropriate public education. For purposes of s. 1003.57 and the Individuals with Disabilities in Education Act, a participating student has only those rights that apply to all other unilaterally parentally placed students, except that, when requested by the parent, school district personnel must develop an individual education plan or matrix level of services.

A parent who fails to comply with this subsection forfeits the Gardiner Scholarship.

(12) OBLIGATIONS OF SCHOLARSHIP-FUNDING ORGANIZATIONS.—An organization may establish Gardiner Scholarships for eligible students by:

(j) Documenting each scholarship student's eligibility for a fiscal year before granting a scholarship for that fiscal year pursuant to paragraph (3)(b). *A student is ineligible for scholarship funding if the student's account has been inactive for 2 consecutive fiscal years. However, once an eligible expenditure is made pursuant to paragraph (11)(f), the student may resume scholarship funding, based on available funds.*

And the title is amended as follows:

Delete lines 3-15 and insert: 1002.385, F.S.; redefining the terms "disability" and "IEP"; defining the term "inactive"; prohibiting a student who is enrolled in the Florida School for the Deaf and the Blind from being eligible for the Gardiner Scholarship Program; revising the purposes for which program funds may be used; requiring that a student's account be closed and program funds revert to the state after the account is inactive for a specified number of years; specifying that certain actions of a private school are a basis for program ineligibility; revising parent and student responsibilities for program participation; revising obligations of scholarship-funding organizations; amending s. 1002.395,

Pursuant to Rule 4.19, **CS for CS for CS for HB 15**, as amended, was placed on the calendar of Bills on Third Reading.

SPECIAL GUESTS

Senator Mayfield recognized her niece, Misty Delarosa; great-niece, Sophia; and great-nephew, Caden Garrett, who were present in the gallery.

CS for CS for SB 1210—A bill to be entitled An act relating to instructional materials for K-12 public education; amending s. 1006.28, F.S.; revising the term "adequate instructional materials"; defining terms; requiring each district school board to adopt a process allowing parents or residents of the county to object to the use of specific instructional materials based on specified criteria; requiring the process to include a right to appeal a school district decision; specifying the appeal process; deleting a provision relating to the finality of the school board's decision under certain circumstances; requiring that district school boards provide parents and residents of the county access to certain materials under certain circumstances; amending s. 1006.283, F.S.; revising the requirements for school boards that adopt rules for the implementation of the district's instructional materials program; conforming provisions to changes made by the act; amending s. 1006.31, F.S.; revising the standards that an instructional materials reviewer shall use; amending s. 1006.40, F.S.; revising requirements for use of the instructional materials allocation; revising the types of instructional materials for which a district school board is responsible; revising applicability; amending ss. 1002.20 and 1006.42, F.S.; conforming cross-references; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1210**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 989** was withdrawn from the Committee on Appropriations.

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

CS for CS for HB 989—A bill to be entitled An act relating to instructional materials; amending s. 1006.28, F.S.; providing definitions; revising provisions relating to a district school board's responsibilities relating to instructional materials; requiring a school district to maintain certain information on its website; allowing a resident of a county to challenge the use or adoption of instructional materials; revising the requirements relating to the district school board process for objecting to or appealing the use or adoption of instructional materials; requiring a school district to discontinue use of materials under certain circumstances; requiring sufficient procedural protections for a public hearing relating to a challenge to the adoption of instructional materials; requiring a school district to provide access to school library materials upon written request; conforming a cross-reference; amending s. 1006.283, F.S.; revising the requirements for an instructional materials adoption public hearing; amending s. 1006.31, F.S.; revising the requirements for evaluation of instructional materials to conform to changes made by the act; amending s. 1006.40, F.S.; revising provisions relating to the use of the instructional materials allocation to conform to changes made by the act; amending ss. 1002.20 and 1006.42, F.S.; conforming cross-references; providing an effective date.

—a companion measure was substituted for **CS for CS for SB 1210** and read the second time by title.

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

SB 1222—A bill to be entitled An act relating to school grades; amending s. 1008.34, F.S.; providing that a school exhibits a feeder pattern for the purpose of designating school grades if at least a majority of its students are scheduled to be assigned to the graded school; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 1222**, pursuant to Rule 3.11(3), there being no objection, **HB 781** was withdrawn from the Committees on Education; Appropriations Subcommittee on Pre-K - 12 Education; and Appropriations.

On motion by Senator Hutson—

HB 781—A bill to be entitled An act relating to designation of school grades; amending s. 1008.34, F.S.; revising the requirements for certain schools to receive a school grade designation of a K-3 feeder pattern school; providing that a majority of students must be scheduled to be assigned to a certain school for a feeder pattern to exist; providing an effective date.

—a companion measure, was substituted for **SB 1222** and read the second time by title.

Pursuant to Rule 4.19, **HB 781** was placed on the calendar of Bills on Third Reading.

CS for SB 916—A bill to be entitled An act relating to the statewide Medicaid managed care program; amending s. 409.912, F.S.; deleting the fee-for-service option as a basis for the reimbursement of Medicaid provider service networks; amending s. 409.964, F.S.; deleting an obsolete provision; amending s. 409.966, F.S.; requiring that a databook consist of data that is consistent with actuarial rate-setting practices and standards; requiring that the source of such data include the 24 most recent months of validated data from the Medicaid Encounter Data System; deleting provisions relating to a report and report requirements; revising the designation and county makeup of regions of the state for purposes of procuring health plans that may participate in the Medicaid program; adding a factor that the Agency for Health Care Administration must consider in the selection of eligible plans; deleting a requirement related to fee-for-service provider service networks; amending s. 409.968, F.S.; requiring, rather than authorizing, provider service networks to be prepaid plans; deleting a fee-for-service option for Medicaid reimbursement for provider service networks; amending s. 409.971, F.S.; deleting an obsolete provision; amending s. 409.974, F.S.; revising the number of eligible Medicaid health care plans the agency must procure for certain regions in the state; deleting an obsolete provision; amending s. 409.978, F.S.; deleting an obsolete provision; amending s. 409.981, F.S.; revising the number of eligible Medicaid health care plans the agency must procure for certain regions in the state; deleting requirement that the agency consider a specific factor relating to the selection of managed medical assistance plans; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 916**, pursuant to Rule 3.11(3), there being no objection, **HB 7117** was withdrawn from the Committees on Health Policy; and Appropriations.

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

HB 7117—A bill to be entitled An act relating to the statewide Medicaid managed care program; amending s. 409.964, F.S.; deleting an obsolete provision; amending s. 409.966, F.S.; revising requirements relating to the compilation and publication of certain Medicaid data by the Agency for Health Care Administration; revising the designation and county makeup of regions for procurement of health plans eligible to participate in the program; requiring the agency to give preference to plans that propose establishing a comprehensive long-term care plan; authorizing contract awards in specified regions under certain conditions; amending s. 409.967, F.S.; requiring the agency to test provider network databases maintained by Medicaid managed care plans; requiring the agency to impose fines, and authorizing the agency to impose other sanctions, on plans that fail to comply with certain claim payment requirements; amending s. 409.971, F.S.; deleting an obsolete provision; amending s. 409.972, F.S.; requiring the agency to seek federal approval to require Medicaid enrollees to engage in certain work activities to maintain eligibility and enrollment and to establish monthly premiums payable by enrollees; amending s. 409.974, F.S.; deleting an obsolete provision; revising the number of eligible plans the agency must procure for certain regions; deleting provisions that require the agency to issue an invitation to negotiate and to give preference to certain plans; amending s. 409.978, F.S.; deleting an obsolete provision; amending s. 409.981, F.S.; revising the number of eligible plans that the agency must procure for certain regions; deleting provisions that require the agency to issue an invitation to negotiate and to consider a specific factor relating to the selection of eligible plans; amending s. 409.982, F.S.; deleting a provision that requires long-term care managed care plans to pay nursing homes at the payment rate set by the agency; amending s. 409.983, F.S.; deleting a provision that requires the agency to establish nursing-facility-specific payment rates; requiring long-term care managed care plans and providers to negotiate payment rates, methods, and terms; providing an effective date.

—a companion measure, was substituted for **CS for SB 916** and read the second time by title.

Senator Grimsley moved the following amendment:

Amendment 1 (449058) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Effective October 1, 2018, paragraph (v) is added to subsection (1) of section 400.141, Florida Statutes, to read:

400.141 Administration and management of nursing home facilities.—

(1) Every licensed facility shall comply with all applicable standards and rules of the agency and shall:

(v) Be prepared to confirm for the agency whether a nursing home facility resident who is a Medicaid recipient, or whose Medicaid eligibility is pending, is a candidate for home and community-based services under s. 409.965(3)(c), no later than the resident's 50th consecutive day of residency in the nursing home facility.

Section 2. Subsection (2) 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. s. 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 are not 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.

(2) The agency may contract with a provider service network~~, which may be reimbursed on a fee-for-service or prepaid basis~~. Prepaid provider service networks shall receive per-member, per-month payments. ~~A provider service network that does not choose to be a prepaid plan shall receive fee-for-service rates with a shared savings settlement. The fee-for-service option shall be available to a provider service network only for the first 2 years of the plan's operation or until the contract year beginning September 1, 2014, whichever is later. The agency shall annually conduct cost reconciliations to determine the amount of cost savings achieved by fee-for-service provider service networks for the dates of service in the period being reconciled. Only payments for covered services for dates of service within the reconciliation period and paid within 6 months after the last date of service in the reconciliation period shall be included. The agency shall perform the necessary adjustments for the inclusion of claims incurred but not reported within the reconciliation for claims that could be received and paid by the agency after the 6-month claims processing time lag. The agency shall provide the results of the reconciliations to the fee-for-service provider service networks within 45 days after the end of the reconciliation period. The fee-for-service provider service networks shall review and provide written comments or a letter of concurrence to the agency within 45 days after receipt of the reconciliation results. This reconciliation shall be considered final.~~

(a) A provider service network *that* ~~which~~ is reimbursed by the agency on a prepaid basis shall be exempt from parts I and III of chapter 641, but must comply with the solvency requirements in s. 641.2261(2) and meet appropriate financial reserve, quality assurance, and patient rights requirements as established by the agency.

(b) A provider service network is a network established or organized and operated by a health care provider, or group of affiliated health care providers, which provides a substantial proportion of the health care items and services under a contract directly through the provider or affiliated group of providers and may make arrangements with physicians or other health care professionals, health care institutions, or any combination of such individuals or institutions to assume all or part of the financial risk on a prospective basis for the provision of basic health services by the physicians, by other health professionals, or through the institutions. The health care providers must have a controlling interest in the governing body of the provider service network organization.

Section 3. Section 409.964, Florida Statutes, is amended to read:

409.964 Managed care program; state plan; waivers.—The Medicaid program is established as a statewide, integrated managed care program for all covered services, including long-term care services *as specified under this part*. The agency shall apply for and implement state plan amendments or waivers of applicable federal laws and regulations necessary to implement the program*, including state plan amendments or waivers required to implement chapter 2016-109, Laws of Florida*. Before seeking a waiver, the agency shall provide public notice and the opportunity for public comment and include public feedback in the waiver application. The agency shall hold one public meeting in each of the regions described in s. 409.966(2), and the time period for public comment for each region shall end no sooner than 30 days after the completion of the public meeting in that region. ~~The agency shall submit any state plan amendments, new waiver requests, or requests for extensions or expansions for existing waivers, needed to implement the managed care program by August 1, 2011.~~

Section 4. Effective October 1, 2018, section 409.965, Florida Statutes, is amended to read:

409.965 Mandatory enrollment.—All Medicaid recipients shall receive covered services through the statewide managed care program, except as provided by this part pursuant to an approved federal waiver.

(1) The following Medicaid recipients are exempt from participation in the statewide managed care program:

(a)~~(1)~~ Women who are eligible only for family planning services.

(b)~~(2)~~ Women who are eligible only for breast and cervical cancer services.

(c)~~(3)~~ Persons who are eligible for emergency Medicaid for aliens.

(2)(a) Persons who are assigned into level of care 1 under s. 409.983(4) and have resided in a nursing facility for 60 or more consecutive days are exempt from participation in the long-term care managed care program. For a person who becomes exempt under this paragraph while enrolled in the long-term care managed care program, the exemption shall take effect on the first day of the first month after the person meets the criteria for the exemption. This paragraph does not affect a person's eligibility for the Medicaid managed medical assistance program.

(b) Persons receiving hospice care while residing in a nursing facility are exempt from participation in the long-term care managed care program. For a person who becomes exempt under this paragraph while enrolled in the long-term care managed care program, the exemption takes effect on the first day of the first month after the person meets the criteria for the exemption. This paragraph does not affect a person's eligibility for the Medicaid managed medical assistance program.

(3) Notwithstanding subsection (2):

(a) A Medicaid recipient who is otherwise eligible for the long-term care managed care program, who is 18 years of age or older, and who is

eligible for Medicaid by reason of a disability is not exempt from the long-term care managed care program under subsection (2).

(b) A person who is afforded priority enrollment for home and community-based services under s. 409.979(3)(f) is not exempt from the long-term care managed care program under subsection (2).

(c) A nursing facility resident is not exempt from the long-term care managed care program under paragraph (2)(a) if the resident has been identified as a candidate for home and community-based services by the nursing facility administrator and any long-term care plan case manager assigned to the resident. Such identification must be made in consultation with the following persons:

1. The resident or the resident's legal representative or designee;

2. The resident's personal physician or, if the resident does not have a personal physician, the facility's medical director; and

3. A registered nurse who has participated in developing, maintaining, or reviewing the individual's resident care plan as defined in s. 400.021.

(d) Before determining that a person is exempt from the long-term care managed care program under paragraph (2)(a), the agency shall confirm whether the person has been identified as a candidate for home and community-based services under paragraph (c). If a nursing facility resident who has been determined exempt is later identified as a candidate for home and community-based services, the nursing facility administrator shall promptly notify the agency. If the agency receives such a notification, the agency shall make a redetermination regarding the resident's exempt status pursuant to paragraph (c).

Section 5. Subsection (2) and paragraphs (a), (d), (e), and (f) of subsection (3) of section 409.966, Florida Statutes, are amended to read:

409.966 Eligible plans; selection.—

(2) ELIGIBLE PLAN SELECTION.—The agency shall select a limited number of eligible plans to participate in the Medicaid program using invitations to negotiate in accordance with s. 287.057(1)(c). At least 90 days before issuing an invitation to negotiate, the agency shall compile and publish a databook consisting of a comprehensive set of utilization and spending data *consistent with actuarial rate-setting practices and standards* ~~for the 3 most recent contract years consistent with the rate setting periods for all Medicaid recipients by region or county~~. The source of the data in the *databook* ~~report~~ must include *the 24 most recent months of* ~~both historic fee-for-service claims and~~ validated data from the Medicaid Encounter Data System. ~~The report must be available in electronic form and delineate utilization use by age, gender, eligibility group, geographic area, and aggregate clinical risk score~~. Separate and simultaneous procurements shall be conducted in each of the following regions:

(a) *Region A* ~~Region 1~~, which consists of *Bay, Calhoun,* Escambia, *Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Madison,* Okaloosa, Santa Rosa, *Taylor, Wakulla,* ~~and~~ Walton*, and Washington* Counties.

(b) *Region B* ~~Region 2~~, which consists of *Alachua, Baker, Bradford, Citrus, Clay, Columbia, Dixie, Duval, Flagler, Gilchrist, Hamilton, Hernando, Lafayette, Lake, Levy, Marion, Nassau, Putnam, St. Johns, Sumter, Suwannee, Union, and Volusia* ~~Bay, Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Madison, Taylor, Wakulla, and Washington~~ Counties.

(c) *Region C* ~~Region 3~~, which consists of *Hardee, Highlands, Hillsborough, Manatee, Pasco, Pinellas, and Polk* ~~Alachua, Bradford, Citrus, Columbia, Dixie, Gilchrist, Hamilton, Hernando, Lafayette, Lake, Levy, Marion, Putnam, Sumter, Suwannee, and Union~~ Counties.

(d) *Region D* ~~Region 4~~, which consists of *Brevard, Orange, Osceola, and Seminole* ~~Baker, Clay, Duval, Flagler, Nassau, St. Johns, and Volusia~~ Counties.

(e) *Region E* ~~Region 5~~, which consists of *Charlotte, Collier, DeSoto, Glades, Hendry, Lee, and Sarasota* ~~Pasco and Pinellas~~ Counties.

(f) *Region F* ~~Region 6~~, which consists of *Indian River, Martin, Okeechobee, Palm Beach, and St. Lucie* ~~Hardee, Highlands, Hillsborough, Manatee, and Polk~~ Counties.

(g) *Region G* ~~Region 7~~, which consists of *Broward County* ~~Brevard, Orange, Osceola, and Seminole Counties~~.

(h) *Region H* ~~Region 8~~, which consists of *Miami-Dade and Monroe* ~~Charlotte, Collier, DeSoto, Glades, Hendry, Lee, and Sarasota~~ Counties.

~~(i) Region 9, which consists of Indian River, Martin, Okeechobee, Palm Beach, and St. Lucie Counties.~~

~~(j) Region 10, which consists of Broward County.~~

~~(k) Region 11, which consists of Miami-Dade and Monroe Counties.~~

(3) QUALITY SELECTION CRITERIA.—

(a) The invitation to negotiate must specify the criteria and the relative weight of the criteria that will be used for determining the acceptability of the reply and guiding the selection of the organizations with which the agency negotiates. *The agency shall give preference to plans that propose establishing a comprehensive long-term care plan.* In addition to criteria established by the agency, the agency shall consider the following factors in the selection of eligible plans:

1. Accreditation by the National Committee for Quality Assurance, the Joint Commission, or another nationally recognized accrediting body.

2. Experience serving similar populations, including the organization's record in achieving specific quality standards with similar populations.

3. Availability and accessibility of primary care and specialty physicians in the provider network.

4. Establishment of community partnerships with providers that create opportunities for reinvestment in community-based services.

5. Organization commitment to quality improvement and documentation of achievements in specific quality improvement projects, including active involvement by organization leadership.

6. Provision of additional benefits~~, particularly dental care and disease management,~~ and other initiatives that improve health outcomes.

7. Evidence that an eligible plan has *obtained signed contracts or* written agreements ~~or signed contracts~~ or has made substantial progress in establishing relationships with providers before the plan *submits* ~~submitting~~ a response.

8. Comments submitted in writing by any enrolled Medicaid provider relating to a specifically identified plan participating in the procurement in the same region as the submitting provider.

9. Documentation of policies and procedures for preventing fraud and abuse.

10. The business relationship an eligible plan has with any other eligible plan that responds to the invitation to negotiate.

~~(d) For the first year of the first contract term, the agency shall negotiate capitation rates or fee-for-service payments with each plan in order to guarantee aggregate savings of at least 5 percent.~~

~~1. For prepaid plans, determination of the amount of savings shall be calculated by comparison to the Medicaid rates that the agency paid managed care plans for similar populations in the same areas in the prior year. In regions containing no prepaid plans in the prior year, determination of the amount of savings shall be calculated by comparison to the Medicaid rates established and certified for those regions in the prior year.~~

~~2. For provider service networks operating on a fee-for-service basis, determination of the amount of savings shall be calculated by compar-~~

~~ison to the Medicaid rates that the agency paid on a fee-for-service basis for the same services in the prior year.~~

(d)~~(c)~~ To ensure managed care plan participation in *Regions A and E* ~~Regions 1 and 2~~, the agency shall award an additional contract to each plan with a contract award in *Region A* ~~Region 1~~ or *Region E* ~~Region 2~~. Such contract shall be in any other region in which the plan submitted a responsive bid and negotiates a rate acceptable to the agency. If a plan that is awarded an additional contract pursuant to this paragraph is subject to penalties pursuant to s. 409.967(2)(i) for activities in *Region A* ~~Region 1~~ or *Region E* ~~Region 2~~, the additional contract is automatically terminated 180 days after the imposition of the penalties. The plan must reimburse the agency for the cost of enrollment changes and other transition activities.

(e)~~(f)~~ The agency may not execute contracts with managed care plans at payment rates not supported by the General Appropriations Act.

Section 6. Paragraphs (c) and (j) of subsection (2) of section 409.967, Florida Statutes, are amended to read:

409.967 Managed care plan accountability.—

(2) The agency shall establish such contract requirements as are necessary for the operation of the statewide managed care program. In addition to any other provisions the agency may deem necessary, the contract must require:

(c) Access.—

1. The agency shall establish specific standards for the number, type, and regional distribution of providers in managed care plan networks to ensure access to care for both adults and children. Each plan must maintain a regionwide network of providers in sufficient numbers to meet the access standards for specific medical services for all recipients enrolled in the plan. The exclusive use of mail-order pharmacies may not be sufficient to meet network access standards. Consistent with the standards established by the agency, provider networks may include providers located outside the region. A plan may contract with a new hospital facility before the date the hospital becomes operational if the hospital has commenced construction, will be licensed and operational by January 1, 2013, and a final order has issued in any civil or administrative challenge. Each plan shall establish and maintain an accurate and complete electronic database of contracted providers, including information about licensure or registration, locations and hours of operation, specialty credentials and other certifications, specific performance indicators, and such other information as the agency deems necessary. The database must be available online to both the agency and the public and have the capability to compare the availability of providers to network adequacy standards and to accept and display feedback from each provider's patients. Each plan shall submit quarterly reports to the agency identifying the number of enrollees assigned to each primary care provider. *The agency shall conduct, or contract with a third party to conduct, systematic and ongoing testing of the provider network databases maintained by each plan to confirm database accuracy, to confirm that network providers are accepting enrollees, and to confirm that such enrollees have access to care.*

2. Each managed care plan must publish any prescribed drug formulary or preferred drug list on the plan's website in a manner that is accessible to and searchable by enrollees and providers. The plan must update the list within 24 hours after making a change. Each plan must ensure that the prior authorization process for prescribed drugs is readily accessible to health care providers, including posting appropriate contact information on its website and providing timely responses to providers. For Medicaid recipients diagnosed with hemophilia who have been prescribed anti-hemophilic-factor replacement products, the agency shall provide for those products and hemophilia overlay services through the agency's hemophilia disease management program.

3. Managed care plans, and their fiscal agents or intermediaries, must accept prior authorization requests for any service electronically.

4. Managed care plans serving children in the care and custody of the Department of Children and Families must maintain complete medical, dental, and behavioral health encounter information and participate in making such information available to the department or the applicable contracted community-based care lead agency for use in providing comprehensive and coordinated case management. The agency and the department shall establish an interagency agreement to provide guidance for the format, confidentiality, recipient, scope, and method of information to be made available and the deadlines for submission of the data. The scope of information available to the department shall be the data that managed care plans are required to submit to the agency. The agency shall determine the plan's compliance with standards for access to medical, dental, and behavioral health services; the use of medications; and followup on all medically necessary services recommended as a result of early and periodic screening, diagnosis, and treatment.

(j) Prompt payment.—Managed care plans shall comply with ss. 641.315, 641.3155, and 641.513*, and the agency shall impose fines, and may impose other sanctions, on a plan that willfully fails to comply with ss. 641.315, 641.3155, and 641.513 or s. 409.982(5)*.

Section 7. Effective January 1, 2018, paragraph (p) is added to subsection (2) of section 409.967, Florida Statutes, to read:

409.967 Managed care plan accountability.—

(2) The agency shall establish such contract requirements as are necessary for the operation of the statewide managed care program. In addition to any other provisions the agency may deem necessary, the contract must require:

(p) Robust primary care networks.—A health insurer or health maintenance organization selected as a managed care plan under this part may not, directly or indirectly, purchase, own, or otherwise have a controlling interest in any primary care group or practice in this state.

Section 8. Subsection (2) of section 409.968, Florida Statutes, is amended to read:

409.968 Managed care plan payments.—

(2) Provider service networks *shall* ~~may~~ be prepaid plans and receive per-member, per-month payments negotiated pursuant to the procurement process described in s. 409.966. ~~Provider service networks that choose not to be prepaid plans shall receive fee-for-service rates with a shared-savings settlement. The fee-for-service option shall be available to a provider service network only for the first 2 years of its operation. The agency shall annually conduct cost reconciliations to determine the amount of cost savings achieved by fee-for-service provider service networks for the dates of service within the period being reconciled. Only payments for covered services for dates of service within the reconciliation period and paid within 6 months after the last date of service in the reconciliation period must be included. The agency shall perform the necessary adjustments for the inclusion of claims incurred but not reported within the reconciliation period for claims that could be received and paid by the agency after the 6-month claims processing time lag. The agency shall provide the results of the reconciliations to the fee-for-service provider service networks within 45 days after the end of the reconciliation period. The fee-for-service provider service networks shall review and provide written comments or a letter of concurrence to the agency within 45 days after receipt of the reconciliation results. This reconciliation is considered final.~~

Section 9. Section 409.971, Florida Statutes, is amended to read:

409.971 Managed medical assistance program.—The agency shall make payments for primary and acute medical assistance and related services using a managed care model. ~~By January 1, 2013, the agency shall begin implementation of the statewide managed medical assistance program, with full implementation in all regions by October 1, 2014.~~

Section 10. Subsections (1) and (2) of section 409.974, Florida Statutes, are amended to read:

409.974 Eligible plans.—

(1) ELIGIBLE PLAN SELECTION.—The agency shall select eligible plans *for the managed medical assistance program* through the procurement process described in s. 409.966. ~~The agency shall notice invitations to negotiate no later than January 1, 2013.~~

(a) The agency shall procure *at least three* ~~two~~ plans *and up to four plans* for *Region A* ~~Region 1~~. At least one plan shall be a provider service network if any provider service networks submit a responsive bid.

(b) The agency shall procure *at least four plans and up to eight* ~~two~~ plans for *Region B* ~~Region 2~~. At least one plan shall be a provider service network if any provider service networks submit a responsive bid.

(c) The agency shall procure at least *five* ~~three~~ plans and up to *10* ~~five~~ plans for *Region C* ~~Region 3~~. At least one plan must be a provider service network if any provider service networks submit a responsive bid.

(d) The agency shall procure at least three plans and up to *six* ~~five~~ plans for *Region D* ~~Region 4~~. At least one plan must be a provider service network if any provider service networks submit a responsive bid.

(e) The agency shall procure at least *three* ~~two~~ plans and up to four plans for *Region E* ~~Region 5~~. At least one plan must be a provider service network if any provider service networks submit a responsive bid.

(f) The agency shall procure at least *three* ~~four~~ plans and up to *five* ~~seven~~ plans for *Region F* ~~Region 6~~. At least one plan must be a provider service network if any provider service networks submit a responsive bid.

(g) The agency shall procure at least three plans and up to *five* ~~six~~ plans for *Region G* ~~Region 7~~. At least one plan must be a provider service network if any provider service networks submit a responsive bid.

(h) The agency shall procure at least *five* ~~two~~ plans and up to *10* ~~four~~ plans for *Region H* ~~Region 8~~. At least one plan must be a provider service network if any provider service networks submit a responsive bid.

~~(i) The agency shall procure at least two plans and up to four plans for Region 9. At least one plan must be a provider service network if any provider service networks submit a responsive bid.~~

~~(j) The agency shall procure at least two plans and up to four plans for Region 10. At least one plan must be a provider service network if any provider service networks submit a responsive bid.~~

~~(k) The agency shall procure at least five plans and up to 10 plans for Region 11. At least one plan must be a provider service network if any provider service networks submit a responsive bid.~~

~~If no provider service network submits a responsive bid, the agency shall procure no more than one less than the maximum number of eligible plans permitted in that region. Within 12 months after the initial invitation to negotiate, the agency shall attempt to procure a provider service network. The agency shall notice another invitation to negotiate only with provider service networks in those regions where no provider service network has been selected.~~

(2) QUALITY SELECTION CRITERIA.—In addition to the criteria established in s. 409.966, the agency shall consider evidence that an eligible plan has *obtained signed contracts or* written agreements ~~or signed contracts~~ or has made substantial progress in establishing relationships with providers before the plan *submits* ~~submitting~~ a response. The agency shall evaluate and give special weight to evidence of signed contracts with essential providers as defined by the agency pursuant to s. 409.975(1). The agency shall exercise a preference for plans with a provider network in which *more than* ~~over~~ 10 percent of the providers use electronic health records, as defined in s. 408.051. ~~When all other factors are equal, the agency shall consider whether the organization has a contract to provide managed long-term care services in the same region and shall exercise a preference for such plans.~~

Section 11. Subsection (1) of section 409.978, Florida Statutes, is amended to read:

409.978 Long-term care managed care program.—

(1) Pursuant to s. 409.963, the agency shall administer the long-term care managed care program described in ss. 409.978-409.985, but may delegate specific duties and responsibilities for the program to the Department of Elderly Affairs and other state agencies. ~~By July 1, 2012, the agency shall begin implementation of the statewide long-term care managed care program, with full implementation in all regions by October 1, 2013.~~

Section 12. Subsection (1) of section 409.979, Florida Statutes, is amended to read:

409.979 Eligibility.—

(1) PREREQUISITE CRITERIA FOR ELIGIBILITY.—Medicaid recipients who meet all of the following criteria are eligible to receive long-term care services and*, unless exempt under s. 409.965,* must receive long-term care services by participating in the long-term care managed care program. The recipient must be:

(a) Sixty-five years of age or older, or age 18 or older and eligible for Medicaid by reason of a disability.

(b) Determined by the Comprehensive Assessment Review and Evaluation for Long-Term Care Services (CARES) preadmission screening program to require nursing facility care as defined in s. 409.985(3).

Section 13. Subsection (2) and paragraphs (c), (d), and (e) of subsection (3) of section 409.981, Florida Statutes, are amended to read:

409.981 Eligible long-term care plans.—

(2) ELIGIBLE PLAN SELECTION.—The agency shall select eligible plans *for the long-term care managed care program* through the procurement process described in s. 409.966. The agency shall procure:

(a) *At least three* ~~two~~ plans *and up to four plans* for *Region A* ~~Region 1~~. At least one plan must be a provider service network if any provider service networks submit a responsive bid.

(b) *At least three* ~~Two~~ plans *and up to six plans* for *Region B* ~~Region 2~~. At least one plan must be a provider service network if any provider service networks submit a responsive bid.

(c) At least *five* ~~three~~ plans and up to *eight* ~~five~~ plans for *Region C* ~~Region 3~~. At least one plan must be a provider service network if any provider service networks submit a responsive bid.

(d) At least three plans and up to *six* ~~five~~ plans for *Region D* ~~Region 4~~. At least one plan must be a provider service network if any provider service network submits a responsive bid.

(e) At least *three* ~~two~~ plans and up to four plans for *Region E* ~~Region 5~~. At least one plan must be a provider service network if any provider service networks submit a responsive bid.

(f) At least *three* ~~four~~ plans and up to *five* ~~seven~~ plans for *Region F* ~~Region 6~~. At least one plan must be a provider service network if any provider service networks submit a responsive bid.

(g) At least three plans and up to *four* ~~six~~ plans for *Region G* ~~Region 7~~. At least one plan must be a provider service network if any provider service networks submit a responsive bid.

(h) At least *five* ~~two~~ plans and up to *10* ~~four~~ plans for *Region H* ~~Region 8~~. At least one plan must be a provider service network if any provider service networks submit a responsive bid.

~~(i) At least two plans and up to four plans for Region 9. At least one plan must be a provider service network if any provider service networks submit a responsive bid.~~

~~(j) At least two plans and up to four plans for Region 10. At least one plan must be a provider service network if any provider service networks submit a responsive bid.~~

~~(k) At least five plans and up to 10 plans for Region 11. At least one plan must be a provider service network if any provider service networks submit a responsive bid.~~

~~If no provider service network submits a responsive bid in a region other than Region 1 or Region 2, the agency shall procure no more than one~~

~~less than the maximum number of eligible plans permitted in that region. Within 12 months after the initial invitation to negotiate, the agency shall attempt to procure a provider service network. The agency shall notice another invitation to negotiate only with provider service networks in regions where no provider service network has been selected.~~

(3) QUALITY SELECTION CRITERIA.—In addition to the criteria established in s. 409.966, the agency shall consider the following factors in the selection of eligible plans:

~~(c) Whether a plan is proposing to establish a comprehensive long-term care plan and whether the eligible plan has a contract to provide managed medical assistance services in the same region.~~

(c)~~(d)~~ Whether a plan offers consumer-directed care services to enrollees pursuant to s. 409.221.

(d)~~(e)~~ Whether a plan is proposing to provide home and community-based services in addition to the minimum benefits required by s. 409.98.

Section 14. Subsections (1) and (2) of section 409.982, Florida Statutes, are amended to read:

409.982 Long-term care managed care plan accountability.—In addition to the requirements of s. 409.967, plans and providers participating in the long-term care managed care program must comply with the requirements of this section.

(1) PROVIDER NETWORKS.—Managed care plans may limit the providers in their networks based on credentials, quality indicators, and price. For the *first 12 months of a contract period following a procurement for the long-term care managed care program under s. 409.981, if a plan has been* ~~period between October 1, 2013, and September 30, 2014, each~~ selected *for a region encompassing a county that the plan was not serving immediately prior to the procurement, the* plan must offer a network contract to all *nursing homes in that county which meet the recredentialing requirements and to all hospices in that county which meet the credentialing requirements specified in the plan's contract with the agency* ~~the following providers in the region:~~

~~(a) Nursing homes.~~

~~(b) Hospices.~~

~~(c) Aging network service providers that have previously participated in home and community-based waivers serving elders or community service programs administered by the Department of Elderly Affairs~~. After *a provider specified in this subsection has actively participated in a managed care plan's network for* 12 months ~~of active participation in a managed care plan's network~~, the plan may exclude *the provider* ~~any of the providers named in this subsection~~ from the *plan's* network for failure to meet quality or performance criteria. If *a* ~~the~~ plan excludes a provider from *its network under this subsection* ~~the plan~~, the plan must provide written notice to all recipients who have chosen that provider for care. The notice must be provided at least 30 days before the effective date of the exclusion. The agency shall establish contract provisions governing the transfer of recipients from excluded residential providers. *The agency shall require a plan that excludes a provider from its network or that fails to renew the plan's contract with a provider under this subsection to report to the agency the quality or performance criteria the plan used in deciding to exclude the provider and to demonstrate how the provider failed to meet those criteria.*

(2) SELECT PROVIDER PARTICIPATION.—Except as provided in this subsection, providers may limit the managed care plans they join. Nursing homes and hospices that are enrolled Medicaid providers must participate in all eligible plans selected by the agency in the region in which the provider is located*, with the exception of plans from which the provider has been excluded under subsection (1).*

Section 15. Section 456.0625, Florida Statutes, is created to read:

456.0625 Direct primary care agreements.—

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

(a) "Direct primary care agreement" means a contract between a primary care provider and a patient, the patient's legal representative, or an employer which meets the requirements specified under subsection (3) and which does not indemnify for services provided by a third party.

(b) "Primary care provider" means a health care practitioner licensed under chapter 458, chapter 459, chapter 460, or chapter 464 or a primary care group practice that provides medical services to patients which are commonly provided without referral from another health care provider.

(c) "Primary care service" means the screening, assessment, diagnosis, and treatment of a patient for the purpose of promoting health or detecting and managing disease or injury within the competency and training of the primary care provider.

(2) A primary care provider or an agent of the primary care provider may enter into a direct primary care agreement for providing primary care services. Section 624.27 applies to a direct primary care agreement.

(3) A direct primary care agreement must:

(a) Be in writing.

(b) Be signed by the primary care provider or an agent of the primary care provider and the patient, the patient's legal representative, or an employer.

(c) Allow a party to terminate the agreement by giving the other party at least 30 days' advance written notice. The agreement may provide for immediate termination due to a violation of the physician-patient relationship or a breach of the terms of the agreement.

(d) Describe the scope of primary care services that are covered by the monthly fee.

(e) Specify the monthly fee and any fees for primary care services not covered by the monthly fee.

(f) Specify the duration of the agreement and any automatic renewal provisions.

(g) Offer a refund to the patient of monthly fees paid in advance if the primary care provider ceases to offer primary care services for any reason.

(h) Contain, in contrasting color and in not less than 12-point type, the following statements on the same page as the applicant's signature:

1. This agreement is not health insurance, and the primary care provider will not file any claims against the patient's health insurance policy or plan for reimbursement of any primary care services covered by this agreement.

2. This agreement does not qualify as minimum essential coverage to satisfy the individual shared responsibility provision of the federal Patient Protection and Affordable Care Act, Pub. L. No. 111-148.

3. This agreement is not workers' compensation insurance and may not replace the employer's obligations under chapter 440, Florida Statutes.

Section 16. Section 624.27, Florida Statutes, is created to read:

624.27 Application of code as to direct primary care agreements.—

(1) A direct primary care agreement, as defined in s. 456.0625, does not constitute insurance and is not subject to any chapter of the Florida Insurance Code. The act of entering into a direct primary care agreement does not constitute the business of insurance and is not subject to any chapter of the Florida Insurance Code.

(2) A primary care provider or an agent of a primary care provider is not required to obtain a certificate of authority or license under any chapter of the Florida Insurance Code to market, sell, or offer to sell a direct primary care agreement pursuant to s. 456.0625.

Section 17. Except as otherwise provided in this act, this act shall take effect July 1, 2017.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to health care services; amending s. 400.141, F.S.; requiring that nursing home facilities be prepared to provide confirmation within a specified timeframe to the Agency for Health Care Administration as to whether certain nursing home facility residents are candidates for certain services; amending s. 409.912, F.S.; deleting the fee-for-service option as a basis for the reimbursement of Medicaid provider service networks; amending s. 409.964, F.S.; providing that covered services for long-term care under the Medicaid managed care program are those specified in part IV of ch. 409, F.S.; requiring the agency to apply for and implement state plan amendments or waivers of applicable federal laws in order to implement specified Florida law; deleting an obsolete provision; amending s. 409.965, F.S.; providing that certain residents of nursing facilities are exempt from participation in the long-term care managed care program; providing for application of the exemption; providing that eligibility for the Medicaid managed medical assistance program is not affected by such provisions; providing conditions under which the exemption does not apply; requiring the agency to confirm whether certain persons have been identified as candidates for home and community-based services; requiring a certain notice to the agency by nursing facility administrators; amending s. 409.966, F.S.; requiring that a required databook consist of data that is consistent with actuarial rate-setting practices and standards; requiring that the source of such data include the 24 most recent months of validated data from the Medicaid Encounter Data System; deleting provisions relating to a report and report requirements; revising the designation and county makeup of regions of the state for purposes of procuring health plans that may participate in the Medicaid program; adding a factor that the agency must consider in the selection of eligible plans; deleting a provision for certain additional benefits to receive particular consideration; deleting an obsolete provision; amending s. 409.967, F.S.; requiring the agency to test provider network databases maintained by Medicaid managed care plans; requiring the agency to impose fines, and authorizing the agency to impose other sanctions, on plans that fail to comply with certain claim payment requirements; prohibiting certain health insurers or health maintenance organizations from owning or having a controlling interest in any primary care group or practice in the state; amending s. 409.968, F.S.; requiring provider service networks to be prepaid plans; deleting a fee-for-service option for Medicaid reimbursement for provider service networks; amending s. 409.971, F.S.; deleting an obsolete provision; amending s. 409.974, F.S.; revising the number of eligible Medicaid health care plans the agency must procure for certain regions in the state; deleting provisions that require the agency to issue an invitation to negotiate under certain circumstances; deleting preference for certain plans; deleting an obsolete provision; amending s. 409.978, F.S.; deleting an obsolete provision; amending s. 409.979, F.S.; providing that certain exempt Medicaid recipients are not required to receive long-term care services through the long-term care managed care program; amending s. 409.981, F.S.; revising the number of eligible Medicaid health care plans the agency must procure for certain regions in the state; deleting provisions that require the agency to issue an invitation to negotiate under certain circumstances; deleting a requirement that the agency consider a specific factor relating to the selection of managed medical assistance plans; amending s. 409.982, F.S.; revising parameters under which a long-term care managed care plan must contract with nursing homes and hospices; specifying that the agency must require certain plans to report information on the quality or performance criteria used in making a certain determination; creating s. 456.0625, F.S.; defining terms; authorizing primary care providers or their agents to enter into direct primary care agreements for providing primary care services; providing applicability; specifying requirements for direct primary care agreements; creating s. 624.27, F.S.; providing construction and applicability of the Florida Insurance Code as to direct primary care agreements; providing an exception for primary care providers or their agents from certain requirements under the code under certain circumstances; providing effective dates.

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendments was allowed:

Senator Garcia moved the following amendments to **Amendment 1 (449058)** which were adopted:

Amendment 1A (406374) (with directory and title amendments)—Between lines 636 and 637 insert:

(4) PLAN REQUIREMENTS.—An eligible plan must disclose any business relationship that it has with any other eligible plan that responds to the invitation to negotiate. The agency may not select plans in the same region for the same managed care program which have a business relationship with each other. The agency may not select a provider service network authorized under s. 409.912(2) in any region that has a business relationship with a health maintenance organization licensed under chapter 641, and may not select a provider service network in any region that has a business relationship with any entity that has an ownership or controlling interest in a health maintenance organization licensed under chapter 641 or a common parent of a health maintenance organization licensed under chapter 641. An eligible plan that fails to comply with this subsection is disqualified from participation in any region for the first full contract period after the discovery of the business relationship by the agency. For the purpose of this section, the term "business relationship" means an ownership or controlling interest, an affiliate or subsidiary relationship, a common parent, or any mutual interest in any limited partnership, limited liability partnership, limited liability company, or other entity or business association, including all wholly or partially owned subsidiaries, majority-owned subsidiaries, parent companies, or affiliates of such entities, business associations, or other enterprises, which exists for the purpose of making a profit. The term does not include subcontract arrangements, unless the subcontract is between a plan and an entity that is a parent, affiliate or subsidiary of the plan.

And the directory clause is amended as follows:

Delete line 570 and insert: amended, present subsections (4) and (5) are redesignated as subsections (5) and (6), respectively, and a new subsection (4) is added to that section, to read:

And the title is amended as follows:

Delete line 835 and insert: of managed medical assistance plans; requiring a plan to disclose any business relationships it has with other eligible plans that respond to an invitation to negotiate; prohibiting the agency from selecting plans under certain circumstances; providing for disqualification from participation in any region under certain circumstances; defining the term "business relationship"; amending s.

Amendment 1B (515234) (with directory and title amendments)—Between lines 636 and 637 insert:

(4) PLAN REQUIREMENTS.—An eligible plan must disclose any business relationship that it has with any other eligible plan that responds to the invitation to negotiate. The agency may not select plans in the same region for the same managed care program which have a business relationship with each other. The agency may not select a long-term care provider service network authorized under s. 409.912(2) in any region that has a business relationship with a health maintenance organization licensed under chapter 641, and may not select a long-term care provider service network in any region that has a business relationship with any entity that has a controlling interest in a health maintenance organization licensed under chapter 641 or a common parent of a health maintenance organization licensed under chapter 641. An eligible plan that fails to comply with this subsection is disqualified from participation in any region for the first full contract period after the agency discovers the business relationship. For the purpose of this section, the term "business relationship" means a controlling interest, an affiliate or subsidiary relationship, a common parent, or any mutual interest in any limited partnership, limited liability partnership, limited liability company, or other entity or business association, including all wholly or partially owned subsidiaries, parent companies, or affiliates of such entities, business associations, or other enterprises, which exists for the purpose of making a profit. The term does not include subcontract arrangements unless the subcontract is between a plan and an entity that is a parent, affiliate, or subsidiary of the plan.

And the directory clause is amended as follows:

Delete line 570 and insert: amended, present subsections (4) and (5) are redesignated as subsections (5) and (6), respectively, and a new subsection (4) is added to that section, to read:

And the title is amended as follows:

Delete line 835 and insert: of managed medical assistance plans; requiring an eligible plan to disclose any business relationships it has with other eligible plans that respond to an invitation to negotiate; prohibiting the agency from selecting plans under certain circumstances; providing for disqualification of an eligible plan from participation in any region under certain circumstances; defining the term "business relationship"; amending s.

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendment was allowed:

Senator Steube moved the following amendment to **Amendment 1 (449058)** which was adopted:

Amendment 1C (190990) (with title amendment)—Between lines 755 and 756 insert:

Section 17. Subsection (11) of section 627.6131, Florida Statutes, is amended to read:

627.6131 Payment of claims.—

(11) A health insurer may not retroactively deny a claim because of insured ineligibility*:*

(a) At any time, if the health insurer verified the eligibility of an insured at the time of treatment and provided an authorization number. This paragraph applies to policies entered into or renewed on or after January 1, 2018.

(b) More than 1 year after the date of payment of the claim.

Section 18. Subsection (10) of section 641.3155, Florida Statutes, is amended to read:

641.3155 Prompt payment of claims.—

(10) A health maintenance organization may not retroactively deny a claim because of subscriber ineligibility*:*

(a) At any time, if the health maintenance organization verified the eligibility of a subscriber at the time of treatment and provided an authorization number. This paragraph applies to contracts entered into or renewed on or after January 1, 2018. This paragraph does not apply to Medicaid managed care plans pursuant to part IV of chapter 409.

(b) More than 1 year after the date of payment of the claim.

Section 19. Section 627.42392, Florida Statutes, is amended to read:

627.42392 Prior authorization.—

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

(a) "Health insurer" means an authorized insurer offering *an individual or group insurance policy that provides major medical or similar comprehensive coverage* ~~health insurance as defined in s. 624.603~~, a managed care plan as defined in *s. 409.962(10)* ~~s. 409.962(9)~~, or a health maintenance organization as defined in s. 641.19(12).

(b) "Urgent care situation" has the same meaning as in s. 627.42393.

(2) Notwithstanding any other provision of law, effective January 1, 2017, or six (6) months after the effective date of the rule adopting the prior authorization form, whichever is later, a health insurer, or a pharmacy benefits manager on behalf of the health insurer, which does not provide an electronic prior authorization process for use by its contracted providers, shall only use the prior authorization form that has been approved by the Financial Services Commission for granting a prior authorization for a medical procedure, course of treatment, or prescription drug benefit. Such form may not exceed two pages in length, excluding any instructions or guiding documentation, and must include all clinical documentation necessary for the health insurer to make a decision. At a minimum, the form must include: (1) sufficient patient information to identify the member, date of birth, full name, and Health Plan ID number; (2) provider name, address and phone number; (3) the medical procedure, course of treatment, or prescription drug benefit being requested, including the medical reason therefor, and all services tried and failed; (4) any laboratory documentation required; and (5) an attestation that all information provided is true and accurate. *The form, whether in electronic or paper format, may not require information that is not necessary for the determination of medical necessity of, or coverage for, the requested medical procedure, course of treatment, or prescription drug.*

(3) The Financial Services Commission in consultation with the Agency for Health Care Administration shall adopt by rule guidelines for all prior authorization forms which ensure the general uniformity of such forms.

(4) Electronic prior authorization approvals do not preclude benefit verification or medical review by the insurer under either the medical or pharmacy benefits.

(5) A health insurer or a pharmacy benefits manager on behalf of the health insurer must provide the following information in writing or in an electronic format upon request, and on a publicly accessible Internet website:

(a) Detailed descriptions of requirements and restrictions to obtain prior authorization for coverage of a medical procedure, course of treatment, or prescription drug in clear, easily understandable language. Clinical criteria must be described in language easily understandable by a health care provider.

(b) Prior authorization forms.

(6) A health insurer or a pharmacy benefits manager on behalf of the health insurer may not implement any new requirements or restrictions or make changes to existing requirements or restrictions to obtain prior authorization unless:

(a) The changes have been available on a publicly accessible Internet website at least 60 days before the implementation of the changes.

(b) Policyholders and health care providers who are affected by the new requirements and restrictions or changes to the requirements and restrictions are provided with a written notice of the changes at least 60 days before the changes are implemented. Such notice may be delivered electronically or by other means as agreed to by the insured or health care provider.

This subsection does not apply to expansion of health care services coverage.

(7) A health insurer or a pharmacy benefits manager on behalf of the health insurer must authorize or deny a prior authorization request and notify the patient and the patient's treating health care provider of the decision within:

(a) Seventy-two hours of obtaining a completed prior authorization form for nonurgent care situations.

(b) Twenty-four hours of obtaining a completed prior authorization form for urgent care situations.

Section 20. Section 627.42393, Florida Statutes, is created to read:

627.42393 Fail-first protocols.—

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

(a) "Fail-first protocol" means a written protocol that specifies the order in which a certain medical procedure, course of treatment, or prescription drug must be used to treat an insured's condition.

(b) "Health insurer" has the same meaning as provided in s. 627.42392.

(c) "Preceding prescription drug or medical treatment" means a medical procedure, course of treatment, or prescription drug that must be used pursuant to a health insurer's fail-first protocol as a condition of coverage under a health insurance policy or a health maintenance contract to treat an insured's condition.

(d) "Protocol exception" means a determination by a health insurer that a fail-first protocol is not medically appropriate or indicated for treatment of an insured's condition and the health insurer authorizes the

use of another medical procedure, course of treatment, or prescription drug prescribed or recommended by the treating health care provider for the insured's condition.

(e) "Urgent care situation" means an injury or condition of an insured which, if medical care and treatment is not provided earlier than the time generally considered by the medical profession to be reasonable for a nonurgent situation, in the opinion of the insured's treating physician, would:

1. Seriously jeopardize the insured's life, health, or ability to regain maximum function; or

2. Subject the insured to severe pain that cannot be adequately managed.

(2) A health insurer must publish on its website, and provide to an insured in writing, a procedure for an insured and health care provider to request a protocol exception. The procedure must include:

(a) A description of the manner in which an insured or health care provider may request a protocol exception.

(b) The manner and timeframe in which the health insurer is required to authorize or deny a protocol exception request or respond to an appeal to a health insurer's authorization or denial of a request.

(c) The conditions in which the protocol exception request must be granted.

(3)(a) The health insurer must authorize or deny a protocol exception request or respond to an appeal to a health insurer's authorization or denial of a request within:

1. Seventy-two hours of obtaining a completed prior authorization form for nonurgent care situations.

2. Twenty-four hours of obtaining a completed prior authorization form for urgent care situations.

(b) An authorization of the request must specify the approved medical procedure, course of treatment, or prescription drug benefits.

(c) A denial of the request must include a detailed, written explanation of the reason for the denial, the clinical rationale that supports the denial, and the procedure to appeal the health insurer's determination.

(4) A health insurer must grant a protocol exception request if:

(a) A preceding prescription drug or medical treatment is contraindicated or will likely cause an adverse reaction or physical or mental harm to the insured;

(b) A preceding prescription drug is expected to be ineffective, based on the medical history of the insured and the clinical evidence of the characteristics of the preceding prescription drug or medical treatment;

(c) The insured has previously received a preceding prescription drug or medical treatment that is in the same pharmacologic class or has the same mechanism of action, and such drug or treatment lacked efficacy or effectiveness or adversely affected the insured; or

(d) A preceding prescription drug or medical treatment is not in the best interest of the insured because the insured's use of such drug or treatment is expected to:

1. Cause a significant barrier to the insured's adherence to or compliance with the insured's plan of care;

2. Worsen an insured's medical condition that exists simultaneously but independently with the condition under treatment; or

3. Decrease the insured's ability to achieve or maintain his or her ability to perform daily activities.

(5) The health insurer may request a copy of relevant documentation from the insured's medical record in support of a protocol exception request.

And the title is amended as follows:

Delete line 851 and insert: under the code under certain circumstances; amending s. 627.6131, F.S.; prohibiting a health insurer from retroactively denying a claim under specified circumstances; providing applicability; amending s. 641.3155, F.S.; prohibiting a health maintenance organization from retroactively denying a claim under specified circumstances; providing applicability; exempting certain Medicaid managed care plans; amending s. 627.42392, F.S.; revising and providing definitions; revising criteria for prior authorization forms; requiring health insurers and pharmacy benefits managers on behalf of health insurers to provide certain information relating to prior authorization in a specified manner; prohibiting such insurers and pharmacy benefits managers from implementing or making changes to requirements or restrictions to obtain prior authorization, except under certain circumstances; providing applicability; requiring such insurers and pharmacy benefits managers to authorize or deny prior authorization requests and provide certain notices within specified timeframes; creating s. 627.42393, F.S.; providing definitions; requiring health insurers to publish on their websites and provide in writing to insureds a specified procedure to obtain protocol exceptions; specifying timeframes in which health insurers must authorize or deny protocol exception requests and respond to an appeal to a health insurer's authorization or denial of a request; requiring authorizations or denials to specify certain information; providing circumstances in which health insurers must grant a protocol exception request; authorizing health insurers to request documentation in support of a protocol exception request; providing

Amendment 1 (449058), as amended, was adopted.

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

CS for SB 328—A bill to be entitled An act relating to the regulation of nursing; amending s. 464.012, F.S.; removing an obsolete qualification no longer sufficient to satisfy certain nursing certification requirements; amending s. 464.019, F.S.; authorizing the Board of Nursing to conduct certain on-site evaluations; removing a limiting criterion from the requirement to measure graduate passage rates; removing a requirement that certain nursing program graduates complete a specific preparatory course; clarifying circumstances when programs in probationary status must be terminated; providing that accredited and nonaccredited nursing education programs must disclose probationary status; requiring notification of probationary status to include certain information; prohibiting a terminated or closed program from seeking program approval for a certain time; providing that a name change or the creation of a new educational institution does not reduce the waiting period for reapplication; authorizing the board to adopt certain rules; removing requirements that the Office of Program Policy Analysis and Government Accountability perform certain tasks; requiring the Florida Center for Nursing to make an annual assessment of compliance by nursing programs with certain accreditation requirements; requiring the center to include its assessment in a report to the Governor and the Legislature; requiring the termination of a program under certain circumstances; providing effective dates.

—was read the second time by title.

Pending further consideration of **CS for SB 328**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 543** was withdrawn from the Committees on Health Policy; and Rules.

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

CS for CS for HB 543—A bill to be entitled An act relating to the regulation of health care practitioners; amending s. 381.0041, F.S.; requiring an institution or a physician responsible for transplanting an organ or allograft to provide a specified warning to the recipient; providing an exception; defining the term "allograft"; amending s. 384.4018, F.S.; requiring the Department of Health to follow federal requirements, and authorizing the department to adopt rules, in the implementation of a specified program; amending s. 395.3025, F.S.; authorizing the disclosure of certain patient records to the department, rather than the Agency for Health Care Administration; requiring the department, rather than the agency, to make certain patient records available under certain circumstances; amending s. 456.013, F.S.; re-

quiring examination applications for health care practitioner licensure to include the applicant's date of birth; removing provisions relating to the size and format of such licenses; prohibiting regulatory boards or the department from issuing or renewing such licenses under certain conditions; amending s. 456.025, F.S.; authorizing regulatory boards or the department to adopt rules that waive certain fees under certain conditions; amending s. 456.0635, F.S.; revising grounds for refusing to issue or renew a license, certificate, or registration in a health care profession; providing applicability; amending s. 456.065, F.S.; authorizing a transfer from a profession's operating fund to cover a deficit in the unlicensed activity category; amending ss. 458.3265 and 459.0137, F.S.; exempting certain pain-management clinics from paying registration fees and from complying with certain requirements and rules; amending s. 458.348, F.S.; repealing a provision that requires a joint committee to determine standards for the content of advanced registered nurse practitioner protocols; conforming a cross-reference; amending s. 464.012, F.S.; removing an obsolete qualification to satisfy certification requirements for an advanced registered nurse practitioner; requiring an advanced registered nurse practitioner's supervisory protocol to be maintained at a specified location; removing the requirement that the supervisory protocol be filed with the Board of Nursing; removing the requirement that the board refer licensees who submit noncompliant supervisory protocols to the department; amending s. 464.013, F.S.; requiring certain continuing education courses to be approved by the Board of Nursing; removing a requirement that certain continuing education courses be offered by specified entities; amending s. 464.019, F.S.; authorizing the board to conduct certain onsite evaluations; removing a limiting criterion from the requirement to measure graduate passage rates; removing a requirement that certain nursing program graduates complete a specified preparatory course; clarifying circumstances in which programs in probationary status must be terminated; providing that accredited and nonaccredited programs must disclose probationary status; requiring such notification to include certain information; prohibiting a terminated or closed program from seeking program approval for a certain time period; authorizing the board to adopt certain rules; removing requirements that the Office of Program Policy Analysis and Government Accountability (OPPAGA) perform certain tasks and duties; requiring the Florida Center for Nursing to complete an annual assessment of compliance by nursing programs with certain accreditation requirements; requiring the center to include its assessment in a report to the Governor and Legislature; requiring the termination of a program under certain circumstances; creating s. 465.0195, F.S.; requiring a pharmacy or outsourcing facility to obtain a permit before engaging in specified activities relating to compound sterile products; providing requirements for the permit application and for the employment of certain individuals; authorizing the Board of Pharmacy to adopt by rule standards of practice for sterile compounding; requiring the board to consider certain standards and regulations in adopting such rules; providing applicability; amending 465.027, F.S.; exempting certain third-party logistics providers from regulation under chapter 465, F.S.; creating s. 465.1893, F.S.; authorizing a pharmacist to administer specified medication by injection under certain circumstances; requiring a pharmacist who administers such injections to complete a specified course; providing requirements for the course; amending s. 468.80, F.S.; requiring completion of a specified course for orthotics, prosthetics, and pedorthics licensure and licensure renewal; providing course requirements; amending s. 468.803, F.S.; revising registration requirements for orthotics and prosthetics; authorizing persons to hold a single registration in both fields; authorizing the department to develop and administer a prosthetist-orthotist license; providing requirements for a prosthetics-orthotics examination and licensure; amending 480.041, F.S.; requiring the department, rather than the Board of Massage Therapy, to deny the renewal of a massage therapist license under certain circumstances; amending s. 486.102, F.S.; providing requirements for certain physical therapist assistant licensure applicants; amending s. 491.005, F.S.; revising the amount of clinical experience required for a license to provide marriage and family therapy; revising the examination used for mental health counselor licensure; amending s. 491.009, F.S.; authorizing the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling, rather than the department, to deny licensure to or impose penalties against specified applicants or licensees under certain circumstances; authorizing the department, rather than the board, to deny licensure to or impose penalties against a certified master social worker, rather than psychologist, applicants or licensees under certain circumstances; providing effective dates.

—a companion measure, was substituted for **CS for SB 328** and read the second time by title.

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendment was allowed:

Senator Grimsley moved the following amendment which was adopted:

Amendment 1 (323602) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Present subsections (3) through (6) of section 458.348, Florida Statutes, are redesignated as subsections (4) through (7), respectively, present subsection (2) and paragraph (e) of present subsection (4) of that section are amended, to read:

458.348 Formal supervisory relationships, standing orders, and established protocols; notice; standards.—

~~(2) ESTABLISHMENT OF STANDARDS BY JOINT COMMITTEE. The joint committee shall determine minimum standards for the content of established protocols pursuant to which an advanced registered nurse practitioner may perform medical acts or acts set forth in s. 464.012(3) and (4) and shall determine minimum standards for supervision of such acts by the physician, unless the joint committee determines that any act set forth in s. 464.012(3) or (4) is not a medical act. Such standards shall be based on risk to the patient and acceptable standards of medical care and shall take into account the special problems of medically underserved areas. The standards developed by the joint committee shall be adopted as rules by the Board of Nursing and the Board of Medicine for purposes of carrying out their responsibilities pursuant to part I of chapter 464 and this chapter, respectively, but neither board shall have disciplinary powers over the licensees of the other board.~~

(3)~~(4)~~ SUPERVISORY RELATIONSHIPS IN MEDICAL OFFICE SETTINGS.—A physician who supervises an advanced registered nurse practitioner or physician assistant at a medical office other than the physician's primary practice location, where the advanced registered nurse practitioner or physician assistant is not under the onsite supervision of a supervising physician, must comply with the standards set forth in this subsection. For the purpose of this subsection, a physician's "primary practice location" means the address reflected on the physician's profile published pursuant to s. 456.041.

(e) This subsection does not apply to health care services provided in facilities licensed under chapter 395 or in conjunction with a college of medicine, a college of nursing, an accredited graduate medical program, or a nursing education program; not-for-profit, family-planning clinics that are not licensed pursuant to chapter 390; rural and federally qualified health centers; health care services provided in a nursing home licensed under part II of chapter 400, an assisted living facility licensed under part I of chapter 429, a continuing care facility licensed under chapter 651, or a retirement community consisting of independent living units and a licensed nursing home or assisted living facility; anesthesia services provided in accordance with law; health care services provided in a designated rural health clinic; health care services provided to persons enrolled in a program designed to maintain elderly persons and persons with disabilities in a home or community-based setting; university primary care student health centers; school health clinics; or health care services provided in federal, state, or local government facilities. Subsection *(2)* ~~(3)~~ and this subsection do not apply to offices at which the exclusive service being performed is laser hair removal by an advanced registered nurse practitioner or physician assistant.

Section 2. Subsections (1) and (3) of section 464.012, Florida Statutes, are amended to read:

464.012 Certification of advanced registered nurse practitioners; fees; controlled substance prescribing.—

(1) Any nurse desiring to be certified as an advanced registered nurse practitioner shall apply to the department and submit proof that he or she holds a current license to practice professional nursing and that he or she meets one or more of the following requirements as determined by the board:

~~(a) Satisfactory completion of a formal postbasic educational program of at least one academic year, the primary purpose of which is to prepare nurses for advanced or specialized practice.~~

(a)~~(b)~~ Certification by an appropriate specialty board. Such certification shall be required for initial state certification and any recertification as a registered nurse anesthetist, psychiatric nurse, or nurse midwife. The board may by rule provide for provisional state certification of graduate nurse anesthetists, psychiatric nurses, and nurse midwives for a period of time determined to be appropriate for preparing for and passing the national certification examination.

(b)~~(c)~~ Graduation from a program leading to a master's degree in a nursing clinical specialty area with preparation in specialized practitioner skills. For applicants graduating on or after October 1, 1998, graduation from a master's degree program shall be required for initial certification as a nurse practitioner under paragraph (4)(c). For applicants graduating on or after October 1, 2001, graduation from a master's degree program shall be required for initial certification as a registered nurse anesthetist under paragraph (4)(a).

(3) An advanced registered nurse practitioner shall perform those functions authorized in this section within the framework of an established protocol *which must be maintained on site at the location or locations at which an advanced registered nurse practitioner practices. In the case of multiple supervising physicians in the same group, an advanced registered nurse practitioner must enter into a supervisory protocol with at least one physician within the physician group practice* ~~that is filed with the board upon biennial license renewal and within 30 days after entering into a supervisory relationship with a physician or changes to the protocol. The board shall review the protocol to ensure compliance with applicable regulatory standards for protocols. The board shall refer to the department licensees submitting protocols that are not compliant with the regulatory standards for protocols~~. A practitioner currently licensed under chapter 458, chapter 459, or chapter 466 shall maintain supervision for directing the specific course of medical treatment. Within the established framework, an advanced registered nurse practitioner may:

(a) Prescribe, dispense, administer, or order any drug; however, an advanced registered nurse practitioner may prescribe or dispense a controlled substance as defined in s. 893.03 only if the advanced registered nurse practitioner has graduated from a program leading to a master's or doctoral degree in a clinical nursing specialty area with training in specialized practitioner skills.

(b) Initiate appropriate therapies for certain conditions.

(c) Perform additional functions as may be determined by rule in accordance with s. 464.003(2).

(d) Order diagnostic tests and physical and occupational therapy.

(e) Order any medication for administration to a patient in a facility licensed under chapter 395 or part II of chapter 400, notwithstanding any provisions in chapter 465 or chapter 893.

Section 3. Effective December 31, 2018, or upon enactment of the Nurse Licensure Compact into law by 26 states, whichever occurs first, subsection (1) of section 464.012, Florida Statutes, as amended by section 8 of chapter 2016-139, section 12 of chapter 2016-224, and section 7 of chapter 2016-231, Laws of Florida, is amended to read:

464.012 Certification of advanced registered nurse practitioners; fees; controlled substance prescribing.—

(1) Any nurse desiring to be certified as an advanced registered nurse practitioner shall apply to the department and submit proof that he or she holds a current license to practice professional nursing or holds an active multistate license to practice professional nursing pursuant to s. 464.0095 and that he or she meets one or more of the following requirements as determined by the board:

~~(a) Satisfactory completion of a formal postbasic educational program of at least one academic year, the primary purpose of which is to prepare nurses for advanced or specialized practice.~~

(a)~~(b)~~ Certification by an appropriate specialty board. Such certification shall be required for initial state certification and any recertification as a registered nurse anesthetist, psychiatric nurse, or nurse midwife. The board may by rule provide for provisional state certification of graduate nurse anesthetists, psychiatric nurses, and nurse midwives for a period of time determined to be appropriate for preparing for and passing the national certification examination.

(b)~~(c)~~ Graduation from a program leading to a master's degree in a nursing clinical specialty area with preparation in specialized practitioner skills. For applicants graduating on or after October 1, 1998, graduation from a master's degree program shall be required for initial certification as a nurse practitioner under paragraph (4)(c). For applicants graduating on or after October 1, 2001, graduation from a master's degree program shall be required for initial certification as a registered nurse anesthetist under paragraph (4)(a).

Section 4. Paragraph (b) of subsection (2), subsection (5), subsection (8), paragraph (a) of subsection (9), and subsection (10) of section 464.019, Florida Statutes, are amended, paragraph (d) is added to subsection (7) of that section, and paragraph (e) is added to subsection (11) of that section, to read:

464.019 Approval of nursing education programs.—

(2) PROGRAM APPROVAL.—

(b) *Following the department's receipt of a complete program application, the board may conduct an onsite evaluation if necessary to document the applicant's compliance with subsection (1).* Within 90 days after the department's receipt of a complete program application, the board shall:

1. Approve the application if it documents compliance with subsection (1); or

2. Provide the educational institution with a notice of intent to deny the application if it does not document compliance with subsection (1). The notice must specify written reasons for the board's denial of the application. The board may not deny a program application because of an educational institution's failure to correct an error or omission that the department failed to provide notice of to the institution within the 30-day notice period under paragraph (a). The educational institution may request a hearing on the notice of intent to deny the program application pursuant to chapter 120.

(5) ACCOUNTABILITY.—

(a)1. An approved program must achieve a graduate passage rate for first-time test takers *which* ~~who take the licensure examination within 6 months after graduation from the program that~~ is not more than 10 percentage points lower than the average passage rate during the same calendar year for graduates of comparable degree programs who are United States educated, first-time test takers on the National Council of State Boards of Nursing Licensing Examination, as calculated by the contract testing service of the National Council of State Boards of Nursing. ~~An approved program shall require a graduate from the program who does not take the licensure examination within 6 months after graduation to enroll in and successfully complete a licensure examination preparatory course pursuant to s. 464.008.~~ For purposes of this subparagraph, an approved program is comparable to all degree programs of the same program type from among the following program types:

a. Professional nursing education programs that terminate in a bachelor's degree.

b. Professional nursing education programs that terminate in an associate degree.

c. Professional nursing education programs that terminate in a diploma.

d. Practical nursing education programs.

2. Beginning with graduate passage rates for calendar year 2010, if an approved program's graduate passage rates do not equal or exceed the required passage rates for 2 consecutive calendar years, the board shall place the program on probationary status pursuant to chapter 120 and the program director shall appear before the board to present a plan for remediation, which shall include specific benchmarks to identify

progress toward a graduate passage rate goal. The program must remain on probationary status until it achieves a graduate passage rate that equals or exceeds the required passage rate for any 1 calendar year. The board shall deny a program application for a new prelicensure nursing education program submitted by an educational institution if the institution has an existing program that is already on probationary status.

3. Upon the program's achievement of a graduate passage rate that equals or exceeds the required passage rate, the board, at its next regularly scheduled meeting following release of the program's graduate passage rate by the National Council of State Boards of Nursing, shall remove the program's probationary status. If the program, during the 2 calendar years following its placement on probationary status, does not achieve the required passage rate for any 1 calendar year, the board ~~shall terminate the program pursuant to chapter 120. However, the board~~ may extend the program's probationary status for 1 additional year*, provided* ~~if~~ the program *has demonstrated* ~~demonstrates~~ adequate progress toward the graduate passage rate goal by meeting a majority of the benchmarks established in the remediation plan. *If the program is not granted the 1-year extension or fails to achieve the required passage rate by the end of such extension, the board shall terminate the program pursuant to chapter 120.*

(b) If an approved program fails to submit the annual report required in subsection (3), the board shall notify the program director and president or chief executive officer of the educational institution in writing within 15 days after the due date of the annual report. The program director shall appear before the board at the board's next regularly scheduled meeting to explain the reason for the delay. The board shall terminate the program pursuant to chapter 120 if *the program director fails to appear before the board, as required under this paragraph, or if the program* ~~it~~ does not submit the annual report within 6 months after the due date.

(c) *A nursing education* ~~An approved~~ program*, whether accredited or nonaccredited, which has been placed* on probationary status shall disclose its probationary status in writing to the program's students and applicants. *The notification must include an explanation of the implications of the program's probationary status on the students or applicants.*

(d) If students from a program that is terminated pursuant to this subsection transfer to an approved or an accredited program under the direction of the Commission for Independent Education, the board shall recalculate the passage rates of the programs receiving the transferring students, excluding the test scores of those students transferring more than 12 credits.

(7) PROGRAM CLOSURE.—

(d) A program that is terminated or closed under this section may not seek program approval under its original name or a new program name for a minimum of 3 years after the date of termination or closing. An institutional name change or the creation of a new educational institution with the same ownership does not reduce the waiting period for reapplication.

(8) RULEMAKING.—The board does not have rulemaking authority to administer this section, except that the board shall adopt rules that prescribe the format for submitting program applications under subsection (1) and annual reports under subsection (3), and to administer the documentation of the accreditation of nursing education programs under subsection (11). *The board may adopt rules relating to the nursing curriculum, including rules relating to the uses and limitations of simulation technology.* The board may not impose any condition or requirement on an educational institution submitting a program application, an approved program, or an accredited program, except as expressly provided in this section.

(9) APPLICABILITY TO ACCREDITED PROGRAMS.—

(a) Subsections (1)-(3), paragraph (4)(b), and *paragraph (5)(b)* ~~subsection (5)~~ do not apply to an accredited program.

(10) IMPLEMENTATION STUDY.—The Florida Center for Nursing ~~and the education policy area of the Office of Program Policy Analysis and Government Accountability~~ shall study the administration of this section and submit reports to the Governor, the President of the Senate, and the Speaker of the House of Representatives annually by January 30, through January 30, 2020. The annual reports shall address the previous academic year; provide data on the measures specified in paragraphs (a) and (b), as such data becomes available; and include an evaluation of such data for purposes of determining whether this section is increasing the availability of nursing education programs and the production of quality nurses. The department and each approved program or accredited program shall comply with requests for data from the Florida Center for Nursing ~~and the education policy area of the Office of Program Policy Analysis and Government Accountability~~.

(a) The *Florida Center for Nursing* ~~education policy area of the Office of Program Policy Analysis and Government Accountability~~ shall evaluate program-specific data for each approved program and accredited program conducted in the state, including, but not limited to:

1. The number of programs and student slots available.

2. The number of student applications submitted, the number of qualified applicants, and the number of students accepted.

3. The number of program graduates.

4. Program retention rates of students tracked from program entry to graduation.

5. Graduate passage rates on the National Council of State Boards of Nursing Licensing Examination.

6. The number of graduates who become employed as practical or professional nurses in the state.

(b) The Florida Center for Nursing shall evaluate the board's implementation of the:

1. Program application approval process, including, but not limited to, the number of program applications submitted under subsection (1); the number of program applications approved and denied by the board under subsection (2); the number of denials of program applications reviewed under chapter 120; and a description of the outcomes of those reviews.

2. Accountability processes, including, but not limited to, the number of programs on probationary status, the number of approved programs for which the program director is required to appear before the board under subsection (5), the number of approved programs terminated by the board, the number of terminations reviewed under chapter 120, and a description of the outcomes of those reviews.

(c) *The Florida Center for Nursing shall complete an annual assessment of compliance by programs with the accreditation requirements of subsection (11), include in the assessment a determination of the accreditation process status for each program, and submit the assessment as part of the reports required* ~~For any state fiscal year in which The Florida Center for Nursing does not receive legislative appropriations, the education policy area of the Office of Program Policy Analysis and Government Accountability shall perform the duties assigned~~ by this subsection ~~to the Florida Center for Nursing~~.

(11) ACCREDITATION REQUIRED.—

(e) A nursing education program that fails to meet the accreditation requirements shall be terminated and is ineligible for reapproval under its original name or a new program name for a minimum of 3 years after the date of termination. An institutional name change or the creation of a new educational institution with the same ownership does not reduce the waiting period for reapplication.

Section 5. Section 465.1893, Florida Statutes, is created to read:

465.1893 Administration of antipsychotic medication by injection.—

(1)(a) A pharmacist, at the direction of a physician licensed under chapter 458 or chapter 459, may administer a long-acting antipsychotic medication approved by the United States Food and Drug Administration by injection to a patient if the pharmacist:

1. Is authorized by and acting within the framework of an established protocol with the prescribing physician.

2. Practices at a facility that accommodates privacy for nondeltoid injections and conforms with state rules and regulations regarding the appropriate and safe disposal of medication and medical waste.

3. Has completed the course required under subsection (2).

(b) A separate prescription from a physician is required for each injection administered by a pharmacist under this subsection.

(2)(a) A pharmacist seeking to administer a long-acting antipsychotic medication by injection must complete an 8-hour continuing education course offered by:

1. A statewide professional association of physicians in this state accredited to provide educational activities designated for the American Medical Association Physician's Recognition Award (AMA PRA) Category 1 Credit or the American Osteopathic Association (AOA) Category 1-A continuing medical education (CME) credit; and

2. A statewide association of pharmacists.

(b) The course may be offered in a distance learning format and must be included in the 30 hours of continuing professional pharmaceutical education required under s. 465.009(1). The course shall have a curriculum of instruction that concerns the safe and effective administration of behavioral health and antipsychotic medications by injection, including, but not limited to, potential allergic reactions to such medications.

Section 6. Subsection (5) of section 468.80, Florida Statutes, is amended to read:

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

(5) "Mandatory courses" means continuing education courses that the board has defined by rule and required for license issuance or renewal. *Notwithstanding s. 456.013(7), the board shall require completion of a 1-hour course relating to the prevention of medical errors as a part of the licensure issuance and biennial renewal process. The 1-hour medical errors course counts toward the total number of continuing education hours required. The course must be approved by the board, be developed specifically for the field of orthotics and prosthetics, and include a study of root-cause analysis, error reduction and prevention, patient safety, and medical records.*

Section 7. Paragraphs (b) and (c) of subsection (3) of section 486.102, Florida Statutes, are amended, and paragraph (d) is added to that subsection, to read:

486.102 Physical therapist assistant; licensing requirements.—To be eligible for licensing by the board as a physical therapist assistant, an applicant must:

(3)

(b) Have been graduated from a school giving a course for physical therapist assistants in a foreign country and have educational credentials deemed equivalent to those required for the educational preparation of physical therapist assistants in this country, as recognized by the appropriate agency as identified by the board, and passed to the satisfaction of the board an examination to determine her or his fitness for practice as a physical therapist assistant as hereinafter provided; ~~or~~

(c) Be entitled to licensure without examination as provided in s. 486.107*; or*

(d) Have been enrolled between July 1, 2014, and July 1, 2016, in a physical therapist assistant school in this state which was accredited at the time of enrollment; and

1. Have been graduated or be eligible to graduate from such school no later than July 1, 2018; and

2. Have passed to the satisfaction of the board an examination to determine his or her fitness for practice as a physical therapist assistant as provided in s. 486.104.

Section 8. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the regulation of health care practitioners; amending s. 458.348, F.S.; removing a provision that requires a joint committee to determine standards for the content of advanced registered nurse practitioner protocols; conforming a cross-reference; amending s. 464.012, F.S.; removing an obsolete qualification that is no longer sufficient to satisfy certain nursing certification requirements; requiring that an established protocol be maintained at certain locations; requiring an advanced registered nurse practitioner to enter into a supervisory protocol with a physician under certain circumstances; removing the requirement that the Board of Nursing review protocols and submit uncompliant protocols to the Department of Health; amending s. 464.019, F.S.; authorizing the board to conduct certain onsite evaluations; removing a limiting criterion from the requirement to measure graduate passage rates; removing a requirement that certain nursing program graduates complete a specific preparatory course; clarifying circumstances when programs in probationary status must be terminated; requiring that accredited and nonaccredited nursing education programs disclose probationary status; requiring notification of probationary status to include certain information; prohibiting a terminated or closed program from seeking program approval for a certain time; providing that a name change or the creation of a new educational institution does not reduce the waiting period for reapplication; authorizing the board to adopt certain rules; removing requirements that the Office of Program Policy Analysis and Government Accountability perform certain tasks; requiring the Florida Center for Nursing to evaluate program-specific data for each approved nursing program and make an annual assessment of compliance by nursing programs with certain accreditation requirements; requiring the center to include its assessment in a report to the Governor and the Legislature; requiring the termination of a program under certain circumstances; creating s. 465.1893, F.S.; authorizing a pharmacist to administer specified medication by injection under certain circumstances; requiring a pharmacist who administers such injections to complete a specified course; providing requirements for the course;amending s. 468.80, F.S.; requiring completion of a specified course in orthotics and prosthetics for licensure and licensure renewal; providing course requirements; amending s. 486.102, F.S.; providing requirements for certain physical therapist assistant licensure applicants; providing effective dates.

Pursuant to Rule 4.19, **CS for CS for HB 543**, as amended, was placed on the calendar of Bills on Third Reading.

MOTIONS

THE PRESIDENT PRESIDING

On motion by Senator Benacquisto, the rules were waived and all bills temporarily postponed and remaining on the Special Order Calendar this day were retained on the Special Order Calendar.

On motion by Senator Benacquisto, 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, May 4, 2017.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Benacquisto, by two-thirds vote, **SB 12** was withdrawn from the Committees on Appropriations Subcommittee on Transportation, Tourism, and Economic Development; and Appropriations; **SB 1302** was withdrawn from the Committees on Appropriations; and Rules; and **CS for CS for SB 454**, **CS for SB 1046**, and **SB 1160** were withdrawn from the Committee on Rules.

REPORTS OF COMMITTEES

Pursuant to Rule 4.17(1), the Rules Chair, Majority Leader, and Minority Leader submit the following bills to be placed on the Special

Order Calendar for Wednesday, May 3, 2017: CS for SB 1626, CS for SB 7020, CS for SB 328, CS for SB 714, CS for SB 794, CS for SB 814, CS for CS for SB 902, CS for CS for SB 922, CS for SB 916, CS for CS for SB 926, SB 1470, SB 1564, SB 1222, CS for SB 1206, CS for CS for SB 1468, CS for SB 1144, CS for CS for SB 1104, CS for CS for CS for SB 1044, CS for SB 14, CS for SB 28, CS for SB 40, CS for CS for SB 110, CS for CS for CS for SB 188, CS for CS for SB 406, CS for CS for SB 726, SB 1228, CS for SB 1678, CS for SB 1844, CS for SB 476, CS for CS for SB 832, CS for CS for SB 1314, CS for CS for SB 1562.

Respectfully submitted,
Lizbeth Benacquisto, Rules Chair
Wilton Simpson, Majority Leader
Oscar Braynon II, Minority Leader

The Committee on Appropriations recommends the following pass: CS for CS for HB 23 with 1 amendment

The bill was placed on the Calendar.

The Committee on Appropriations recommends committee substitutes for the following: CS for SB 1312; CS for CS for SB 1372

The bills with committee substitute attached were referred to the Committee on Rules under the original reference.

The Committee on Appropriations recommends committee substitutes for the following: CS for SB 784; CS for SB 1118; CS for SB 1362; SB 7030

The bills with committee substitute attached were placed on the Calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Appropriations; and Transportation; and Senators Gainer and Rouson—

CS for CS for SB 784—A bill to be entitled An act relating to motor vehicles; amending s. 316.003, F.S.; defining the term "autocycle"; redefining the term "motorcycle"; conforming a cross- reference; amending s. 316.193, F.S.; authorizing a court to order placement of an ignition interlock device as a condition of probation, subject to certain requirements; authorizing the court to withhold adjudication if a person convicted of a certain offense voluntarily places, or if the court orders placement of, an ignition interlock device, under certain circumstances; providing that failure of the person to comply with the full terms of the order requiring placement of an ignition interlock device may result in the court ordering an adjudication of guilt; defining the term "conviction"; amending s. 316.1937, F.S.; requiring a court that imposes the use of an ignition interlock device to provide certain discounts on the monthly leasing fee for the device, if the person documents that he or she meets certain income requirements; waiving costs associated with installation and removal of the device in certain circumstances; amending ss. 316.2397 and 316.2398, F.S.; prohibiting vehicles or equipment from showing or displaying red and white lights while being driven or moved; authorizing firefighters to use or display red and white lights under certain circumstances; authorizing active volunteer firefighters to display red and white warning signals under certain circumstances; amending s. 316.302, F.S.; revising provisions relating to federal regulations to which owners and drivers of commercial motor vehicles are subject; delaying the requirement for electronic logging devices for intrastate motor carriers; terminating the maximum amount of a civil penalty for falsification of information on certain time records; deleting the requirement that a motor carrier maintain documentation of a driver's driving times throughout a duty period if the driver is not released from duty within a specified period; providing an exemption from specified rules and regulations for a person who operates a commercial motor vehicle with a declared gross vehicle weight, gross vehicle weight rating, and gross combined weight rating of less than a specified amount under certain circumstances; amending s. 316.3025, F.S.; conforming provisions to changes made by the act; amending s. 316.614, F.S.; redefining the term "motor vehicle"; prohibiting a person from operating an autocycle unless certain safety belt or child restraint device requirements are met; amending s. 316.85, F.S.; authorizing a person who possesses a valid driver license to engage autonomous technology to operate an autonomous vehicle under a specified circumstance; authorizing a person who does not possess a valid driver license to engage autonomous technology to operate an autonomous vehicle in autonomous mode under certain circumstances; creating s. 316.851, F.S.; requiring an autonomous vehicle used by a transportation network company to be covered by automobile insurance, subject to certain requirements; requiring an autonomous vehicle used to provide a transportation service to carry in the vehicle proof of coverage satisfying certain requirements at all times while operating in autonomous mode; amending s. 318.1215, F.S.; authorizing a board of county commissioners to require, by ordinance, that the clerk of the court collect an additional specified fee with each criminal, rather than each civil, traffic penalty; amending s. 318.18, F.S.; changing the term "construction zone" to "work zone" as it relates to enhanced penalties for unlawful speed; amending s. 320.01, F.S.; redefining the terms "apportionable vehicle" and "motorcycle"; amending s. 320.02, F.S.; requiring an application form for motor vehicle registration to include language authorizing a voluntary contribution to be distributed to Preserve Vision Florida, rather than to Prevent Blindness Florida; amending s. 320.03, F.S.; requiring tax collectors to provide motor vehicle registration services to residents of other counties; providing that jurisdiction over the electronic filing system for use by authorized electronic filing system agents to process title transactions, derelict motor vehicle certificates, and certificates of destruction for derelict and salvage motor vehicles is preempted to the state; authorizing an entity that, in the normal course of its business, processes title transactions, derelict motor vehicle certificates, or certificates of destruction for derelict or salvage motor vehicles to be an authorized electronic filing system agent; authorizing the department to adopt rules to administer specified provisions; amending s. 320.06, F.S.; providing for future repeal of issuance of a certain annual license plate and cab card to a vehicle that has an apportioned registration; providing requirements, beginning on a specified date, for license plates, cab cards, and validation stickers for vehicles registered in accordance with the International Registration Plan; authorizing a worn or damaged license plate to be replaced at no charge under certain circumstances; providing an exception to the design of dealer license plates for specialty license plates; amending s. 320.0605, F.S.; authorizing presentation of electronic documentation of certain information to a law enforcement officer or agent of the department; providing construction; providing liability; revising information required in such documentation; amending s. 320.0607, F.S.; providing an exemption, beginning on a specified date, of a certain fee for vehicles registered under the International Registration Plan; amending s. 320.0657, F.S.; providing an exception to the design of fleet license plates for specialty license plates; authorizing fleet companies to purchase specialty license plates in lieu of the standard fleet license plates for additional specified fees; requiring fleet companies to be responsible for all costs associated with the specialty license plate; amending s. 320.08, F.S.; requiring a truck tractor used within this state to be eligible for a license plate for a specified fee under certain circumstances; requiring a truck tractor or heavy truck, not operated as a for-hire vehicle, which is engaged exclusively in transporting raw, unprocessed, and nonmanufactured agricultural or horticultural products within this state to be eligible for a restricted license for a certain fee; authorizing dealers to purchase specialty license plates in lieu of the standard graphic dealer license plates for additional specified fees; requiring dealers to be responsible for all costs associated with the specialty license plate; conforming cross-references; amending s. 320.08056, F.S.; allowing the department to authorize dealer and fleet specialty license plates; authorizing a dealer or fleet company to purchase specialty license plates to be used on dealer and fleet vehicles with the permission of the sponsoring specialty license plate organization; requiring a dealer or fleet specialty license plate to include specified letters on the right side of the license plate; requiring dealer and fleet specialty license plates to be ordered directly through the department; deleting the American Red Cross, Donate Organs-Pass It On, St. Johns River, and Hispanic Achievers license plates; establishing an annual use fee for certain specialty license plates; conforming cross-references; amending s. 320.08058, F.S.; deleting the American Red Cross, Donate Organs-Pass It On, St. Johns River, and Hispanic Achievers license plates; revising the distribution of proceeds for the Fallen Law Enforcement Officers License Plate; requiring the Department of Highway Safety and Motor Vehicles to develop certain specialty

license plates; providing for distribution and use of fees collected from the sale of the plates; amending s. 320.08068, F.S.; requiring The Able Trust to distribute a specified percentage of annual use fees from motorcycle specialty license plates to Preserve Vision Florida, rather than to Prevent Blindness Florida; amending s. 320.086, F.S.; providing that, for purposes of this section, a trailer is considered a motor vehicle; creating s. 320.0875, F.S.; providing for a motorcycle special license plate to be issued to a recipient of the Purple Heart; providing requirements for the plate; amending s. 320.089, F.S.; providing for a special license plate to be issued to a recipient of the Bronze Star; making technical changes; amending s. 320.133, F.S.; defining the term "transporter license plate eligible business"; providing that a person is not eligible to purchase or renew a transporter license plate unless he or she provides certain proof that his or her business is a transporter license plate eligible business; providing application and insurance requirements for qualification as a transporter license plate eligible business; authorizing the department to issue a transporter license plate to an applicant who is not a licensed dealer and is qualified as a transporter license plate eligible business, under certain circumstances; providing that a transporter license plate is valid only for use on an unregistered motor vehicle in the possession of the transporter, subject to certain requirements; providing a criminal penalty for a person who sells or unlawfully possesses, distributes, or brokers a transporter license plate to be attached to any vehicle; providing that transporter license plates are subject to cancellation by the department; providing a criminal penalty and disqualification from transporter license plate usage for a person who knowingly and willfully sells or unlawfully possesses, distributes, or brokers a transporter license plate to avoid registering a vehicle requiring registration, subject to certain requirements; providing recordkeeping requirements for a transporter license plate eligible business; providing a criminal penalty, cancellation of transporter license plates, and disqualification from future issuance of the plates for a violation of such recordkeeping requirements; requiring a transporter license plate issued under this section to be accompanied by registration and proof of insurance when attached to a motor vehicle; providing a criminal penalty and removal of the license plate for a person who fails to provide such documentation; providing an exemption to persons who contract with dealers and auctions to transport motor vehicles; conforming provisions to changes made by the act; providing that an initial registration or renewal issued under this section is valid for a specified period; requiring a license plate attached to a motor vehicle in violation of specified provisions to be removed by a law enforcement officer and surrendered to the department by the law enforcement agency for cancellation; amending s. 320.27, F.S.; revising the definitions of "motor vehicle dealer" and "motor vehicle broker"; requiring any person acting in violation of specified licensing requirements to be deemed to have committed an unfair and deceptive trade practice in violation of specified provisions; making technical changes; amending s. 321.25, F.S.; providing for reimbursement to the department of tuition and other course expenses for certain training under certain circumstances; defining the term "other course expenses"; authorizing the department to institute a civil action under certain circumstances; authorizing the department to waive a person's requirement of reimbursement when the person terminates employment due to hardship or extenuating circumstances; amending s. 322.01, F.S.; conforming provisions to changes made by the act; amending s. 322.03, F.S.; authorizing a person to operate an autocycle without a motorcycle endorsement; amending s. 322.032, F.S.; requiring the department, in collaboration with the Agency for State Technology, to establish and implement certain protocols and standards related to digital proofs of driver licenses and to procure an application programming interface for a specified purpose; conforming a provision to changes made by the act; providing construction relating to a person's presentation of an electronic device displaying a digital proof of driver license to a law enforcement officer; amending s. 322.051, F.S.; revising eligibility for a "D" designation on an identification card to include posttraumatic stress disorder or traumatic brain injury; amending s. 322.08, F.S.; requiring an application form for an original, renewal, or replacement driver license or identification card to include language authorizing a voluntary contribution to Preserve Vision Florida, rather than to Prevent Blindness Florida; amending s. 322.091, F.S.; requiring the department to make available, upon request, a report to each school district of certain information for each student whose driving privileges have been suspended under this section; amending s. 322.12, F.S.; requiring the tax collector to retain specified fees if a subsequent knowledge or skills test is administered by the tax collector; exempting the operation of an autocycle from certain examination requirements for licenses to operate motorcycles; amending s. 322.135, F.S.; requiring tax collectors to provide driver license services to residents of all counties; amending s. 322.17, F.S.; providing for replacement of a stolen identification card at no charge, subject to certain requirements; amending s. 322.21, F.S.; deleting obsolete provisions; deleting a fee for certain specialty driver licenses or identification cards; providing disposition of specified fees for reinstatement of a driver license following a suspension, revocation, or disqualification when the reinstatement is processed by the department or the tax collector; requiring an applicant who submits an application for a renewal or replacement driver license or identification card to the department using a convenience service to be provided with an option for expedited shipping, subject to certain requirements; requiring a fee to be charged for the expedited shipping option, subject to certain requirements; providing for disposition of such fee; amending s. 322.61, F.S.; adding violations for texting or using a handheld mobile telephone while driving a commercial motor vehicle as specified offenses that, in certain circumstances, result in disqualification from operating a commercial motor vehicle for a specified period; amending s. 324.031, F.S.; revising insurer requirements for a motor vehicle liability policy held by the owner or operator of a taxicab, limousine, jitney, or any other for-hire passenger transportation vehicle; revising certain excess insurance minimum limits for an operator or owner of any other vehicle proving his or her financial responsibility by furnishing a certain certificate of self-insurance showing a deposit of cash; amending s. 531.37, F.S.; revising the definition of the term "weights and measures"; amending s. 531.61, F.S.; deleting a provision exempting certain taximeters from specified permit requirements; amending s. 531.63, F.S.; deleting a provision prohibiting the annual permit fees for taximeters from exceeding $50; amending s. 877.27, F.S.; prohibiting a person from using a device prohibited by the Federal Communications Commission which would cause interference with the legal use of a global positioning system to track vehicles; amending ss. 212.05, 316.303, 316.545, 316.613, and 655.960, F.S.; conforming cross-references; providing applicability of certain changes made by the act; providing effective dates, one of which is contingent.

By the Committees on Appropriations; and Transportation; and Senators Gainer and Rouson—

CS for CS for SB 1118—A bill to be entitled An act relating to transportation; amending s. 20.23, F.S.; requiring the Department of Transportation to consist of a central office and districts, subject to certain requirements; providing that any secretary appointed after a specified date and the assistant secretaries are exempt from membership in the Senior Management Service System Class; requiring the secretary and assistant secretaries to receive compensation competitive with compensation for comparable responsibility in other public sector organizations; requiring that the salaries of the secretary and the assistant secretaries be established by the Florida Transportation Commission and determined by a certain market analysis, subject to certain requirements; providing minimum specified salaries for the secretary and assistant secretaries; providing that the district secretaries and the executive director of the turnpike enterprise are exempt from membership in the Senior Management Service System Class; requiring that the district secretaries and the executive director of the turnpike enterprise receive compensation commensurate with their qualifications and competitive with compensation for comparable responsibility in other public sector organizations and in the private sector; providing salary requirements for the district secretaries and the executive director of the turnpike enterprise; amending s. 212.055, F.S.; requiring certain enactments to specify the types of municipalities authorized to levy a discretionary sales surtax; authorizing certain municipalities to levy a certain discretionary sales surtax; providing requirements for the discretionary sales surtax; providing that the levy of the discretionary sales surtax does not prohibit the county in which the municipality is located from levying a certain discretionary sales surtax; authorizing the county within which the municipality is located to also levy a discretionary sales surtax, at the same level as the municipality, pursuant to a referendum of the voters of the county who reside outside the municipality; providing that the county discretionary sales surtax may be collected only outside the municipality limits; authorizing, alternatively, the municipality and county, by interlocal agreement, to levy such a discretionary sales surtax by referendum of all the voters of the county; requiring the proposal to adopt a discretionary sales surtax and to create a trust fund within the municipality accounts to be placed on the ballot in accordance with law at a time to be set at the discretion of

the governing body; providing that proceeds from the surtax shall be applied to specified uses in whatever combination the municipal governing body deems appropriate; conforming provisions to changes made by the act; creating s. 316.0898, F.S.; requiring the Department of Transportation, in consultation with the Department of Highway Safety and Motor Vehicles, to develop the Florida Smart City Challenge grant program; specifying requirements for grant program applicants; establishing goals for the grant program; requiring the Department of Transportation to develop specified criteria for the program grants and a plan for promotion of the grant program; authorizing the Department of Transportation to contract with a third party that demonstrates certain knowledge and expertise for a specified purpose; requiring the Department of Transportation to submit certain information regarding the grant program to the Governor and the Legislature by a specified date; providing for repeal; amending s. 316.545, F.S.; providing for the calculation of fines for unlawful weight and load for a vehicle fueled by natural gas; requiring the vehicle operator to present a certain written certification upon request by a weight inspector or law enforcement officer; prescribing a maximum actual gross vehicle weight for vehicles fueled by natural gas; providing applicability; creating s. 316.851, F.S.; requiring an autonomous vehicle used by a transportation network company to be covered by automobile insurance, subject to certain requirements; requiring an autonomous vehicle used to provide a transportation service to carry in the vehicle proof of coverage satisfying certain requirements at all times while operating in autonomous mode; creating s. 316.853, F.S.; defining the term "automated mobility district"; requiring the Department of Transportation to designate automated mobility districts; requiring the department to consider applicable criteria from federal agencies for automated mobility districts in determining eligibility of a community for the designation; amending s. 319.145, F.S.; requiring an autonomous vehicle registered in this state to be capable of bringing the vehicle to a full stop when an alert is given if the human operator does not, or is not able to, take control of the autonomous vehicle, or if a human operator is not physically present in the vehicle; amending s. 335.074, F.S.; requiring bridges on public transportation facilities to be inspected for certain purposes at regular intervals as required by the Federal Highway Administration; creating s. 335.094, F.S.; providing legislative intent; requiring the department to establish a process, including any forms deemed necessary by the department, for submitting applications for installation of a memorial marker; specifying persons who may submit such applications to the department; requiring the department to establish criteria for the design and fabrication of memorial markers; authorizing the department to install a certain sign at no charge to an applicant; providing that memorial markers may incorporate the available emblems of belief approved by the United States Department of Veterans Affairs National Cemetery Administration upon the request of the applicant and payment of a reasonable fee set by the department to offset production costs; defining the term "emblem of belief"; authorizing an applicant to request a new emblem of belief not specifically approved by the United States Department of Veterans Affairs National Cemetery Administration for inscription on a memorial marker, subject to certain requirements; requiring the department, under certain circumstances, to notify an applicant of any missing information and that no further action on the application will be taken until the missing information is provided; providing requirements for placement of the memorial marker by the department; requiring the department to remove a memorial marker if the department determines the presence of the marker creates a safety hazard, subject to certain requirements; amending s. 337.11, F.S.; increasing the allowable amount for contracts for construction and maintenance which the department may enter into, in certain circumstances, without advertising and receiving competitive bids; amending s. 337.401, F.S.; authorizing the Department of Transportation and certain local governmental entities to prescribe and enforce reasonable rules or regulations with reference to the placing and maintaining across, on, or within the right-of-way limits of any road or publicly owned rail corridors under their respective jurisdictions any voice or data communications services lines or wireless facilities; amending s. 338.227, F.S.; providing that certain bonds are not required to be validated but may be validated at the option of the Division of Bond Finance; providing filing, notice, and service requirements for complaints and circuit court orders concerning such validation; amending s. 215.82, F.S.; conforming a provision to changes made by the act; amending s. 338.2275, F.S.; authorizing the department to include the acquisition of the Garcon Point Bridge and related assets as a turnpike project in the department's tentative work program, subject to certain requirements; authorizing the department to acquire the bridge and outstanding Santa Rosa Bay Bridge Authority bonds upon approval of the acquisition through approval of the department's tentative work program; authorizing the department to enter into necessary agreements to implement the acquisition and to specify the terms and conditions thereof; providing that the bridge becomes a part of the turnpike system upon its acquisition; approving the issuance of revenue bonds; requiring the acquisition price paid by the department to first be used to settle all claims of the holders of certain Santa Rosa Bay Bridge Authority Revenue Bonds; prohibiting a toll rate increase in connection with the acquisition of the bridge; prohibiting any increase in tolls for use of the bridge following its acquisition, except as required by law or to comply with bond covenants; prohibiting the department or the state from incurring any financial obligation for the acquisition in excess of certain gross revenues; providing that the acquisition price paid by the department may not exceed the present value of certain gross revenues; terminating a certain lease-purchase agreement between the Santa Rosa Bay Bridge Authority and the department upon the acquisition of the Garcon Point Bridge; repealing part IV of chapter 348, F.S., relating to the Santa Rosa Bay Bridge Authority, upon acquisition of the bridge; amending s. 339.135, F.S.; providing an additional exception related to the amendment of adopted work programs when an emergency exists; amending s. 339.2405, F.S.; replacing the Florida Highway Beautification Council within the department with the Florida Highway Beautification Grant Program; providing the purpose of the program; providing duties of the department; conforming provisions to changes made by the act; amending s. 343.52, F.S.; defining the term "department"; amending s. 343.53, F.S.; conforming a cross-reference; amending s. 343.54, F.S.; prohibiting the South Florida Regional Transportation Authority from entering into, extending, or renewing certain contracts or other agreements without the department's prior review and written approval if such contracts or agreements may be funded with funds provided by the department; amending s. 343.58, F.S.; providing that certain funds provided to the authority by the department constitute state financial assistance for specified purposes, subject to certain requirements; requiring the department to provide certain funds in accordance with the terms of an agreement between the authority and the department; authorizing the department to advance the authority a certain amount of the total funding for a state fiscal year at the beginning of each state fiscal year, subject to certain requirements; requiring the authority to promptly provide the department any documentation or information, in addition to the proposed annual budget, which is required by the department for its evaluation of the proposed uses of state funds; amending s. 427.011, F.S.; revising the definition of the term "paratransit"; authorizing the Secretary of Transportation to enroll the State of Florida in federal pilot programs or projects for the collection and study of data for the review of federal or state roadway safety, infrastructure sustainability, congestion mitigation, transportation system efficiency, autonomous vehicle technology, or capacity challenges; providing legislative findings; providing for an alternate means to measure permitted sign height on interstate highways within Broward County; providing for the Department of Transportation to promulgate rules; providing effective dates, one of which is contingent.

By the Committees on Appropriations; and Community Affairs; and Senator Perry—

CS for CS for SB 1312—A bill to be entitled An act relating to construction; amending s. 377.705, F.S.; revising legislative findings and intent; authorizing solar energy systems manufactured or sold in the state to be certified by professional engineers; amending s. 489.103, F.S.; revising an exemption from construction contracting regulation for certain public utilities; deleting responsibility of the Construction Industry Licensing Board to define the term "incidental to their business" for certain purposes; amending s. 553.721, F.S.; requiring the Department of Business and Professional Regulation to provide certain funds allocated to the University of Florida M. E. Rinker, Sr., School of Construction Management for specified purposes; providing an appropriation; amending s. 553.73, F.S.; requiring the Florida Building Commission to use certain entities and codes for updates to the Florida Building Code; revising voting requirements for a technical advisory committee to make a favorable recommendation to the commission; providing that certain technical amendments to the Florida Building Code which are adopted by a local government are not rendered void when the code is updated; specifying that such amendments are subject to review or modification if carried forward into the next edition of the code; requiring the commission to update the Florida Building Code through a review of the most current updates of specified codes; re-

quiring the commission to adopt specified provisions from certain codes; deleting provisions limiting how long an amendment or modification is effective; deleting a provision requiring certain amendments or modifications to be carried forward into the next edition of the code, subject to certain conditions; deleting certain requirements for the resubmission of expired amendments; deleting a provision prohibiting a proposed amendment from being included in the code if it has been addressed in the international code; conforming provisions to changes made by the act; prohibiting the commission from adopting certain provisions into the Florida Building Code; amending s. 553.76, F.S.; requiring the commission to adopt the Florida Building Code, and amendments thereto, by a minimum percentage of votes; amending s. 553.79, F.S.; prohibiting certain counties and municipalities from adopting or enforcing certain building permits or other development order requirements; providing construction; providing for preemption of certain local laws and regulations; providing for retroactive applicability; providing an exemption; amending s. 553.791, F.S.; providing legislative intent; requiring local jurisdictions to reduce certain permit fees; amending s. 553.80, F.S.; prohibiting local enforcement agencies, independent districts, and special districts from charging certain fees; creating s. 553.9081, F.S.; requiring the Florida Building Commission to amend certain provisions of the Florida Building Code; amending s. 633.208, F.S.; prohibiting a county, municipality, special taxing district, public utility, or private utility from requiring a separate water connection or charging a specified water or sewage rate under certain conditions; prohibiting a local government from requiring a permit for painting a residence; requiring the Department of Education to develop a plan for specified purposes; requiring the department to provide the plan to the Construction Industry Workforce Task Force by a specified date; requiring CareerSource Florida, Inc., to develop a plan for specified purposes; requiring CareerSource Florida, Inc., to provide the plan to the Construction Industry Workforce Task Force by a specified date; requiring the Florida Building Commission to amend specified provisions of the Florida Building Code related to door components; providing an effective date.

By the Committees on Appropriations; and Education; and Senators Broxson and Stargel—

CS for CS for SB 1362—A bill to be entitled An act relating to K-12 education; amending s. 1002.33, F.S.; revising the charter school application process; revising the appeals process for a denied charter school application; requiring the use of the standard charter contract by specified entities; revising eligibility requirements for charter school students enrolled in blended learning courses; authorizing a charter school to be exempt from provisions relating to controlled open enrollment under certain circumstances; clarifying provisions relating to charter schools and tort liability; revising the purpose of charter school cooperatives; authorizing the use of unrestricted net assets and certain unrestricted surplus for specified charter schools; requiring such funds to be used in accordance with specified provisions; authorizing certain entities to share facilities with charter schools without additional approval; revising the administrative fees that a district may withhold from charter schools; requiring charter schools to complete and submit an annual survey; revising the public information disclosures of charter schools; deleting a requirement that the Department of Education compare certain data; revising eligibility criteria for designated local educational agency status; authorizing the governing board of a charter school system to be designated a local educational agency for certain schools; amending s. 1002.3305, F.S.; revising the definition for the term "eligible student" for purposes of the College-preparatory Boarding Academy Pilot Program; amending s. 1002.331, F.S.; conforming provisions to changes made by the act; authorizing a high-performing charter school to establish more than one charter school in any year under certain circumstances; amending s. 1002.332, F.S.; authorizing a high-performing charter school system to replicate its schools in any school district and providing application requirements therefor; amending s. 1003.498, F.S.; revising eligibility requirements for students enrolled in blended learning courses; amending s. 1007.35, F.S.; revising the name of an ACT assessment for specified purposes; amending s. 1008.34, F.S.; revising the student performance data to be included in school grades; amending s. 1008.341, F.S.; including concordant scores in the calculation of an alternative school's school improvement rating; amending s. 1011.62, F.S.; revising eligibility criteria for postsecondary institutions to participate in the dual enrollment and early admission programs; amending s. 1011.69, F.S.; requiring school districts to provide specified funds directly to schools eligible to receive Title I funds; providing a definition; authorizing school districts to withhold certain funds for specified purposes; authorizing eligible schools to use funds to participate in certain services; providing an effective date.

By the Committees on Appropriations; Community Affairs; and Regulated Industries; and Senator Perry—

CS for CS for CS for SB 1372—A bill to be entitled An act relating to building-related contracting; amending s. 468.603, F.S.; revising definitions; amending s. 468.609, F.S.; revising eligibility requirements for the examination for certification as a building code inspector or plans examiner to include an internship certification program; removing an eligibility condition from provisions related to provisional certificates; requiring the Florida Building Code Administrators and Inspectors Board to establish rules; amending s. 468.617, F.S.; authorizing specified entities to contract for the provision of building code administrator and building official services; amending s. 553.791, F.S.; revising a definition; conforming cross-references, conforming provisions to changes made by the act; amending ss. 471.045 and 481.222, F.S.; conforming cross-references; amending s. 489.516, F.S.; specifying that provisions regulating certified electrical contractors and certified alarm system contractors do not prevent such contractors from acting as a prime contractor or from subcontracting work to other licensed contractors under certain circumstances; amending s. 553.73, F.S.; requiring the Florida Building Commission to use certain entities and codes for updates to the Florida Building Code; revising voting requirements for a technical advisory committee to make a favorable recommendation to the commission; providing that certain technical amendments to the Florida Building Code which are adopted by a local government are not rendered void when the code is updated; specifying that such amendments are subject to review or modification if carried forward into the next edition of the code; requiring the commission to update the Florida Building Code through a review of the most current updates of specified codes; requiring the commission to adopt specified provisions from certain codes; deleting provisions limiting how long an amendment or modification is effective; deleting a provision requiring certain amendments or modifications to be carried forward into the next edition of the code, subject to certain conditions; deleting certain requirements for the resubmission of expired amendments; deleting a provision prohibiting a proposed amendment from being included in the code if it has been addressed in the international code; prohibiting the commission from adopting certain provisions into the Florida Building Code; conforming provisions to changes made by the act; amending s. 553.76, F.S.; requiring the commission to adopt the Florida Building Code, and amendments thereto, by a minimum percentage of votes; providing an effective date.

By the Committees on Appropriations; and Governmental Oversight and Accountability—

CS for SB 7030—A bill to be entitled An act relating to benefits and salaries for public employees; creating s. 112.1816, F.S.; defining the term "firefighter"; establishing a presumption as to a firefighter's condition or impairment of health caused by certain types of cancer that he or she contracts in the line of duty; specifying criteria a firefighter must meet to be entitled to the presumption; requiring an employing agency to provide a physical examination for a firefighter; specifying circumstances under which the presumption does not apply; providing for applicability; amending s. 121.053, F.S.; authorizing renewed membership in the Florida Retirement System for retirees who are reemployed in a position eligible for the Elected Officers' Class under certain circumstances; amending s. 121.055, F.S.; providing for renewed membership in the retirement system for retirees of the Senior Management Service Optional Annuity Program who are reemployed on or after a specified date; closing the Senior Management Service Optional Annuity Program to new members after a specified date; amending s. 121.091, F.S.; revising criteria for eligibility of payment of death benefits to the surviving children of a Special Risk Class member killed in the line of duty under specified circumstances; conforming a provision to changes made by the act; amending s. 121.122, F.S.; requiring that certain retirees who are reemployed on or after a specified date be renewed members in the investment plan; providing exceptions; specifying that creditable service does not accrue for employment during a specified period; prohibiting certain funds from being paid into a renewed member's investment plan account for a specified period of em-

ployment; requiring the renewed member to satisfy vesting requirements; prohibiting a renewed member from receiving specified disability benefits; specifying limitations and requirements; requiring the employer and the retiree to make applicable contributions to the renewed member's investment plan account; providing for the transfer of contributions; authorizing a renewed member to receive additional credit toward the health insurance subsidy under certain circumstances; prohibiting participation in the pension plan; providing that a retiree reemployed on or after a specified date in a regularly established position eligible for the State University System Optional Retirement Program or State Community College System Optional Retirement Program is a renewed member of that program; specifying limitations and requirements; requiring the employer and the retiree to make applicable contributions; amending s. 121.4501, F.S.; revising definitions; revising a provision relating to acknowledgement of an employee's election to participate in the investment plan; enrolling certain employees in the pension plan from their date of hire until they are automatically enrolled in the investment plan or timely elect enrollment in the pension plan; providing an exception for employees who are in positions in the Special Risk Class; providing certain members with a specified timeframe within which they may choose participation in the pension plan or the investment plan; conforming provisions to changes made by the act; amending s. 121.591, F.S.; authorizing payment of death benefits to the surviving spouse or surviving children of a member in the investment plan; establishing qualifications and eligibility requirements for receipt of such benefits; prescribing the method of calculating the benefit; specifying circumstances under which benefit payments are terminated; amending s. 121.5912, F.S.; revising a provision regarding program qualification under the Internal Revenue Code and rulemaking authority, to conform to changes made by the act; amending s. 121.735, F.S.; revising allocations to fund line-of-duty death benefits for investment plan members, to conform to changes made by the act; requiring the Legislature to review specified cancer research programs by a certain date; revising employer contribution rates to fund changes made by the act; providing a directive to the Division of Law Revision and Information; providing a declaration of important state interest; amending s. 110.123, F.S.; revising applicability of certain definitions; defining the term "plan year"; authorizing the state group insurance program to include additional benefits; authorizing an employee to use a specified portion of the state's contribution to purchase additional program benefits and supplemental benefits under certain circumstances; providing for the program to offer health plans in specified benefit levels; defining the term "actuarial value"; requiring the Department of Management Services to develop a plan for implementation of the benefit levels; providing reporting requirements; providing for expiration of the implementation plan; creating s. 110.12303, F.S.; authorizing additional benefits to be included in the state group insurance program; requiring the department to contract with at least one entity that provides comprehensive pricing and inclusive services for surgery and other medical procedures; providing contract and reporting requirements; requiring the department to contract with an entity to provide enrollees with online information on health care services and providers; providing contract and reporting requirements; specifying applicability; creating s. 110.12304, F.S.; directing the department to competitively procure an independent benefits consultant; providing qualifications and duties of the independent benefits consultant; providing reporting requirements; providing an appropriation and authorizing positions; providing a purpose and legislative intent with respect to provisions governing salary and benefit adjustments for specified state employees; providing for compensation adjustments for specified law enforcement personnel, the Department of Corrections, Assistant Public Defenders, certain judicial officers and designated employees, and other state employees and officers; authorizing the use of specified pay additives and other incentive programs for the 2017-2018 fiscal year; providing appropriations to fund the salary and benefit adjustments; requiring the Office of Policy and Budget in the Executive Office of the Governor, in consultation with the Legislature, to distribute funds and budget authority; providing effective dates.

REFERENCE CHANGES PURSUANT TO RULE 4.7(2)

By the Committees on Appropriations; and Community Affairs; and Senator Perry—

CS for CS for SB 1312—A bill to be entitled An act relating to construction; amending s. 377.705, F.S.; revising legislative findings and intent; authorizing solar energy systems manufactured or sold in the state to be certified by professional engineers; amending s. 489.103, F.S.; revising an exemption from construction contracting regulation for certain public utilities; deleting responsibility of the Construction Industry Licensing Board to define the term "incidental to their business" for certain purposes; amending s. 553.721, F.S.; requiring the Department of Business and Professional Regulation to provide certain funds allocated to the University of Florida M. E. Rinker, Sr., School of Construction Management for specified purposes; providing an appropriation; amending s. 553.73, F.S.; requiring the Florida Building Commission to use certain entities and codes for updates to the Florida Building Code; revising voting requirements for a technical advisory committee to make a favorable recommendation to the commission; providing that certain technical amendments to the Florida Building Code which are adopted by a local government are not rendered void when the code is updated; specifying that such amendments are subject to review or modification if carried forward into the next edition of the code; requiring the commission to update the Florida Building Code through a review of the most current updates of specified codes; requiring the commission to adopt specified provisions from certain codes; deleting provisions limiting how long an amendment or modification is effective; deleting a provision requiring certain amendments or modifications to be carried forward into the next edition of the code, subject to certain conditions; deleting certain requirements for the resubmission of expired amendments; deleting a provision prohibiting a proposed amendment from being included in the code if it has been addressed in the international code; conforming provisions to changes made by the act; prohibiting the commission from adopting certain provisions into the Florida Building Code; amending s. 553.76, F.S.; requiring the commission to adopt the Florida Building Code, and amendments thereto, by a minimum percentage of votes; amending s. 553.79, F.S.; prohibiting certain counties and municipalities from adopting or enforcing certain building permits or other development order requirements; providing construction; providing for preemption of certain local laws and regulations; providing for retroactive applicability; providing an exemption; amending s. 553.791, F.S.; providing legislative intent; requiring local jurisdictions to reduce certain permit fees; amending s. 553.80, F.S.; prohibiting local enforcement agencies, independent districts, and special districts from charging certain fees; creating s. 553.9081, F.S.; requiring the Florida Building Commission to amend certain provisions of the Florida Building Code; amending s. 633.208, F.S.; prohibiting a county, municipality, special taxing district, public utility, or private utility from requiring a separate water connection or charging a specified water or sewage rate under certain conditions; prohibiting a local government from requiring a permit for painting a residence; requiring the Department of Education to develop a plan for specified purposes; requiring the department to provide the plan to the Construction Industry Workforce Task Force by a specified date; requiring CareerSource Florida, Inc., to develop a plan for specified purposes; requiring CareerSource Florida, Inc., to provide the plan to the Construction Industry Workforce Task Force by a specified date; requiring the Florida Building Commission to amend specified provisions of the Florida Building Code related to door components; providing an effective date.

—was placed on the Calendar.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

RETURNING MESSAGES — FINAL ACTION

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed SB 256.

Portia Palmer, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 368.

Portia Palmer, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 370.

Portia Palmer, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 474.

Portia Palmer, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed CS/SB 494.

Portia Palmer, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 800.

Portia Palmer, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 896.

Portia Palmer, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 1018.

Portia Palmer, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed CS/SB 1108 by the required Constitutional two-thirds vote of the members voting.

Portia Palmer, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed CS/SB 1520.

Portia Palmer, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed CS/SB 1634.

Portia Palmer, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 1672.

Portia Palmer, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed CS/SB 1694.

Portia Palmer, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment 2 and passed CS/HB 105, as amended.

Portia Palmer, Clerk

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment 2 and passed CS/CS/CS/HB 107, as amended.

Portia Palmer, Clerk

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment 1 and passed CS/CS/HB 241, as amended.

Portia Palmer, Clerk

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment 1 and passed CS/HB 327, as amended.

Portia Palmer, Clerk

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment 1 and passed CS/CS/HB 1107, as amended, by the required Constitutional two-thirds vote of the members voting.

Portia Palmer, Clerk

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment 1 and passed CS/HB 6549, as amended.

Portia Palmer, Clerk

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment 1 and passed HB 7099, as amended.

Portia Palmer, Clerk

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 2 was corrected and approved.

CO-INTRODUCERS

Senator Hutson—SB 1222

ADJOURNMENT

On motion by Senator Benacquisto, the Senate adjourned at 5:19 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Thursday, May 4 or upon call of the President.

Daily Numeric Index for
May 3, 2017

PA — Proposal Action
PF — Proposal Failed
PP — Proposal Passed
CO — Co-Introducers
CR — Committee Report
CS — Committee Substitute, First Reading
FR — First Reading
MO — Motion
RC — Reference Change