Journal of the Senate

Number 26—Regular Session **Friday, May 5, 2017**

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CALL TO ORDER

The Senate was called to order by President Negron at 10:00 a.m. A quorum present—34:

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

Excused: Senator Hukill

PRAYER

The following prayer was offered by Associate Rector, Mother Abi Moon, St. John's Episcopal Church, Tallahassee:

Lord, keep this nation under your care and bless the leaders of our land; that we may be a people at peace among ourselves and a blessing to other nations of the Earth.

Give grace to your servants, O Lord, especially to Senators, Representatives, and those who make our laws in states, cities, and towns. Give courage, wisdom, and foresight to provide for the needs of all our people and to fulfill our obligations in the community of nations.

Teach our people to rely on your strength and to accept their responsibilities to their fellow citizens; that they may elect trustworthy leaders and make wise decisions for the well-being of our society; that we may serve you faithfully in our generation and honor your holy name, for yours is the kingdom, O Lord, and you are exalted as head above all. Amen.

PLEDGE

Senate Pages, Jack Volkert of Tallahassee and Clayton Vance of Lake Placid, 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. Michael Forsthoefel of Tallahassee, sponsored by Senator Montford, as the doctor of the day. Dr. Forsthoefel specializes in internal medicine.

BILLS ON THIRD READING

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.

—as amended May 3, was read the third time by title.

RECONSIDERATION OF AMENDMENT

On motion by Senator Bradley, the Senate reconsidered the vote by which engrossed **Amendment 2 (657796)** was adopted May 3.

Senator Bradley moved the following amendment to engrossed **Amendment 2 (657796)** which was adopted by two-thirds vote:

Amendment 2A (190324)—Delete line 27 and insert:
an agency referred to in subparagraph 1. or subparagraph 2., is an

Engrossed **Amendment 2 (657796)**, as amended, was adopted by two-thirds vote.

On motion by Senator Bradley, **CS for HB 1379**, as amended, was passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Galvano, Latvala

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.

—as amended May 3, was read the third time by title.

On motion by Senator Garcia, **HB 7073**, as amended, was passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Bracy, Galvano, Latvala

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; amending s. 393.18, F.S.; prohibiting the licensure of new comprehensive transitional education programs after a specified date; prohibiting the renewal of existing comprehensive transitional education program licenses after a specified date; providing an effective date.

—was read the third time by title.

On motion by Senator Garcia, **CS for HB 899** was passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Galvano, Latvala

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.

—was read the third time by title.

On motion by Senator Brandes, **CS for HB 339** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Galvano

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.

—as amended May 3, was read the third time by title.

On motion by Senator Broxson, **CS for HB 307**, as amended, was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Bracy	Campbell
Baxley	Bradley	Clemens
Bean	Brandes	Farmer
Benacquisto	Braynon	Flores
Book	Broxson	Gainer

Garcia	Passidomo	Stargel
Gibson	Perry	Steube
Grimsley	Powell	Stewart
Hutson	Rader	Thurston
Latvala	Rodriguez	Torres
Lee	Rouson	Young
Mayfield	Simmons	
Montford	Simpson	

Nays—None

Vote after roll call:

Yea—Galvano

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.

—as amended May 3, was read the third time by title.

On motion by Senator Simmons, **CS for CS for CS for HB 15**, as amended, was passed and certified to the House. The vote on passage was:

Yeas—27

Mr. President	Gainer	Passidomo
Baxley	Galvano	Perry
Bean	Garcia	Rouson
Benacquisto	Grimsley	Simmons
Bradley	Hutson	Simpson
Brandes	Latvala	Stargel
Broxson	Lee	Steube
Campbell	Mayfield	Stewart
Flores	Montford	Young

Nays—11

Book	Farmer	Rodriguez
Bracy	Gibson	Thurston
Braynon	Powell	Torres
Clemens	Rader	

INTRODUCTION OF FORMER SENATORS

The President recognized Chief Financial Officer Jeff Atwater, a former Senate President, who was present in the chamber.

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

SPECIAL ORDER CALENDAR

On motion by Senator Bradley, by unanimous consent—

CS for SB 1582—A bill to be entitled An act relating to workers' compensation insurance; amending s. 440.02, F.S.; redefining the term "specificity"; amending s. 440.105, F.S.; revising a prohibition against receiving certain fees, consideration, or gratuities under certain circumstances; amending s. 440.13, F.S.; specifying certain timeframes in terms of business days, rather than days; requiring carriers to authorize or deny, rather than respond to, certain requests for authorization within a specified timeframe; revising construction; revising a specified interval for certain notices furnished by treating physicians to employers or carriers; amending s. 440.15, F.S.; revising the maximum period of specified temporary disability benefits; amending s. 440.151, F.S.; providing that specified cancers of firefighters are deemed occupational diseases arising out of work performed in the course and scope of employment; amending s. 440.192, F.S.; revising conditions under which the Office of the Judges of Compensation Claims must dismiss petitions for benefits; revising requirements for such petitions; revising construction relating to dismissals of petitions or portions of such petitions; requiring judges of compensation claims to enter orders on certain motions to dismiss within specified timeframes; amending s. 440.34, F.S.; prohibiting the payment of certain consideration by carriers or employers, rather than prohibiting such payment for claimants, in connection with certain proceedings under certain circumstances; requiring judges of compensation claims to consider specified factors in increasing or decreasing attorney fees; specifying a maximum hourly rate for attorney fees; revising provisions that prohibit such judges from approving certain agreements and that limit attorney fees in retainer agreements; providing construction; deleting a provision authorizing such judges to approve alternative attorney fees under certain circumstances; conforming a cross-reference; amending s. 624.482, F.S.; conforming a provision to changes made by the act; amending s. 627.041, F.S.; redefining terms; amending s. 627.0612, F.S.; adding prospective loss costs to a list of reviewable matters in certain proceedings by appellate courts; amending s. 627.062, F.S.; prohibiting loss costs for specified classes of insurance from being excessive, inadequate, or unfairly discriminatory; amending s. 627.0645, F.S.; deleting an annual base rate filing requirement exception relating to workers' compensation and employer's liability insurance for certain rating organizations; amending s. 627.072, F.S.; requiring certain factors to be used in determining and fixing loss costs; deleting a specified methodology that may be used by the Office of Insurance Regulation in rate determinations; amending s. 627.091, F.S.; defining terms; requiring insurers or insurer groups writing workers' compensation and employer's liability insurances to independently and individually file their proposed final rates; specifying requirements for such filings; deleting a requirement that such filings contain certain information; revising requirements for supporting information required to be furnished to the office under certain circumstances; deleting a specified method for insurers to satisfy filing obligations; specifying requirements for a licensed rating organization that elects to develop and file certain reference filings and certain other information; authorizing insurers to use supplementary rating information approved by the office; revising applicability of public meetings and records requirements to certain meetings of recognized rating organization committees; requiring certain insurer groups to file underwriting rules not contained in rating manuals; amending s. 627.093, F.S.; revising applicability of public meetings and records requirements to prospective loss cost filings or appeals; amending s. 627.101, F.S.; conforming a provision to changes made by the act; amending s. 627.211, F.S.; deleting provisions relating to deviations; requiring that the office's annual report to the Legislature relating to the workers' compensation insurance market evaluate insurance company solvency; creating s. 627.2151, F.S.; defining the term "defense and cost containment expenses" or "DCCE"; requiring insurer groups or insurers writing workers' compensation insurance to file specified schedules with the office at specified intervals; providing

construction relating to excessive DCCE; requiring the office to order returns of excess amounts of DCCE, subject to certain hearing requirements; providing requirements for, and an exception from, the return of excessive DCCE amounts; providing construction; amending s. 627.291, F.S.; providing applicability of certain disclosure and hearing requirements for rating organizations filing prospective loss costs; amending s. 627.318, F.S.; providing applicability of certain recordkeeping requirements for rating organizations or insurers filing or using prospective loss costs, respectively; amending s. 627.361, F.S.; providing applicability of a prohibition against false or misleading information relating to prospective loss costs; amending s. 627.371, F.S.; providing applicability of certain hearing procedures and requirements relating to the application, making, or use of prospective loss costs; providing appropriations; providing effective dates.

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

Pending further consideration of **CS for SB 1582**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 7085** was withdrawn from the Committee on Rules.

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

CS for HB 7085—A bill to be entitled An act relating to workers' compensation; amending s. 440.02, F.S.; redefining the term "specificity"; amending s. 440.105, F.S.; authorizing certain attorneys to receive fees or other consideration for services related to Workers' Compensation Law; amending s. 440.13, F.S.; requiring carriers to take specified actions by telephone or in writing relating to a request for authorization; specifying that a notice to the employer is not a notice to the carrier; conforming a provision to changes made by the act; requiring the Governor, or the Chief Financial Officer in certain circumstances, to appoint a member to fill a vacancy on a panel that establishes certain workers' compensation schedules within a specified timeframe; requiring such panel to annually adopt statewide schedules of maximum reimbursement allowances by using specified methodologies; authorizing such panel to adopt a reimbursement methodology under certain circumstances; revising and providing maximum reimbursement methodologies to be incorporated in such schedules; prohibiting dispensing practitioners from possessing prescription medications in certain circumstances; amending s. 440.15, F.S.; extending the timeframe in which certain employees may receive temporary total disability benefits; providing conditions under which employees may receive permanent impairment benefits; extending the timeframe in which carriers must notify treating doctors of certain requirements; deleting a provision relating to the calculation of time periods for payment of benefits; conforming provisions; creating s. 440.1915, F.S.; requiring claimants to sign an attestation before engaging the services of an attorney or other representation related to a workers' compensation claim; providing requirements; amending s. 440.192, F.S.; revising conditions under which the Office of the Judges of Compensation Claims must dismiss petitions for benefits; revising requirements for such petitions; requiring a good faith effort to resolve a dispute; requiring dismissal of a petition for failure to make such good faith effort; revising construction relating to dismissals of petitions or portions thereof; requiring judges of compensation claims to enter orders on certain motions to dismiss within specified timeframes; revising a restriction on awarding attorney fees; amending s. 440.25, F.S.; requiring the filing of an attestation detailing a claimant's attorney hours before pretrial and final hearings; extending the timeframe in which attorney fees attach; amending s. 440.34, F.S.; revising provisions relating to awarding attorney fees; providing that retainer agreements do not require approval by a judge of compensation claims but are required to be filed with the Office of the Judges of Compensation Claims; conforming a cross-reference; extending the timeframe in which attorney fees attach; authorizing a judge of compensation claims to depart from the attorney fees schedule under certain circumstances; requiring a judge to consider certain factors when awarding attorney fees that depart from such schedule; defining terms; limiting the amount of such fee; amending s. 440.345, F.S.; providing requirements for a carrier's report; amending s. 440.491, F.S.; specifying that training and education benefits provided to a claimant are not in addition to the maximum number of weeks in which a claimant may receive temporary benefits; amending s. 627.211, F.S.; authorizing a member of or subscriber to a rating organization to depart from the rates set by such organization under certain circumstances; providing requirements for such departure; providing an effective date.

—a companion measure, was substituted for **CS for SB 1582** and read the second time by title.

Senator Bradley moved the following amendment:

Amendment 1 (655850) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (40) of section 440.02, Florida Statutes, is amended to read:

440.02 Definitions.—When used in this chapter, unless the context clearly requires otherwise, the following terms shall have the following meanings:

(40) "Specificity" means information on the petition for benefits sufficient to put the employer or carrier on notice of the exact statutory classification and outstanding time period *for each requested benefit, the specific amount of each requested benefit, the calculation used for computing the requested benefit,* ~~of benefits being requested~~ and ~~includes~~ a detailed explanation of any benefits received that should be increased, decreased, changed, or otherwise modified. If the petition is for medical benefits, the information *must* ~~shall~~ include specific details as to why such benefits are being requested, why such benefits are medically necessary, and why current treatment, if any, is not sufficient. Any petition requesting alternate or other medical care, including, but not limited to, petitions requesting psychiatric or psychological treatment, must specifically identify the physician, as defined in s. 440.13(1), who is recommending such treatment. A copy of a report from such physician making the recommendation for alternate or other medical care *must* ~~shall~~ also be attached to the petition. A judge of compensation claims *may* ~~shall~~ not order such treatment if a physician is not recommending such treatment.

Section 2. Subsection (3) of section 440.093, Florida Statutes, is amended to read:

440.093 Mental and nervous injuries.—

(3) Subject to the payment of permanent benefits under s. 440.15, in no event shall temporary benefits for a compensable mental or nervous injury be paid for more than 6 months after the date of maximum medical improvement for the injured employee's physical injury or injuries, which shall be included in the *maximum number of* ~~period of 104~~ weeks as provided in s. 440.15(2) and (4). Mental or nervous injuries are compensable only in accordance with the terms of this section.

Section 3. Paragraph (c) of subsection (3) of section 440.105, Florida Statutes, is amended to read:

440.105 Prohibited activities; reports; penalties; limitations.—

(3) Whoever violates any provision of this subsection commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(c) *Except for an attorney who is retained by or for an injured worker and who receives a fee or other consideration from or on behalf of such worker,* it is unlawful for any ~~attorney or other~~ person, in his or her individual capacity or in his or her capacity as a public or private employee, or for any firm, corporation, partnership, or association to receive any fee or other consideration or any gratuity from a person on account of services rendered for a person in connection with any proceedings arising under this chapter, unless such fee, consideration, or gratuity is approved by a judge of compensation claims or by the Deputy Chief Judge of Compensation Claims.

Section 4. Paragraphs (d) and (i) of subsection (3) and paragraph (a) of subsection (12) of section 440.13, Florida Statutes, are amended to read:

440.13 Medical services and supplies; penalty for violations; limitations.—

(3) PROVIDER ELIGIBILITY; AUTHORIZATION.—

(d) A carrier ~~must respond~~, by telephone or in writing, *must authorize, deny, or inform the provider of material deficiencies that prevent authorization or denial in response* to a request for authorization from

an authorized health care provider by the close of the third business day after receipt of the request. A carrier who fails to respond to a written request for authorization for referral for medical treatment by the close of the third business day after receipt of the request consents to the medical necessity for such treatment. All such requests must be made to the carrier. Notice to the *employer* ~~carrier~~ does not include notice to the *carrier* ~~employer~~.

(i) Notwithstanding paragraph (d), a claim for specialist consultations, surgical operations, physiotherapeutic or occupational therapy procedures, X-ray examinations, or special diagnostic laboratory tests that cost more than $1,000 and other specialty services that the department identifies by rule is not valid and reimbursable unless the services have been expressly authorized by the carrier, unless the carrier has failed to *authorize, deny, or inform the provider of material deficiencies that prevent authorization or denial* ~~respond~~ within 10 days *after* ~~to~~ a written request for authorization, or unless emergency care is required. The insurer shall authorize such consultation or procedure unless the health care provider or facility is not authorized, unless such treatment is not in accordance with practice parameters and protocols of treatment established in this chapter, or unless a judge of compensation claims has determined that the consultation or procedure is not medically necessary, not in accordance with the practice parameters and protocols of treatment established in this chapter, or otherwise not compensable under this chapter. Authorization of a treatment plan does not constitute express authorization for purposes of this section, except to the extent the carrier provides otherwise in its authorization procedures. This paragraph does not limit the carrier's obligation to identify and disallow overutilization or billing errors.

(12) CREATION OF THREE-MEMBER PANEL; GUIDES OF MAXIMUM REIMBURSEMENT ALLOWANCES.—

(a)*1.* A three-member panel is created, consisting of the Chief Financial Officer, or the Chief Financial Officer's designee, and two members to be appointed by the Governor, subject to confirmation by the Senate, one member who, on account of present or previous vocation, employment, or affiliation, shall be classified as a representative of employers, the other member who, on account of previous vocation, employment, or affiliation, shall be classified as a representative of employees. *The Governor shall appoint a new member to the panel within 120 days after a vacancy occurs. If the Governor fails to fill such vacancy, the Chief Financial Officer shall appoint a new member to the panel within 120 days after the expiration of the Governor's opportunity to fill the vacancy, subject to confirmation by the Senate. If the Chief Financial Officer fails to fill such vacancy, authority to appoint such member reverts to the Governor.*

2. The panel shall *annually adopt* ~~determine~~ statewide schedules of maximum reimbursement allowances for medically necessary treatment, care, and attendance provided by physicians, hospitals, ambulatory surgical centers, work-hardening programs, pain programs, and durable medical equipment. The maximum reimbursement allowances for inpatient hospital care shall be based on a schedule of per diem rates, to be approved by the three-member panel no later than March 1, 1994, to be used in conjunction with a precertification manual as determined by the department, including maximum hours in which an outpatient may remain in observation status, which shall not exceed 23 hours. All compensable charges for hospital outpatient care shall be reimbursed at 75 percent of usual and customary charges, except as otherwise provided by this subsection. Annually, the three-member panel shall adopt schedules of maximum reimbursement allowances for physicians, hospital inpatient care, hospital outpatient care, ambulatory surgical centers, work-hardening programs, and pain programs. An individual physician, hospital, ambulatory surgical center, pain program, or work-hardening program shall be reimbursed either the agreed-upon contract price or the maximum reimbursement allowance in the appropriate schedule.

The department, as requested, shall provide data to the panel, including, but not limited to, utilization trends in the workers' compensation health care delivery system. The department shall provide the panel with an annual report regarding the resolution of medical reimbursement disputes and any actions pursuant to subsection (8). The department shall provide administrative support and service to the panel to the extent requested by the panel. For prescription medication purchased under the requirements of this subsection, a dispensing practitioner shall not possess such medication unless payment has been made by the practitioner, the practitioner's professional practice, or the practitioner's practice management company or employer to the supplying manufacturer, wholesaler, distributor, or drug repackager within 60 days of the dispensing practitioner taking possession of that medication.

Section 5. Paragraph (a) of subsection (2), paragraph (d) of subsection (3), paragraphs (a) and (e) of subsection (4), and subsection (6) of section 440.15, Florida Statutes, are amended, and subsection (13) is added to that section, to read:

440.15 Compensation for disability.—Compensation for disability shall be paid to the employee, subject to the limits provided in s. 440.12(2), as follows:

(2) TEMPORARY TOTAL DISABILITY.—

(a) Subject to *subparagraph (3)(d)3. and subsections* ~~subsection~~ (7) *and (13)*, in case of disability total in character but temporary in quality, 66 $^{2}/_{3}$ or 66.67 percent of the average weekly wages shall be paid to the employee during the continuance thereof, ~~not to exceed 104 weeks~~ except as provided in this subsection *and*~~,~~ s. 440.12(1)~~, and s. 440.14(3)~~. Once the employee reaches the maximum number of weeks allowed, or the employee reaches *overall* ~~the date of~~ maximum medical improvement, whichever occurs earlier, temporary disability benefits shall cease and the injured worker's permanent impairment shall be determined. *If the employee reaches the maximum number of weeks allowed, but has not reached overall maximum medical improvement, benefits shall be provided pursuant to subparagraph (3)(d)3.*

(3) PERMANENT IMPAIRMENT BENEFITS.—

(d) After the employee has been certified by a doctor as having reached maximum medical improvement or 6 weeks before the expiration of temporary benefits, whichever occurs earlier, the certifying doctor shall evaluate the condition of the employee and assign an impairment rating, using the impairment schedule referred to in paragraph (b). If the certification and evaluation are performed by a doctor other than the employee's treating doctor, the certification and evaluation must be submitted to the treating doctor, the employee, and the carrier within 10 days after the evaluation. The treating doctor must indicate to the carrier agreement or disagreement with the other doctor's certification and evaluation.

1. The certifying doctor shall issue a written report to the employee and the carrier certifying that maximum medical improvement has been reached, stating the impairment rating to the body as a whole, and providing any other information required by the department by rule. The carrier shall establish an overall maximum medical improvement date and permanent impairment rating, based upon all such reports.

2. Within 14 days after the carrier's knowledge of each maximum medical improvement date and impairment rating to the body as a whole upon which the carrier is paying benefits, the carrier shall report such maximum medical improvement date and, when determined, the overall maximum medical improvement date and associated impairment rating to the department in a format as set forth in department rule. If the employee has not been certified as having reached *overall* maximum medical improvement before the expiration of *254* ~~98~~ weeks after the date temporary disability benefits begin to accrue, the carrier shall notify the treating doctor of the requirements of this section.

3. If an employee receiving benefits under subsection (2) has not reached overall maximum medical improvement before receiving the maximum number of weeks of temporary disability benefits, the maximum number of weeks are extended for up to an additional 26 weeks. If the employee has not reached overall maximum medical improvement after receiving the additional weeks allowed under this subparagraph, a judge of compensation claims, upon petition, must determine the employee's current eligibility for benefits under this subsection and subsection (1).

4. If an employee receiving benefits under subsection (4) has not reached overall maximum medical improvement before receiving the maximum number of weeks of temporary disability benefits, the employee shall receive benefits under this subsection in accordance with the greatest single impairment rating assigned to the employee. Impairment

benefits received under this subparagraph must be credited against indemnity benefits subsequently due to the employee.

(4) TEMPORARY PARTIAL DISABILITY.—

(a) Subject to *subparagraph (3)(d)3. and subsections* ~~subsection~~ (7) *and (13)*, in case of temporary partial disability, compensation shall be equal to 80 percent of the difference between 80 percent of the employee's average weekly wage and the salary, wages, and other remuneration the employee is able to earn postinjury, as compared weekly; however, weekly temporary partial disability benefits may not exceed an amount equal to 66 $^{2}/_{3}$ or 66.67 percent of the employee's average weekly wage at the time of accident. In order to simplify the comparison of the preinjury average weekly wage with the salary, wages, and other remuneration the employee is able to earn postinjury, the department may by rule provide for payment of the initial installment of temporary partial disability benefits to be paid as a partial week so that payment for remaining weeks of temporary partial disability can coincide as closely as possible with the postinjury employer's work week. The amount determined to be the salary, wages, and other remuneration the employee is able to earn shall in no case be less than the sum actually being earned by the employee, including earnings from sheltered employment. Benefits shall be payable under this subsection only if overall maximum medical improvement has not been reached and the medical conditions resulting from the accident create restrictions on the injured employee's ability to return to work.

(e) *Subject to subparagraph (3)(d)3. and subsections (7) and (13),* such benefits shall be paid during the continuance of such disability~~, not to exceed a period of 104 weeks,~~ as provided by this subsection and subsection (2). ~~Once the injured employee reaches the maximum number of weeks, temporary disability benefits cease and the injured worker's permanent impairment must be determined.~~ If the employee is terminated from postinjury employment based on the employee's misconduct, temporary partial disability benefits are not payable as provided for in this section. The department shall by rule specify forms and procedures governing the method and time for payment of temporary disability benefits for dates of accidents before January 1, 1994, and for dates of accidents on or after January 1, 1994.

(6) EMPLOYEE REFUSES EMPLOYMENT.—If an injured employee refuses employment suitable to the capacity thereof, offered to or procured therefor, such employee shall not be entitled to any compensation at any time during the continuance of such refusal unless at any time in the opinion of the judge of compensation claims such refusal is justifiable. ~~Time periods for the payment of benefits in accordance with this section shall be counted in determining the limitation of benefits as provided for in paragraphs (2)(a), (3)(e), and (4)(b).~~

(13) MAXIMUM BENEFITS ALLOWED.—An employee may not receive more than 260 weeks of temporary total disability benefits pursuant to subsection (2), temporary partial disability benefits pursuant to subsection (4), or temporary total disability benefits pursuant to s. 440.491, or a combination thereof, except as provided in subparagraph (3)(d)3.

Section 6. Subsections (2), (4), (5), and (7) of section 440.192, Florida Statutes, are amended to read:

440.192 Procedure for resolving benefit disputes.—

(2) Upon receipt, the Office of the Judges of Compensation Claims shall review each petition and shall dismiss each petition or any portion of such a petition that does not on its face *meet the requirements of this section and the definition of specificity under s. 440.02 and* specifically identify or itemize the following:

(a) *The* name, address, *and* telephone number~~, and social security number~~ of the employee.

(b) *The* name, address, and telephone number of the employer.

(c) A detailed description of the injury and cause of the injury, including the *county in this state or, if outside this state, the state* ~~location~~ of the occurrence and the date or dates of the accident.

(d) A detailed description of the employee's job, work responsibilities, and work the employee was performing when the injury occurred.

(e) The *specific* time period for which compensation and the specific classification of compensation were not timely provided.

(f) *The specific* date of maximum medical improvement, character of disability, and specific statement of all benefits or compensation that the employee is seeking. *A claim for permanent benefits must include the specific date of maximum medical improvement and the specific date that such permanent benefits are claimed to begin.*

(g) All specific travel costs to which the employee believes she or he is entitled, including dates of travel and purpose of travel, means of transportation, and mileage and including the date the request for mileage was filed with the carrier and a copy of the request filed with the carrier.

(h) *A* specific listing of all medical charges alleged unpaid, including the name and address of the medical provider, the amounts due, and the specific dates of treatment.

(i) The type or nature of treatment care or attendance sought and the justification for such treatment. If the employee is under the care of a physician for an injury identified under paragraph (c), a copy of the physician's request, authorization, or recommendation for treatment, care, or attendance must accompany the petition.

(j) The specific amount of compensation claimed and the methodology used to calculate the average weekly wage, if the average weekly wage calculated by the employer or carrier is disputed; otherwise, the average weekly wage and corresponding compensation calculated by the employer or carrier are presumed to be accurate.

(k)~~(j)~~ Specific explanation of any other disputed issue that a judge of compensation claims will be called to rule upon.

(l) Evidence of a good faith effort to resolve the dispute pursuant to subsection (4).

The dismissal of any petition or portion of such a petition under this *subsection* ~~section~~ is without prejudice and does not require a hearing.

(4) *Before filing a petition, the claimant, or, if the claimant is represented by counsel, the claimant's attorney, must make a good faith effort to resolve the dispute.* The petition must include *evidence and* a certification by the claimant or, if the claimant is represented by counsel, the claimant's attorney, stating that the claimant, or attorney if the claimant is represented by counsel, has made a good faith effort to resolve the dispute and that the claimant or attorney was unable to resolve the dispute with the carrier *or employer, if self-insured. If the petition is not dismissed under subsection (2), the judge of compensation claims must review the evidence required under this subsection and determine, using independent discretion, whether the claimant or claimant's attorney made a good faith effort to resolve the dispute. Upon determining that the claimant or claimant's attorney did not make a good faith effort to resolve the dispute, the judge of compensation claims must dismiss the petition and may impose sanctions to ensure compliance with this section. Such sanctions may include an order to pay to the carrier or employer the reasonable expenses incurred because of the filing of the petition, including attorney fees, not to exceed $200 per hour, based on the number of necessary hours related to the determination that the claimant or, if the claimant is represented by counsel, the claimant's attorney has not made a good faith effort to resolve the dispute.*

(5)*(a)* All motions to dismiss must state with particularity the basis for the motion. The judge of compensation claims shall enter an order upon such motions without hearing, unless good cause for hearing is shown. *Dismissal of any petition or portion of a petition under this subsection is without prejudice.*

(b) Upon motion that a petition or portion of a petition be dismissed for lack of specificity, the judge of compensation claims shall enter an order on the motion, unless stipulated in writing by the parties, within 10 days after the motion is filed, or, if good cause for hearing is shown, within 20 days after hearing on the motion. When any petition or portion of a petition is dismissed for lack of specificity under this subsection, the claimant must be allowed 20 days after the date of the order of dismissal in which to file an amended petition. Any grounds for dismissal for lack of specificity under this section which are not asserted within 30 days after receipt of the petition for benefits are thereby waived.

(7) Notwithstanding ~~the provisions of~~ s. 440.34, a judge of compensation claims may not award *attorney* ~~attorney's~~ fees payable by the *employer or* carrier for services expended or costs incurred *before* ~~prior to~~ the filing of a petition ~~that does not meet the requirements of this section~~.

Section 7. Paragraphs (c) and (j) of subsection (4) of section 440.25, Florida Statutes, are amended to read:

440.25 Procedures for mediation and hearings.—

(4)

(c) The judge of compensation claims shall give the interested parties at least 14 days' advance notice of the final hearing, served upon the interested parties by mail or by electronic means approved by the Deputy Chief Judge. *At least 5 days before the final hearing, the claimant's attorney must file with the judge of compensation claims and serve on all interested parties a personal attestation detailing his or her hours to date, which specifically allocates the hours by each benefit claimed, and accounting for hours relating to multiple benefits in a manner that apportions such hours by percentage, in whole numbers, to each benefit.*

(j) A judge of compensation claims may not award interest on unpaid medical bills and the amount of such bills may not be used to calculate the amount of interest awarded. Regardless of the date benefits were initially requested, *attorney* ~~attorney's~~ fees do not attach under this subsection until *45* ~~30~~ days after the date the carrier ~~or self-insured employer~~ receives the petition.

Section 8. Section 440.34, Florida Statutes, is amended to read

440.34 *Attorney* ~~Attorney's~~ fees; costs.—

(1) *A judge of compensation claims may award attorney fees payable to the claimant pursuant to this section to be paid by the employer or carrier. An employer or carrier may not pay* a fee, gratuity, or other consideration ~~may not be paid~~ for a claimant in connection with any proceedings arising under this chapter, unless approved by the judge of compensation claims or court having jurisdiction over such proceedings. *Attorney fees awarded* ~~Any attorney's fee approved~~ by a judge of compensation claims for benefits secured on behalf of a claimant must equal to 20 percent of the first $5,000 of the amount of the benefits secured, 15 percent of the next $5,000 of the amount of the benefits secured, 10 percent of the remaining amount of the benefits secured to be provided during the first 10 years after the date the claim is filed, and 5 percent of the benefits secured after 10 years. *A* ~~The judge of compensation claims shall not approve a compensation order, a joint stipulation for lump-sum settlement, a stipulation or agreement between a claimant and his or her attorney, or any other agreement related to benefits under this chapter which provides for an attorney's fee in excess of the amount permitted by this section. The judge of compensation claims is not required to approve any~~ retainer agreement between the claimant and his or her attorney *is not subject to approval by a judge of compensation claims but must be filed with the Office of the Judges of Compensation Claims. Notwithstanding s. 440.22, attorney fees are a lien upon compensation payable to the claimant. A retainer agreement may not place any portion of the employee's compensation into an escrow account until benefits are secured*. ~~The retainer agreement as to fees and costs may not be for compensation in excess of the amount allowed under this subsection or subsection (7).~~

(2)*(a)* In awarding a claimant's *attorney fees* ~~attorney's fee~~, *a* ~~the~~ judge of compensation claims *must* ~~shall~~ consider only those benefits secured by the attorney. ~~An~~ Attorney ~~is not entitled to attorney's~~ fees *are not due in any of the following circumstances:*

1. For representation in any issue that was ripe, due, and owing and that reasonably could have been addressed, but was not addressed, during the pendency of other issues for the same injury*;*

2. On claimant attorney hours related to a benefit upon which the claimant did not prevail; or

3. On claimant attorney hours that the judge of compensation claims apportions to benefits upon which the claimant did not prevail, pursuant to paragraph (5)(d).

(b) The amount, statutory basis, and type of benefits obtained through legal representation shall be listed on all *attorney* ~~attorney's~~ fees awarded by *a* ~~the~~ judge of compensation claims. For purposes of this section, the term "benefits secured" does not include future medical benefits to be provided ~~on any date~~ more than 5 years after the date the *petition* ~~claim~~ is filed. In the event an offer to settle an issue pending before a judge of compensation claims, including *attorney* ~~attorney's~~ fees ~~as provided for in this section~~, is communicated in writing to the claimant or the claimant's attorney at least 30 days *before* ~~prior to~~ the trial date on such issue, for purposes of calculating the amount of *attorney* ~~attorney's~~ fees to be taxed against the employer or carrier, the term "benefits secured" *includes* ~~shall be deemed to include~~ only that amount awarded to the claimant above the amount specified in the offer to settle. If multiple issues are pending before *a* ~~the~~ judge of compensation claims, said offer of settlement *must* ~~shall~~ address each issue pending and shall state explicitly whether or not the offer on each issue is severable. The written offer *must* ~~shall~~ also unequivocally state whether or not it includes medical witness fees and expenses and all other costs associated with the claim.

(3) If *a* ~~any~~ party *prevails* ~~should prevail~~ in ~~any~~ proceedings before a judge of compensation claims or court, there shall be taxed against the nonprevailing party the reasonable costs of such proceedings, not to include *attorney* ~~attorney's~~ fees. A claimant is responsible for the payment of her or his own *attorney* ~~attorney's~~ fees, except that a claimant is entitled to recover *attorney fees* ~~an attorney's fee~~ in an amount equal to the amount provided for in subsection (1)*, subsection (5),* or subsection *(6)* ~~(7)~~ from a carrier or employer:

(a) Against whom she or he successfully asserts a petition for medical benefits only, if the claimant has not filed or is not entitled to file at such time a claim for disability, permanent impairment, ~~wage-loss,~~ or death benefits, arising out of the same accident;

(b) In *a* ~~any~~ case in which the employer or carrier files a response to petition denying benefits with the Office of the Judges of Compensation Claims and the injured person has employed an attorney in the successful prosecution of the petition;

(c) In a proceeding in which a carrier or employer denies that an accident occurred for which compensation benefits are payable, and the claimant prevails on the issue of compensability; or

(d) In cases *in which* ~~where~~ the claimant successfully prevails in proceedings filed under s. 440.24 or s. 440.28.

Regardless of the date benefits were initially requested, *attorney* ~~attorney's~~ fees *do* ~~shall~~ not attach under this subsection until *45* ~~30~~ days after the date the carrier or employer~~, if self-insured,~~ receives the petition.

~~(4) In such cases in which the claimant is responsible for the payment of her or his own attorney's fees, such fees are a lien upon compensation payable to the claimant, notwithstanding s. 440.22.~~

(4)~~(5)~~ If ~~any~~ proceedings are had for review of any claim, award, or compensation order before any court, the court may*, in its discretion,* award the injured employee or dependent *attorney fees* ~~an attorney's fee~~ to be paid by the employer or carrier~~, in its discretion, which shall be paid~~ as the court may direct.

(5)(a) As used in this subsection, the term:

1. "Attorney hours" means the number of hours necessary for the claimant's attorney to obtain the benefits secured, as determined by a judge of compensation claims. The term only includes hours expended by the claimant's attorney reasonably related to claimed benefits upon which the claimant prevailed.

2. "Customary fee" means the average hourly rate that an attorney for a claimant customarily charges in the same locality for similar legal services under this chapter, as determined by a judge of compensation claims.

3. "Departure fee" means the amount of attorney fees calculated by a judge of compensation claims in place of the fee allowed under subsection (1) when attorney fees are due under this section.

(b) A departure fee under this subsection is in place of, not in addition to, the amount allowed under subsection (1) or subsection (6).

(c) Upon a petition for a departure fee, a judge of compensation claims may depart from the attorney fees amount set forth in subsection (1) upon a finding that the attorney fees provided for in that subsection are less than 60 percent or greater than 125 percent of the customary fee when the amount allowed under subsection (1) is converted to an hourly rate by dividing that amount by the attorney hours necessary to obtain the benefits secured.

(d)1. When resolving a petition for a departure fee under this subsection, a judge of compensation claims must determine the number of attorney hours by making detailed findings that specifically allocate and account for the attorney hours to each benefit claimed by the claimant's attorney that, in the independent discretion of the judge of compensation claims, reasonably relate to:

a. Benefits upon which the claimant prevailed;

b. Benefits upon which the claimant did not prevail; and

c. Multiple benefits, regarding which the judge of compensation claims shall exercise independent discretion and apportion such hours by percentage, in whole numbers, to each benefit claimed.

2. A judge of compensation claims must reduce the number of attorney hours if the judge of compensation claims independently determines that the number of attorney hours is excessive.

(e) A judge of compensation claims may determine the customary fee and is not limited to an average hourly rate or number of attorney hours pled by a party. In determining the customary fee, the judge of compensation claims may rely on evidence or take notice of credible data, including attorney fee data on file with the Office of the Judges of Compensation Claims or The Florida Bar. The judge of compensation claims may not exceed the amount or hours pled by the claimant's attorney.

(f) If a departure is permitted pursuant to paragraph (c), a judge of compensation claims must consider the following factors when departing from the amount set forth in subsection (1):

1. The time and labor reasonably required, the novelty and difficulty of the questions involved, and the skill required to properly perform the legal services as established by evidence or as independently determined by the judge of compensation claims.

2. The customary fee.

3. The experience, reputation, and ability of the attorney or attorneys providing services.

4. The time limits imposed by the circumstances.

5. The contingency or certainty of a claimant's attorney fee, taking into account any retainer agreement filed under this section.

6. The volume of hours expended by the claimant's attorney which were devoted to issues upon which the claimant prevailed, and the volume of hours expended devoted to issues upon which the claimant did not prevail.

7. Whether the total fee available under this section in relation to the amount involved in the controversy is excessive.

8. Whether the total fee available under this section in relation to the amount of benefits secured is excessive.

9. Whether the departure fee sought by the claimant's attorney is excessive.

10. Whether the departure fee sought by the claimant's attorney shocks the conscience as excessive.

(g) A judge of compensation claims shall determine the hourly rate used to compute the departure fee awarded under this subsection, in $1 increments, based upon consideration of the factors in paragraph (f). A judge of compensation claims may exercise independent judgment in setting the hourly rate and is not limited to an hourly rate pled by a party. However, the hourly rate may not exceed $200 per hour.

(h) The departure fee must be the attorney hours determined under paragraph (d) multiplied by the hourly rate determined under paragraph (g). The claimant is responsible for attorney fees pursuant to his or her retainer agreement which exceed the departure fee.

(i) The employer or carrier may contest the departure fee awarded under this subsection within 20 calendar days after the entry of the departure fee award if the number of attorney hours determined by the presiding judge of compensation claims under paragraph (d) exceeds 125 percent of the number of hours the employer's or carrier's attorney attests were devoted to the defense of the benefits secured. Upon the filing of a request by the employer or carrier, the departure fee award must be vacated and reviewed de novo upon the existing record by a judge of compensation claims in a different district as assigned by the Deputy Chief Judge of Compensation Claims. The reviewing judge of compensation claims must issue an order determining the departure fee, making all determinations and findings required under this subsection. The judge of compensation claims must issue the order within 30 calendar days after receiving the assignment. This paragraph does not apply to cases settled under s. 440.20(11) or if a stipulation has been filed resolving the claimant's attorney fees.

(6) ~~A judge of compensation claims may not enter an order approving the contents of a retainer agreement that permits placing any portion of the employee's compensation into an escrow account until benefits have been secured.~~

~~(7)~~ If an *attorney* ~~attorney's~~ fee is owed under paragraph (3)(a), *a* ~~the~~ judge of compensation claims may approve an alternative *attorney* ~~attorney's~~ fee not to exceed $1,500 ~~only once per accident~~, based on a maximum hourly rate of *$200* ~~$150~~ per hour, if the judge of compensation claims expressly finds that the *attorney* ~~attorney's~~ fee amount provided for in subsection (1), based on benefits secured, *results in an effective hourly rate of less than $200 per hour* ~~fails to fairly compensate the attorney~~ for disputed medical-only claims as provided in paragraph (3)(a) ~~and the circumstances of the particular case warrant such action~~. *The attorney fees under this subsection are in place of, not in addition to, any attorney fees available under this section.*

Section 9. Section 440.345, Florida Statutes, is amended to read:

440.345 Reporting of *attorney* ~~attorney's~~ fees.—All fees paid to attorneys for services rendered under this chapter shall be reported to the Office of the Judges of Compensation Claims as the Division of Administrative Hearings requires by rule. *A carrier must specify in its report the total amount of attorney fees paid for and the total number of attorney hours spent on services related to the defense of petitions, and the total amount of attorney fees paid for services unrelated to the defense of petitions.*

Section 10. Paragraph (b) of subsection (6) of section 440.491, Florida Statutes, is amended to read:

440.491 Reemployment of injured workers; rehabilitation.—

(6) TRAINING AND EDUCATION.—

(b) When an employee who has attained maximum medical improvement is unable to earn at least 80 percent of the compensation rate and requires training and education to obtain suitable gainful employment, the employer or carrier shall pay the employee additional training and education temporary total compensation benefits while the employee receives such training and education for a period not to exceed 26 weeks, which period may be extended for an additional 26 weeks or less, if such extended period is determined to be necessary and proper by a judge of compensation claims. The benefits provided under this paragraph *are* ~~shall~~ not ~~be~~ in addition to the *maximum number of* ~~104~~ weeks as specified in s. 440.15(2). However, a carrier or employer is not precluded from voluntarily paying additional temporary total disability compensation beyond that period. If an employee requires temporary residence at or near a facility or an institution providing training and education which is located more than 50 miles away from the employee's customary residence, the reasonable cost of board, lodging, or travel must be borne by the department from the Workers' Compensation Administration Trust Fund established by s. 440.50. An employee who

refuses to accept training and education that is recommended by the vocational evaluator and considered necessary by the department will forfeit any additional training and education benefits and any additional *compensation* ~~payment for lost wages~~ under this chapter. The carrier shall notify the injured employee of the availability of training and education benefits as specified in this chapter. The Department of Financial Services shall include information regarding the eligibility for training and education benefits in informational materials specified in ss. 440.207 and 440.40.

Section 11. Section 627.211, Florida Statutes, is amended to read:

627.211 Deviations *and departures*; workers' compensation and employer's liability insurances.—

(1) *Except as provided in subsection (7),* every member or subscriber to a rating organization shall, as to workers' compensation or employer's liability insurance, adhere to the filings made on its behalf by such organization; except that any such insurer may make written application to the office for permission to file a uniform percentage decrease or increase to be applied to the premiums produced by the rating system so filed for a kind of insurance, for a class of insurance which is found by the office to be a proper rating unit for the application of such uniform percentage decrease or increase, or for a subdivision of workers' compensation or employer's liability insurance:

(a) Comprised of a group of manual classifications which is treated as a separate unit for ratemaking purposes; or

(b) For which separate expense provisions are included in the filings of the rating organization.

Such application shall specify the basis for the modification and shall be accompanied by the data upon which the applicant relies. A copy of the application and data shall be sent simultaneously to the rating organization.

(2) Every member or subscriber to a rating organization may, as to workers' compensation and employer's liability insurance, file a plan or plans to use deviations that vary according to factors present in each insured's individual risk. The insurer that files for the deviations provided in this subsection shall file the qualifications for the plans, schedules of rating factors, and the maximum deviation factors which shall be subject to the approval of the office pursuant to s. 627.091. The actual deviation which shall be used for each insured that qualifies under this subsection may not exceed the maximum filed deviation under that plan and shall be based on the merits of each insured's individual risk as determined by using schedules of rating factors which shall be applied uniformly. Insurers shall maintain statistical data in accordance with the schedule of rating factors. Such data shall be available to support the continued use of such varying deviations.

(3) In considering an application for the deviation, the office shall give consideration to the applicable principles for ratemaking as set forth in ss. 627.062 and 627.072 and the financial condition of the insurer. In evaluating the financial condition of the insurer, the office may consider: (1) the insurer's audited financial statements and whether the statements provide unqualified opinions or contain significant qualifications or "subject to" provisions; (2) any independent or other actuarial certification of loss reserves; (3) whether workers' compensation and employer's liability reserves are above the midpoint or best estimate of the actuary's reserve range estimate; (4) the adequacy of the proposed rate; (5) historical experience demonstrating the profitability of the insurer; (6) the existence of excess or other reinsurance that contains a sufficiently low attachment point and maximums that provide adequate protection to the insurer; and (7) other factors considered relevant to the financial condition of the insurer by the office. The office shall approve the deviation if it finds it to be justified, it would not endanger the financial condition of the insurer, and it would not constitute predatory pricing. The office shall disapprove the deviation if it finds that the resulting premiums would be excessive, inadequate, or unfairly discriminatory, would endanger the financial condition of the insurer, or would result in predatory pricing. The insurer may not use a deviation unless the deviation is specifically approved by the office. An insurer may apply the premiums approved pursuant to s. 627.091 or its uniform deviation approved pursuant to this section to a particular insured according to underwriting guidelines filed with and approved by the office, such approval to be based on ss. 627.062 and 627.072.

(4) Each deviation permitted to be filed shall be effective for a period of 1 year unless terminated, extended, or modified with the approval of the office. If at any time after a deviation has been approved the office finds that the deviation no longer meets the requirements of this code, it shall notify the insurer in what respects it finds that the deviation fails to meet such requirements and specify when, within a reasonable period thereafter, the deviation shall be deemed no longer effective. The notice shall not affect any insurance contract or policy made or issued prior to the expiration of the period set forth in the notice.

(5) For purposes of this section, the office, when considering the experience of any insurer, shall consider the experience of any predecessor insurer when the business and the liabilities of the predecessor insurer were assumed by the insurer pursuant to an order of the office which approves the assumption of the business and the liabilities.

(6) The office shall submit an annual report to the President of the Senate and the Speaker of the House of Representatives by January 15 of each year which evaluates competition in the workers' compensation insurance market in this state. The report must contain an analysis of the availability and affordability of workers' compensation coverage and whether the current market structure, conduct, and performance are conducive to competition, based upon economic analysis and tests. The purpose of this report is to aid the Legislature in determining whether changes to the workers' compensation rating laws are warranted. The report must also document that the office has complied with the provisions of s. 627.096 which require the office to investigate and study all workers' compensation insurers in the state and to study the data, statistics, schedules, or other information as it finds necessary to assist in its review of workers' compensation rate filings.

(7) Without approval of the office, a member or subscriber to a rating organization may depart from the filings made on its behalf by a rating organization for a period of 12 months by a uniform decrease of up to 5 percent to be applied uniformly to the premiums resulting from the approved rates for the policy period. The member or subscriber must file an informational departure statement with the office within 30 days after initial use of such departure, specifying the percentage of the departure from the approved rates and an explanation of how the departure will be applied. If the departure is to be applied over a subsequent 12-month period, the member or subscriber must file a supplemental informational departure statement pursuant to this subsection at least 30 days before the end of the current period. If the office determines that a departure violates the applicable principles for ratemaking under ss. 627.062 and 627.072, would result in predatory pricing, or imperils the financial condition of the member or subscriber, the office must issue an order specifying its findings and stating the time period within which the departure expires, which must be within a reasonable time period after the order is issued. The order does not affect an insurance contract or policy made or issued before the departure expiration period set forth in the order.

Section 12. *(1) The Department of Financial Services, in consultation with the three-member panel, shall contract with an independent consultant to evaluate Florida's current reimbursement methodology for medical services provided by hospitals and ambulatory surgical centers pursuant to s. 440.13, Florida Statutes. The study must evaluate the feasibility of adopting other reimbursement methods, including group health outpatient reimbursement rates. The study must include an evaluation of the payments, prices, utilization, and outcomes associated with each of the reimbursement methods. The consultant shall submit a report with findings and recommendations to the Speaker of the House of Representatives and the President of the Senate by November 1, 2017.*

(2) Effective July 1, 2017, the sum of $50,000 in nonrecurring funds from the Workers' Compensation Administration Trust Fund is appropriated to the Department of Financial Services for the purpose of funding the study.

Section 13. *(1) The Office of Insurance Regulation shall contract with an independent consultant to evaluate the competition, availability, and affordability of workers' compensation insurance in Florida, which evaluation must include a review of the current administered pricing rating system, including deviations authorized under s. 627.211(7), to evaluate the advantages and disadvantages of a loss cost system and to evaluate other mechanisms that can be used to increase competition in the marketplace. The consultant shall submit a report of its findings and*

recommendations to the Governor, the Senate, and the House of Representatives no later than November 1, 2017.

(2) Effective July 1, 2017, the sum of $25,000 in nonrecurring funds from the Workers' Compensation Administration Trust Fund is appropriated to the Office of Insurance Regulation for the purpose of funding the study.

Section 14. 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 workers' compensation insurance; amending s. 440.02, F.S.; redefining the term "specificity"; amending s. 440.093, F.S.; conforming a provision to changes made by the act; amending s. 440.105, F.S.; revising a prohibition against receiving certain fees, consideration, or gratuities under certain circumstances; amending s. 440.13, F.S.; requiring carriers to authorize, deny, or inform providers of certain material deficiencies preventing authorization or denial in response to certain requests by such providers; revising construction relating to notice to employers and carriers; revising a condition under which claims for specified specialty services are deemed valid and reimbursable; requiring the Governor, or the Chief Financial Officer, in certain circumstances, to appoint a member to fill a vacancy on the three-member panel within specified timeframes; requiring the annual adoption of statewide schedules of maximum reimbursement allowances by the panel; amending s. 440.15, F.S.; revising conditions, limits, requirements, and other provisions relating to temporary total disability benefits and temporary partial disability benefits; amending s. 440.192, F.S.; revising conditions when the Office of the Judges of Compensation Claims must dismiss petitions for benefits; revising requirements for such petitions; revising construction relating to dismissals of petitions or portions of such petitions; requiring claimants or claimants' attorneys to make a good faith effort to resolve disputes before filing petitions; requiring petitions to include evidence of such efforts; providing procedures and requirements for judges of compensation claims in reviewing and adjudicating such petitions; authorizing such judges to order sanctions under certain circumstances, including an order to pay attorney fees up to a specified hourly rate; providing that certain dismissed petitions or portions thereof are without prejudice; requiring judges of compensation claims to enter orders on certain motions to dismiss within specified timeframes; revising a condition under which such judges may not award certain attorney fees; amending s. 440.25, F.S.; requiring a claimant's attorney to file and serve, by a specified time before the final hearing, a personal attestation relating to the attorney's hours to date; revising the timeframe under which certain attorney fees attach; amending s. 440.34, F.S.; deleting a provision that prohibits judges of compensation claims from approving certain agreements; revising provisions relating to retainer agreements; deleting a condition specifying when attorney fees are a lien upon compensation payable to the claimant; revising circumstances under which attorney fees are not due to claimants; revising a condition under a provision relating to attorney fees on medical-only claims; revising the timeframe under which certain attorney fees attach; defining terms; providing procedures, conditions, and requirements for the determination of customary fees and departure fees by judges of compensation claims; specifying factors that must be considered by judges of compensation claims when departing from certain amounts; providing requirements in determining hourly rates used to compute departure fees; specifying a limit to hourly rates; providing a calculation for the departure fee; providing that claimants are responsible for certain attorney fees that exceed departure fees; authorizing employers or carriers to contest, under certain circumstances, awarded departure fee amounts within a specified timeframe; providing procedures for reviewing and adjudicating a contested departure fee award; providing applicability; deleting a provision prohibiting judges of compensation claims from approving certain retainer agreements; revising the maximum hourly rates for alternative attorney fees awarded under certain circumstances; providing construction; conforming provisions to changes made by the act; conforming cross-references; amending s. 440.345, F.S.; revising requirements for a carrier's reporting of attorney fees to the Office of the Judges of Compensation Claims; amending s. 440.491, F.S.; conforming a provision to changes made by the act; revising a provision that provides for forfeiture of certain compensation if an employee refuses to accept certain training and education; amending s. 627.211, F.S.; authorizing rating organization members or subscribers to depart up a specified percentage from certain filings without approval from the Office of Insurance Regulation for a specified timeframe; requiring such members or subscribers to file informational departure statements with the office within a specified timeframe; requiring such members or subscribers, under certain circumstances, to file supplemental informational departure statements within a specified timeframe; requiring the office to issue a specified order if it finds the order violates certain ratemaking principles, would result in predatory pricing, or imperils the financial condition of the member or subscriber; providing construction; requiring the Department of Financial Services, in consultation with the three-member panel, to contract with an independent consultant to conduct a specified study; requiring the consultant to submit a report to the Legislature by a specified date; providing an appropriation; requiring the office to contract with an independent consultant to make certain evaluations; requiring such consultant to submit a report to the Governor and Legislature by a specified date; providing an appropriation; providing an effective date.

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

Senator Farmer moved the following substitute amendment which was adopted:

Amendment 2 (473190) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (40) of section 440.02, Florida Statutes, is amended to read:

440.02 Definitions.—When used in this chapter, unless the context clearly requires otherwise, the following terms shall have the following meanings:

(40) "Specificity" means information on the petition for benefits sufficient to put the employer or carrier on notice of the exact statutory classification and outstanding time period *for each requested benefit, the specific amount of each requested benefit, the calculation used for computing the requested benefit,* ~~of benefits being requested~~ and ~~includes~~ a detailed explanation of any benefits received that should be increased, decreased, changed, or otherwise modified. If the petition is for medical benefits, the information *must* ~~shall~~ include specific details as to why such benefits are being requested, why such benefits are medically necessary, and why current treatment, if any, is not sufficient. Any petition requesting alternate or other medical care, including, but not limited to, petitions requesting psychiatric or psychological treatment, must specifically identify the physician, as defined in s. 440.13(1), who is recommending such treatment. A copy of a report from such physician making the recommendation for alternate or other medical care *must* ~~shall~~ also be attached to the petition. A judge of compensation claims *may* ~~shall~~ not order such treatment if a physician is not recommending such treatment.

Section 2. Paragraph (c) of subsection (3) of section 440.105, Florida Statutes, is amended to read:

440.105 Prohibited activities; reports; penalties; limitations.—

(3) Whoever violates any provision of this subsection commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(c) *Except for an attorney who is retained by or for an injured worker and who receives a fee or other consideration from or on behalf of such worker,* it is unlawful for any ~~attorney or other~~ person, in his or her individual capacity or in his or her capacity as a public or private employee, or for any firm, corporation, partnership, or association to receive any fee or other consideration or any gratuity from a person on account of services rendered for a person in connection with any proceedings arising under this chapter, unless such fee, consideration, or gratuity is approved by a judge of compensation claims or by the Deputy Chief Judge of Compensation Claims.

Section 3. Paragraph (f) of subsection (2), paragraphs (d) and (i) of subsection (3), paragraph (a) of subsection (4), paragraphs (a) and (c) of subsection (5), and paragraphs (c) and (d) of subsection (9) of section 440.13, Florida Statutes, are amended, to read:

440.13 Medical services and supplies; penalty for violations; limitations.—

(2) MEDICAL TREATMENT; DUTY OF EMPLOYER TO FURNISH.—

(f) Upon the written request of the employee, the carrier shall give the employee the opportunity for one change of physician during the course of treatment for any one accident. Upon the granting of a change of physician, the originally authorized physician in the same specialty as the changed physician shall become deauthorized upon written notification by the employer or carrier. The carrier shall authorize an alternative physician who shall not be professionally affiliated with the previous physician within 5 *business* days after receipt of the request. If the carrier fails to provide a change of physician as requested by the employee, the employee may select the physician and such physician shall be considered authorized if the treatment being provided is compensable and medically necessary.

Failure of the carrier to timely comply with this subsection shall be a violation of this chapter and the carrier shall be subject to penalties as provided for in s. 440.525.

(3) PROVIDER ELIGIBILITY; AUTHORIZATION.—

(d) A carrier ~~must respond~~, by telephone or in writing, *must authorize or deny* ~~to~~ a request for authorization from an authorized health care provider by the close of the third business day after receipt of the request. A carrier *authorizes the request if it* ~~who~~ fails to respond to a written request for authorization for referral for medical treatment by the close of the third business day after receipt of the request ~~consents to the medical necessity for such treatment~~. All such requests must be made to the carrier. Notice to the carrier does not include notice to the employer.

(i) Notwithstanding paragraph (d), a claim for specialist consultations, surgical operations, physiotherapeutic or occupational therapy procedures, X-ray examinations, or special diagnostic laboratory tests that cost more than $1,000 and other specialty services that the department identifies by rule is not valid and reimbursable unless the services have been expressly authorized by the carrier, unless the carrier has failed to respond within 10 *business* days to a written request for authorization, or unless emergency care is required. The insurer shall authorize such consultation or procedure unless the health care provider or facility is not authorized, unless such treatment is not in accordance with practice parameters and protocols of treatment established in this chapter, or unless a judge of compensation claims has determined that the consultation or procedure is not medically necessary, not in accordance with the practice parameters and protocols of treatment established in this chapter, or otherwise not compensable under this chapter. Authorization of a treatment plan does not constitute express authorization for purposes of this section, except to the extent the carrier provides otherwise in its authorization procedures. This paragraph does not limit the carrier's obligation to identify and disallow overutilization or billing errors.

(4) NOTICE OF TREATMENT TO CARRIER; FILING WITH DEPARTMENT.—

(a) Any health care provider providing necessary remedial treatment, care, or attendance to any injured worker shall submit treatment reports to the carrier in a format prescribed by the department. A claim for medical or surgical treatment is not valid or enforceable against such employer or employee, unless, by the close of the third business day following the first treatment, the physician providing the treatment furnishes to the employer or carrier a preliminary notice of the injury and treatment in a format prescribed by the department and, within 15 *business* days thereafter, furnishes to the employer or carrier a complete report, and subsequent thereto furnishes progress reports, if requested by the employer or insurance carrier, at intervals of not less than *15 business days* ~~3 weeks~~ apart or at less frequent intervals if requested in a format prescribed by the department.

(5) INDEPENDENT MEDICAL EXAMINATIONS.—

(a) In any dispute concerning overutilization, medical benefits, compensability, or disability under this chapter, the carrier or the employee may select an independent medical examiner. If the parties agree, the examiner may be a health care provider treating or providing other care to the employee. An independent medical examiner may not render an opinion outside his or her area of expertise, as demonstrated by licensure and applicable practice parameters. The employer and employee shall be entitled to only one independent medical examination per accident and not one independent medical examination per medical specialty. The party requesting and selecting the independent medical examination shall be responsible for all expenses associated with said examination, including, but not limited to, medically necessary diagnostic testing performed and physician or medical care provider fees for the evaluation. The party selecting the independent medical examination shall identify the choice of the independent medical examiner to all other parties within 15 *business* days after the date the independent medical examination is to take place. Failure to timely provide such notification shall preclude the requesting party from submitting the findings of such independent medical examiner in a proceeding before a judge of compensation claims. The independent medical examiner may not provide followup care if such recommendation for care is found to be medically necessary. If the employee prevails in a medical dispute as determined in an order by a judge of compensation claims or if benefits are paid or treatment provided after the employee has obtained an independent medical examination based upon the examiner's findings, the costs of such examination shall be paid by the employer or carrier.

(c) The carrier may, at its election, contact the claimant directly to schedule a reasonable time for an independent medical examination. The carrier must confirm the scheduling agreement in writing with the claimant and the claimant's counsel, if any, at least 7 *business* days before the date upon which the independent medical examination is scheduled to occur. An attorney representing a claimant is not authorized to schedule the self-insured employer's or carrier's independent medical evaluations under this subsection. Neither the self-insured employer nor the carrier shall be responsible for scheduling any independent medical examination other than an employer or carrier independent medical examination.

(9) EXPERT MEDICAL ADVISORS.—

(c) If there is disagreement in the opinions of the health care providers, if two health care providers disagree on medical evidence supporting the employee's complaints or the need for additional medical treatment, or if two health care providers disagree that the employee is able to return to work, the department may, and the judge of compensation claims shall, upon his or her own motion or within 15 *business* days after receipt of a written request by either the injured employee, the employer, or the carrier, order the injured employee to be evaluated by an expert medical advisor. The injured employee and the employer or carrier may agree on the health care provider to serve as an expert medical advisor. If the parties do not agree, the judge of compensation claims shall select an expert medical advisor from the department's list of certified expert medical advisors. If a certified medical advisor within the relevant medical specialty is unavailable, the judge of compensation claims shall appoint any otherwise qualified health care provider to serve as an expert medical advisor without obtaining the department's certification. The opinion of the expert medical advisor is presumed to be correct unless there is clear and convincing evidence to the contrary as determined by the judge of compensation claims. The expert medical advisor appointed to conduct the evaluation shall have free and complete access to the medical records of the employee. An employee who fails to report to and cooperate with such evaluation forfeits entitlement to compensation during the period of failure to report or cooperate.

(d) The expert medical advisor must complete his or her evaluation and issue his or her report to the department or to the judge of compensation claims within 15 *business* days after receipt of all medical records. The expert medical advisor must furnish a copy of the report to the carrier and to the employee.

Section 4. Paragraph (a) of subsection (2) and paragraph (e) of subsection (4) of section 440.15, Florida Statutes, are amended to read:

440.15 Compensation for disability.—Compensation for disability shall be paid to the employee, subject to the limits provided in s. 440.12(2), as follows:

(2) TEMPORARY TOTAL DISABILITY.—

(a) Subject to subsection (7), in case of disability total in character but temporary in quality, 66 $^{2}/_{3}$ or 66.67 percent of the average weekly wages shall be paid to the employee during the continuance thereof, not to exceed *260* ~~104~~ weeks except as provided in this subsection, s.

440.12(1), and s. 440.14(3). Once the employee reaches the maximum number of weeks allowed, or the employee reaches the date of maximum medical improvement, whichever occurs earlier, temporary disability benefits shall cease and the injured worker's permanent impairment shall be determined.

(4) TEMPORARY PARTIAL DISABILITY.—

(e) Such benefits shall be paid during the continuance of such disability, not to exceed a period of *260* ~~104~~ weeks, as provided by this subsection and subsection (2). Once the injured employee reaches the maximum number of weeks, temporary disability benefits cease and the injured worker's permanent impairment must be determined. If the employee is terminated from postinjury employment based on the employee's misconduct, temporary partial disability benefits are not payable as provided for in this section. The department shall by rule specify forms and procedures governing the method and time for payment of temporary disability benefits for dates of accidents before January 1, 1994, and for dates of accidents on or after January 1, 1994.

Section 5. Subsection (2) of section 440.151, Florida Statutes, is amended to read:

440.151 Occupational diseases.—

(2) Whenever used in this section the term "occupational disease" shall be construed to mean only a disease which is due to causes and conditions which are characteristic of and peculiar to a particular trade, occupation, process, or employment, and to exclude all ordinary diseases of life to which the general public is exposed, unless the incidence of the disease is substantially higher in the particular trade, occupation, process, or employment than for the general public. "Occupational disease" means only a disease for which there are epidemiological studies showing that exposure to the specific substance involved, at the levels to which the employee was exposed, may cause the precise disease sustained by the employee. *Notwithstanding any provision of this chapter, for firefighters, as defined in s. 112.81, multiple myeloma and non-Hodgkin's lymphoma are deemed to be occupational diseases that arise out of work performed in the course and scope of employment.*

Section 6. Subsections (2) and (5) of section 440.192, Florida Statutes, are amended to read:

440.192 Procedure for resolving benefit disputes.—

(2) Upon receipt, the Office of the Judges of Compensation Claims shall review each petition and shall dismiss each petition or any portion of such a petition that does not on its face *meet the requirements of this section and the definition of specificity under s. 440.02, and* specifically identify or itemize the following:

(a) *The* name, address, *and* telephone number~~, and social security number~~ of the employee.

(b) *The* name, address, and telephone number of the employer.

(c) A detailed description of the injury and cause of the injury, including the *Florida county or, if outside of Florida, the state* ~~location~~ of the occurrence and the date or dates of the accident.

(d) A detailed description of the employee's job, work responsibilities, and work the employee was performing when the injury occurred.

(e) The *specific* time period for which compensation and the specific classification of compensation were not timely provided.

(f) *The specific* date of maximum medical improvement, character of disability, and specific statement of all benefits or compensation that the employee is seeking. *A claim for permanent benefits must include the specific date of maximum medical improvement and the specific date that such permanent benefits are claimed to begin.*

(g) All specific travel costs to which the employee believes she or he is entitled, including dates of travel and purpose of travel, means of transportation, and mileage and including the date the request for mileage was filed with the carrier and a copy of the request filed with the carrier.

(h) *A* specific listing of all medical charges alleged unpaid, including the name and address of the medical provider, the amounts due, and the specific dates of treatment.

(i) The type or nature of treatment care or attendance sought and the justification for such treatment. If the employee is under the care of a physician for an injury identified under paragraph (c), a copy of the physician's request, authorization, or recommendation for treatment, care, or attendance must accompany the petition.

(j) The specific amount of compensation claimed to be accurate and the methodology claimed to accurately calculate the average weekly wage, if the average weekly wage calculated by the employer or carrier is disputed. If the petition does not include a claim under this paragraph, the average weekly wage and corresponding compensation calculated by the employer or carrier are presumed to be accurate.

(k)~~(j)~~ *A* specific explanation of any other disputed issue that a judge of compensation claims will be called to rule upon.

The dismissal of any petition or portion of such a petition under this *subsection* ~~section~~ is without prejudice and does not require a hearing.

(5)*(a)* All motions to dismiss must state with particularity the basis for the motion. The judge of compensation claims shall enter an order upon such motions without hearing, unless good cause for hearing is shown. *Dismissal of any petition or portion of a petition under this subsection is without prejudice.*

(b) Upon motion that a petition or portion of a petition be dismissed for lack of specificity, the judge of compensation claims shall enter an order on the motion, unless stipulated in writing by the parties, within 10 days after the motion is filed or, if good cause for hearing is shown, within 20 days after hearing on the motion. When any petition or portion of a petition is dismissed for lack of specificity under this subsection, the claimant must be allowed 20 days after the date of the order of dismissal in which to file an amended petition. Any grounds for dismissal for lack of specificity under this section which are not asserted within 30 days after receipt of the petition for benefits are thereby waived.

Section 7. Section 440.34, Florida Statutes, is amended to read:

440.34 *Attorney* ~~Attorney's~~ fees; costs.—

(1)*(a)* A fee, gratuity, or other consideration may not be paid *by a carrier or employer* ~~for a claimant~~ in connection with any proceedings arising under this chapter, unless approved by the judge of compensation claims or court having jurisdiction over such proceedings. Any *attorney fees* ~~attorney's fee~~ approved by a judge of compensation claims for benefits secured on behalf of a claimant must equal to 20 percent of the first $5,000 of the amount of the benefits secured, 15 percent of the next $5,000 of the amount of the benefits secured, 10 percent of the remaining amount of the benefits secured to be provided during the first 10 years after the date the claim is filed, and 5 percent of the benefits secured after 10 years.

(b) However, the judge of compensation claims shall consider the following factors in each case and may increase or decrease the attorney fees, based on a maximum hourly rate of $250 per hour, if in his or her judgment he or she expressly finds that the circumstances of the particular case warrant such action:

1. The time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly.

2. The fee customarily charged in the locality for similar legal services.

3. The amount involved in the controversy and the benefits resulting to the claimant.

4. The time limitation imposed by the claimant or the circumstances.

5. The experience, reputation, and ability of the attorney or attorneys performing services.

6. The contingency or certainty of a fee.

(c) The judge of compensation claims shall not approve a compensation order~~, a joint stipulation for lump sum settlement, a stipulation or agreement between a claimant and his or her attorney,~~ or any other agreement related to benefits under this chapter which provides for *attorney fees paid by a carrier or employer* ~~an attorney's fee~~ in excess of the amount permitted by this section. The judge of compensation claims is not required to approve any retainer agreement between the claimant and his or her attorney. ~~The retainer agreement as to fees and costs may not be for compensation in excess of the amount allowed under this subsection or subsection (7).~~

(2) In awarding a claimant's *attorney fees paid by a carrier or employer* ~~attorney's fee~~, the judge of compensation claims shall consider only those benefits secured by the attorney. An attorney is not entitled to *attorney* ~~attorney's~~ fees for representation in any issue that was ripe, due, and owing and that reasonably could have been addressed, but was not addressed, during the pendency of other issues for the same injury. The amount, statutory basis, and type of benefits obtained through legal representation shall be listed on all *attorney* ~~attorney's~~ fees awarded by the judge of compensation claims. For purposes of this section, the term "benefits secured" does not include future medical benefits to be provided on any date more than 5 years after the date the claim is filed. In the event an offer to settle an issue pending before a judge of compensation claims, including *attorney* ~~attorney's~~ fees as provided for in this section, is communicated in writing to the claimant or the claimant's attorney at least 30 days prior to the trial date on such issue, for purposes of calculating the amount of *attorney* ~~attorney's~~ fees to be taxed against the employer or carrier, the term "benefits secured" shall be deemed to include only that amount awarded to the claimant above the amount specified in the offer to settle. If multiple issues are pending before the judge of compensation claims, said offer of settlement shall address each issue pending and shall state explicitly whether or not the offer on each issue is severable. The written offer shall also unequivocally state whether or not it includes medical witness fees and expenses and all other costs associated with the claim.

(3) If any party should prevail in any proceedings before a judge of compensation claims or court, there shall be taxed against the nonprevailing party the reasonable costs of such proceedings, not to include *attorney* ~~attorney's~~ fees. A claimant is responsible for the payment of her or his own *attorney* ~~attorney's~~ fees, except that a claimant is entitled to recover *attorney fees* ~~an attorney's fee~~ in an amount equal to the amount provided for in subsection (1) ~~or subsection (7)~~ from a carrier or employer:

(a) Against whom she or he successfully asserts a petition for medical benefits only, if the claimant has not filed or is not entitled to file at such time a claim for disability, permanent impairment, wage-loss, or death benefits, arising out of the same accident;

(b) In any case in which the employer or carrier files a response to petition denying benefits with the Office of the Judges of Compensation Claims and the injured person has employed an attorney in the successful prosecution of the petition;

(c) In a proceeding in which a carrier or employer denies that an accident occurred for which compensation benefits are payable, and the claimant prevails on the issue of compensability; or

(d) In cases where the claimant successfully prevails in proceedings filed under s. 440.24 or s. 440.28.

Regardless of the date benefits were initially requested, *attorney* ~~attorney's~~ fees shall not attach under this subsection until 30 days after the date the carrier or employer, if self-insured, receives the petition.

(4) In such cases in which the claimant is responsible for the payment of her or his own *attorney* ~~attorney's~~ fees, such fees are a lien upon compensation payable to the claimant, notwithstanding s. 440.22.

(5) If any proceedings are had for review of any claim, award, or compensation order before any court, the court may award the injured employee or dependent *attorney fees* ~~an attorney's fee~~ to be paid by the employer or carrier, in its discretion, which shall be paid as the court may direct.

(6) A judge of compensation claims may not enter an order approving the contents of a retainer agreement that permits placing any portion of the employee's compensation into an escrow account until benefits have been secured.

(7) *This section may not be interpreted to limit or otherwise infringe on a claimant's right to retain an attorney and pay the attorney reasonable attorney fees for legal services related to a claim under the Workers' Compensation Law* ~~If an attorney's fee is owed under paragraph (3)(a), the judge of compensation claims may approve an alternative attorney's fee not to exceed $1,500 only once per accident, based on a maximum hourly rate of $150 per hour, if the judge of compensation claims expressly finds that the attorney's fee amount provided for in subsection (1), based on benefits secured, fails to fairly compensate the attorney for disputed medical-only claims as provided in paragraph (3)(a) and the circumstances of the particular case warrant such action~~.

Section 8. Effective July 1, 2018, subsection (10) of section 624.482, Florida Statutes, is amended to read:

624.482 Making and use of rates.—

(10) Any self-insurance fund that writes workers' compensation insurance and employer's liability insurance is subject to, and shall make all rate filings for workers' compensation insurance and employer's liability insurance in accordance with, ss. 627.091, 627.101, 627.111, 627.141, 627.151, 627.171, *and* 627.191~~, and 627.211~~.

Section 9. Effective July 1, 2018, subsections (3), (4), and (6) of section 627.041, Florida Statutes, are amended to read:

627.041 Definitions.—As used in this part:

(3) "Rating organization" means every person, other than an authorized insurer, whether located within or outside this state, who has as his or her object or purpose the making of *prospective loss costs,* rates, rating plans, or rating systems. Two or more authorized insurers that act in concert for the purpose of making *prospective loss costs,* rates, rating plans, or rating systems, and that do not operate within the specific authorizations contained in ss. 627.311, 627.314(2), (4), and 627.351, shall be deemed to be a rating organization. No single insurer shall be deemed to be a rating organization.

(4) "Advisory organization" means every group, association, or other organization of insurers, whether located within or outside this state, which prepares policy forms or makes underwriting rules incident to but not including the making of *prospective loss costs,* rates, rating plans, or rating systems or which collects and furnishes to authorized insurers or rating organizations loss or expense statistics or other statistical information and data and acts in an advisory, as distinguished from a ratemaking, capacity.

(6) "Subscriber" means an insurer which is furnished at its request:

(a) With *prospective loss costs,* rates, and rating manuals by a rating organization of which it is not a member; or

(b) With advisory services by an advisory organization of which it is not a member.

Section 10. Effective July 1, 2018, subsection (1) of section 627.0612, Florida Statutes, is amended to read:

627.0612 Administrative proceedings in rating determinations.—

(1) In any proceeding to determine whether *prospective loss costs,* rates, rating plans, or other matters governed by this part comply with the law, the appellate court shall set aside a final order of the office if the office has violated s. 120.57(1)(k) by substituting its findings of fact for findings of an administrative law judge which were supported by competent substantial evidence.

Section 11. Effective July 1, 2018, subsection (1) of section 627.062, Florida Statutes, is amended to read:

627.062 Rate standards.—

(1) The rates *and loss costs* for all classes of insurance to which the provisions of this part are applicable may not be excessive, inadequate, or unfairly discriminatory.

Section 12. Effective July 1, 2018, subsection (1) of section 627.0645, Florida Statutes, is amended to read:

627.0645 Annual filings.—

(1) Each rating organization filing rates for, and each insurer writing, any line of property or casualty insurance to which this part applies, except:

~~(a) Workers' compensation and employer's liability insurance;~~

(a)~~(b)~~ Insurance as defined in ss. 624.604 and 624.605, limited to coverage of commercial risks other than commercial residential multiperil; or

(b)~~(c)~~ Travel insurance, if issued as a master group policy with a situs in another state where each certificateholder pays less than $30 in premium for each covered trip and where the insurer has written less than $1 million in annual written premiums in the travel insurance product in this state during the most recent calendar year,

shall make an annual base rate filing for each such line with the office no later than 12 months after its previous base rate filing, demonstrating that its rates are not inadequate.

Section 13. Effective July 1, 2018, subsections (1) and (5) of section 627.072, Florida Statutes, are amended to read:

627.072 Making and use of rates.—

(1) As to workers' compensation and employer's liability insurance, the following factors shall be used in the determination and fixing of *loss costs or* rates*, as applicable*:

(a) The past loss experience and prospective loss experience within and outside this state;

(b) The conflagration and catastrophe hazards;

(c) A reasonable margin for underwriting profit and contingencies;

(d) Dividends, savings, or unabsorbed premium deposits allowed or returned by insurers to their policyholders, members, or subscribers;

(e) Investment income on unearned premium reserves and loss reserves;

(f) Past expenses and prospective expenses, both those countrywide and those specifically applicable to this state; and

(g) All other relevant factors, including judgment factors, within and outside this state.

~~(5)(a) In the case of workers' compensation and employer's liability insurance, the office shall consider utilizing the following methodology in rate determinations: Premiums, expenses, and expected claim costs would be discounted to a common point of time, such as the initial point of a policy year, in the determination of rates; the cash flow pattern of premiums, expenses, and claim costs would be determined initially by using data from 8 to 10 of the largest insurers writing workers' compensation insurance in the state; such insurers may be selected for their statistical ability to report the data on an accident year basis and in accordance with subparagraphs (b)1., 2., and 3., for at least 2 1/2 years; such a cash flow pattern would be modified when necessary in accordance with the data and whenever a radical change in the payout pattern is expected in the policy year under consideration.~~

~~(b) If the methodology set forth in paragraph (a) is utilized, to facilitate the determination of such a cash flow pattern methodology:~~

~~1. Each insurer shall include in its statistical reporting to the rating bureau and the office the accident year by calendar quarter data for paid claim costs;~~

~~2. Each insurer shall submit financial reports to the rating bureau and the office which shall include total incurred claim amounts and paid claim amounts by policy year and by injury types as of December 31 of each calendar year; and~~

~~3. Each insurer shall submit to the rating bureau and the office paid premium data on an individual risk basis in which risks are to be subdivided by premium size as follows:~~

~~Premium Range~~	~~Number of Risks in Standard Premium Size~~
~~(to be filled in by carrier)~~	~~$300 999~~
~~(to be filled in by carrier)~~	~~1,000 4,999~~
~~(to be filled in by carrier)~~	~~5,000 49,999~~
~~(to be filled in by carrier)~~	~~50,000 99,999~~
~~(to be filled in by carrier)~~	~~100,000 or more~~
~~Total:~~	

Section 14. Effective July 1, 2018, section 627.091, Florida Statutes, is amended to read:

627.091 Rate filings; workers' compensation and employer's liability insurances.—

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

(a) "Expenses" means the portion of a rate which is attributable to acquisition, field supervision, collection expenses, taxes, reinsurance, assessments, and general expenses.

(b) "Loss cost modifier" means an adjustment to, or a deviation from, the approved prospective loss costs filed by a licensed rating organization.

(c) "Loss cost multiplier" means the profit and expense factor, expressed as a single nonintegral number to be applied to the prospective loss costs, which is associated with writing workers' compensation and employer's liability insurance and which is approved by the office in making rates for each classification of risks used by that insurer.

(d) "Prospective loss costs" means the portion of a rate which reflects historical industry average aggregate losses and loss adjustment expenses projected through development to their ultimate value and through trending to a future point in time. The term does not include provisions for profit or expenses other than loss adjustment expense.

(2)~~(1)~~ As to workers' compensation and employer's liability insurances, every insurer shall file with the office every manual of classifications, rules, and rates, every rating plan, and every modification of any of the foregoing which it proposes to use. *Each insurer or insurer group shall independently and individually file with the office the final rates it proposes to use. An insurer may satisfy this filing requirement by adopting the most recent loss costs filed by a licensed rating organization and approved by the office, and by otherwise complying with this part. Each insurer shall file data in accordance with the uniform statistical plan approved by the office. Every filing under this subsection:*

(a) Must state the proposed effective date and must be made at least 90 days before such proposed effective date;

(b) Must indicate the character and extent of the coverage contemplated;

(c) May use the most recent approved prospective loss costs filed by a licensed rating organization in combination with the insurer's own approved loss cost multiplier and loss cost modifier;

(d) Must include all deductibles required in chapter 440, and may include additional deductible provisions in its manual of classifications, rules, and rates. All deductibles must be in a form and manner that is consistent with the underlying purpose of chapter 440;

(e) May use variable or fixed expense loads or a combination thereof, and may vary the expense, profit, or contingency provisions by class or group of classes, if the insurer files supporting data justifying such variations;

(f) May include a schedule of proposed premium discounts, credits, and surcharges. The office may not approve discounts, credits, and surcharges unless they are based on objective criteria that bear a reasonable relationship to the expected loss, expense, or profit experience of an individual policyholder or a class of policyholders; and

(g) May file a minimum premium or expense constant ~~Every insurer is authorized to include deductible provisions in its manual of classifications, rules, and rates. Such deductibles shall in all cases be in a form and manner which is consistent with the underlying purpose of chapter 440~~.

(3)~~(2) Every such filing shall state the proposed effective date thereof, and shall indicate the character and extent of the coverage contemplated.~~ When a filing is not accompanied by the information upon which the insurer *or rating organization* supports the filing and the office does not have sufficient information to determine whether the filing meets the applicable requirements of this part, *the office,* ~~it shall~~ within 15 days after the date of filing*, shall* require the insurer *or rating organization* to furnish the information upon which it supports the filing. The information furnished in support of a filing may include:

(a) The experience or judgment of the insurer or rating organization making the filing;

(b) *The* ~~Its~~ interpretation of any statistical data *which the insurer or rating organization making the filing* ~~it~~ relies upon;

(c) The experience of other insurers or rating organizations; or

(d) Any other factors which the insurer or rating organization *making the filing* deems relevant.

(4)~~(3)~~ A filing and any supporting information *are* ~~shall be~~ open to public inspection as provided in s. 119.07(1).

(5)~~(4)~~ An insurer may *become* ~~satisfy its obligation to make such filings by becoming~~ a member of, or a subscriber to, a licensed rating organization *that* ~~which~~ makes *loss costs* ~~such~~ filings and by authorizing the office to accept such filings in its behalf; but nothing contained in this chapter shall be construed as requiring any insurer to become a member or a subscriber to any rating organization.

(6) A licensed rating organization may develop and file for approval with the office reference filings containing prospective loss costs and the underlying loss data, and other supporting statistical and actuarial information. A rating organization may not develop or file final rates or multipliers for expenses, profit, or contingencies. After a loss cost reference filing is filed with the office and is approved, the rating organization must provide its member subscribers with a copy of the approved reference filing.

(7) A rating organization may file supplementary rating information and rules, including, but not limited to, policywriting rules, rating plan classification codes and descriptions, experience modification plans, statistical plans and forms, and rules that include factors or relativities, such as increased limits factors, classification relativities, or similar factors, but that exclude minimum premiums. An insurer may use supplementary rating information if such information is approved by the office.

(8)~~(5)~~ Pursuant to the provisions of s. 624.3161, the office may examine the underlying statistical data used in such filings.

(9)~~(6)~~ Whenever the committee of a recognized rating organization with *authority to file prospective loss costs for use by insurers in determining* ~~responsibility for~~ workers' compensation and employer's liability insurance rates in this state meets to discuss the necessity for, or a request for, Florida rate increases or decreases *in prospective loss costs in this state*, the determination of *prospective loss costs in this state* ~~Florida rates~~, the *prospective loss costs* ~~rates~~ to be requested *in this state*, and any other matters pertaining specifically and directly to *prospective loss costs in this state* ~~such Florida rates~~, such meetings shall be held in this state and *are* ~~shall be~~ subject to s. 286.011. The committee of such a rating organization shall provide at least 3 weeks' prior notice of such meetings to the office and shall provide at least 14 days' prior notice of such meetings to the public by publication in the Florida Administrative Register.

(10) An insurer group with multiple insurers writing workers' compensation and employer's liability insurance shall file underwriting rules not contained in rating manuals.

Section 15. Effective July 1, 2018, section 627.093, Florida Statutes, is amended to read:

627.093 Application of s. 286.011 to workers' compensation and employer's liability insurances.—Section 286.011 shall be applicable to every *prospective loss cost and* rate filing, approval or disapproval of filing, rating deviation from filing, or appeal from any of these regarding workers' compensation and employer's liability insurances.

Section 16. Effective July 1, 2018, subsection (1) of section 627.101, Florida Statutes, is amended to read:

627.101 When filing becomes effective; workers' compensation and employer's liability insurances.—

(1) The office shall review *all required* filings as to workers' compensation and employer's liability insurances as soon as reasonably possible after they have been made in order to determine whether they meet the applicable requirements of this part. If the office determines that part of a *required* ~~rate~~ filing does not meet the applicable requirements of this part, it may reject so much of the filing as does not meet these requirements, and approve the remainder of the filing.

Section 17. Effective July 1, 2018, section 627.211, Florida Statutes, is amended to read:

627.211 *Annual report by the office on the workers' compensation insurance market* ~~Deviations; workers' compensation and employer's liability insurances.—~~

~~(1) Every member or subscriber to a rating organization shall, as to workers' compensation or employer's liability insurance, adhere to the filings made on its behalf by such organization; except that any such insurer may make written application to the office for permission to file a uniform percentage decrease or increase to be applied to the premiums produced by the rating system so filed for a kind of insurance, for a class of insurance which is found by the office to be a proper rating unit for the application of such uniform percentage decrease or increase, or for a subdivision of workers' compensation or employer's liability insurance:~~

~~(a) Comprised of a group of manual classifications which is treated as a separate unit for ratemaking purposes; or~~

~~(b) For which separate expense provisions are included in the filings of the rating organization.~~

~~Such application shall specify the basis for the modification and shall be accompanied by the data upon which the applicant relies. A copy of the application and data shall be sent simultaneously to the rating organization.~~

~~(2) Every member or subscriber to a rating organization may, as to workers' compensation and employer's liability insurance, file a plan or plans to use deviations that vary according to factors present in each insured's individual risk. The insurer that files for the deviations provided in this subsection shall file the qualifications for the plans, schedules of rating factors, and the maximum deviation factors which shall be subject to the approval of the office pursuant to s. 627.091. The actual deviation which shall be used for each insured that qualifies under this subsection may not exceed the maximum filed deviation under that plan and shall be based on the merits of each insured's individual risk as determined by using schedules of rating factors which shall be applied uniformly. Insurers shall maintain statistical data in accordance with the schedule of rating factors. Such data shall be available to support the continued use of such varying deviations.~~

~~(3) In considering an application for the deviation, the office shall give consideration to the applicable principles for ratemaking as set forth in ss. 627.062 and 627.072 and the financial condition of the insurer. In evaluating the financial condition of the insurer, the office may consider: (1) the insurer's audited financial statements and whether the statements provide unqualified opinions or contain significant qualifications or "subject to" provisions; (2) any independent or other actuarial certification of loss reserves; (3) whether workers' compensation and~~

~~employer's liability reserves are above the midpoint or best estimate of the actuary's reserve range estimate; (4) the adequacy of the proposed rate; (5) historical experience demonstrating the profitability of the insurer; (6) the existence of excess or other reinsurance that contains a sufficiently low attachment point and maximums that provide adequate protection to the insurer; and (7) other factors considered relevant to the financial condition of the insurer by the office. The office shall approve the deviation if it finds it to be justified, it would not endanger the financial condition of the insurer, and it would not constitute predatory pricing. The office shall disapprove the deviation if it finds that the resulting premiums would be excessive, inadequate, or unfairly discriminatory, would endanger the financial condition of the insurer, or would result in predatory pricing. The insurer may not use a deviation unless the deviation is specifically approved by the office. An insurer may apply the premiums approved pursuant to s. 627.091 or its uniform deviation approved pursuant to this section to a particular insured according to underwriting guidelines filed with and approved by the office, such approval to be based on ss. 627.062 and 627.072.~~

~~(4) Each deviation permitted to be filed shall be effective for a period of 1 year unless terminated, extended, or modified with the approval of the office. If at any time after a deviation has been approved the office finds that the deviation no longer meets the requirements of this code, it shall notify the insurer in what respects it finds that the deviation fails to meet such requirements and specify when, within a reasonable period thereafter, the deviation shall be deemed no longer effective. The notice shall not affect any insurance contract or policy made or issued prior to the expiration of the period set forth in the notice.~~

~~(5) For purposes of this section, the office, when considering the experience of any insurer, shall consider the experience of any predecessor insurer when the business and the liabilities of the predecessor insurer were assumed by the insurer pursuant to an order of the office which approves the assumption of the business and the liabilities.~~

~~(6)~~ The office shall submit an annual report to the President of the Senate and the Speaker of the House of Representatives by January 15 of each year which evaluates *insurance company solvency and* competition in the workers' compensation insurance market in this state. The report must contain an analysis of the availability and affordability of workers' compensation coverage and whether the current market structure, conduct, and performance are conducive to competition, based upon economic analysis and tests. The purpose of this report is to aid the Legislature in determining whether changes to the workers' compensation rating laws are warranted. The report must also document that the office has complied with the provisions of s. 627.096 which require the office to investigate and study all workers' compensation insurers in the state and to study the data, statistics, schedules, or other information as it finds necessary to assist in its review of workers' compensation rate filings.

Section 18. Effective July 1, 2018, section 627.2151, Florida Statutes, is created to read:

627.2151 Workers' compensation excessive defense and cost containment expenses.—

(1) As used in this section, the term "defense and cost containment expenses" or "DCCE" includes the following Florida expenses of an insurer group or insurer writing workers' compensation insurance:

(a) Insurance company attorney fees;

(b) Expert witnesses;

(c) Medical examinations and autopsies;

(d) Medical fee review panels;

(e) Bill auditing;

(f) Treatment utilization reviews; and

(g) Preferred provider network expenses.

(2) Each insurer group or insurer writing workers' compensation insurance shall file with the office a schedule of Florida defense and cost containment expenses and total Florida incurred losses for each of the 3 years before the most recent accident year. The DCCE and incurred losses must be valued as of December 31 of the first year following the latest accident year to be reported, developed to an ultimate basis, and at two 12-month intervals thereafter, each developed to an ultimate basis, so that a total of three evaluations will be provided for each accident year. The first year reported shall be accident year 2018, so that the reporting of 3 accident years under this evaluation will not take place until accident years 2019 and 2020 have become available.

(3) Excessive DCCE occurs when an insurer includes in its rates Florida defense and cost containment expenses for workers' compensation which exceed 15 percent of Florida workers' compensation incurred losses by the insurer or insurer group for the 3 most recent calendar years for which data is to be filed under this section.

(4) If the insurer or insurer group realizes excessive DCCE, the office must order a return of the excess amounts after affording the insurer or insurer group an opportunity for a hearing and otherwise complying with the requirements of chapter 120. Excessive DCCE amounts must be returned in all instances unless the insurer or insurer group affirmatively demonstrates to the office that the refund of the excessive DCCE amounts will render a member of the insurer group financially impaired or will render it insolvent under provisions of the Florida Insurance Code.

(5) Any excess DCCE amount must be returned to policyholders in the form of a cash refund or credit toward the future purchase of insurance. The refund or credit must be made on a pro rata basis in relation to the final compilation year earned premiums to the policyholders of record of the insurer or insurer group on December 31 of the final compilation year. Cash refunds and data in required reports to the office may be rounded to the nearest dollar and must be consistently applied.

(6)(a) Refunds must be completed in one of the following ways:

1. A cash refund must be completed within 60 days after entry of a final order indicating that excessive DCCE has been realized.

2. A credit to renewal policies must be applied to policy renewal premium notices that are forwarded to insureds more than 60 calendar days after entry of a final order indicating that excessive DCCE has been realized. If the insured thereafter cancels a policy or otherwise allows the policy to terminate, the insurer or insurer group must make a cash refund not later than 60 days after coverage termination.

(b) Upon completion of the renewal credits or refunds, the insurer or insurer group shall immediately certify having made the refunds to the office.

(7) Any refund or renewal credit made pursuant to this section is treated as a policyholder dividend applicable to the year immediately succeeding the compilation period giving rise to the refund or credit, for purposes of reporting under this section for subsequent years.

Section 19. Effective July 1, 2018, section 627.291, Florida Statutes, is amended to read:

627.291 Information to be furnished insureds; appeal by insureds; workers' compensation and employer's liability insurances.—

(1) As to workers' compensation and employer's liability insurances, every rating organization *filing prospective loss costs* and every insurer which makes its own rates shall, within a reasonable time after receiving written request therefor and upon payment of such reasonable charge as it may make, furnish to any insured affected by a rate made by it, or to the authorized representative of such insured, all pertinent information as to such rate.

(2) As to workers' compensation and employer's liability insurances, every rating organization *filing prospective loss costs* and every insurer which makes its own rates shall provide within this state reasonable means whereby any person aggrieved by the application of its rating system may be heard, in person or by his or her authorized representative, on his or her written request to review the manner in which such rating system has been applied in connection with the insurance afforded him or her. If the rating organization *filing prospective loss costs* or *the* insurer *making its own rates* fails to grant or rejects such request within 30 days after it is made, the applicant may proceed in the same manner as if his or her application had been rejected. Any party affected by the action of such rating organization *filing prospective loss costs* or

insurer *making its own rates* on such request may, within 30 days after written notice of such action, appeal to the office, which may affirm or reverse such action.

Section 20. Effective July 1, 2018, section 627.318, Florida Statutes, is amended to read:

627.318 Records.—Every insurer, rating organization *filing prospective loss costs*, and advisory organization and every group, association, or other organization of insurers which engages in joint underwriting or joint reinsurance shall maintain reasonable records, of the type and kind reasonably adapted to its method of operation, of its experience or the experience of its members and of the data, statistics, or information collected or used by it in connection with the *prospective loss costs,* rates, rating plans, rating systems, underwriting rules, policy or bond forms, surveys, or inspections made or used by it, so that such records will be available at all reasonable times to enable the office to determine whether such organization, insurer, group, or association, and, in the case of an insurer or rating organization, every *prospective loss cost,* rate, rating plan, and rating system made or used by it, complies with the provisions of this part applicable to it. The maintenance of such records in the office of a licensed rating organization of which an insurer is a member or subscriber will be sufficient compliance with this section for any such insurer maintaining membership or subscribership in such organization, to the extent that the insurer uses the *prospective loss costs,* rates, rating plans, rating systems, or underwriting rules of such organization. Such records shall be maintained in an office within this state or shall be made available for examination or inspection within this state by the department at any time upon reasonable notice.

Section 21. Effective July 1, 2018, section 627.361, Florida Statutes, is amended to read:

627.361 False or misleading information.—No person shall willfully withhold information from or knowingly give false or misleading information to the office, any statistical agency designated by the office, any rating organization, or any insurer, which will affect the *prospective loss costs,* rates*,* or premiums chargeable under this part.

Section 22. Effective July 1, 2018, subsections (1) and (2) of section 627.371, Florida Statutes, are amended to read:

627.371 Hearings.—

(1) Any person aggrieved by any rate charged, rating plan, rating system, or underwriting rule followed or adopted by an insurer, and any person aggrieved by any rating plan, rating system, or underwriting rule followed or adopted by a rating organization, may herself or himself or by her or his authorized representative make written request of the insurer or rating organization to review the manner in which the *prospective loss cost,* rate, plan, system, or rule has been applied with respect to insurance afforded her or him. If the request is not granted within 30 days after it is made, the requester may treat it as rejected. Any person aggrieved by the refusal of an insurer or rating organization to grant the review requested, or by the failure or refusal to grant all or part of the relief requested, may file a written complaint with the office, specifying the grounds relied upon. If the office has already disposed of the issue as raised by a similar complaint or believes that probable cause for the complaint does not exist or that the complaint is not made in good faith, it shall so notify the complainant. Otherwise, and if it also finds that the complaint charges a violation of this chapter and that the complainant would be aggrieved if the violation is proven, it shall proceed as provided in subsection (2).

(2) If after examination of an insurer, rating organization, advisory organization, or group, association, or other organization of insurers which engages in joint underwriting or joint reinsurance, upon the basis of other information, or upon sufficient complaint as provided in subsection (1), the office has good cause to believe that such insurer, organization, group, or association, or any *prospective loss cost,* rate, rating plan, or rating system made or used by any such insurer or rating organization, does not comply with the requirements and standards of this part applicable to it, it shall, unless it has good cause to believe such noncompliance is willful, give notice in writing to such insurer, organization, group, or association stating therein in what manner and to what extent noncompliance is alleged to exist and specifying therein a reasonable time, not less than 10 days thereafter, in which the noncompliance may be corrected, including any premium adjustment.

Section 23. *Effective July 1, 2017, the sums of $723,118 in recurring funds and $100,000 in nonrecurring funds from the Insurance Regulatory Trust Fund are appropriated to the Office of Insurance Regulation, and eight full-time equivalent positions with associated salary rate of 460,000 are authorized, for the purpose of implementing this act.*

Section 24. *Effective July 1, 2017, the sum of $24,720 in nonrecurring funds from the Operating Trust Fund is appropriated to the Office of Judges of Compensation Claims within the Division of Administrative Hearings for the purposes of implementing this act.*

Section 25. 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 workers' compensation insurance; amending s. 440.02, F.S.; redefining the term "specificity"; amending s. 440.105, F.S.; revising a prohibition against receiving certain fees, consideration, or gratuities under certain circumstances; amending s. 440.13, F.S.; specifying certain timeframes in terms of business days, rather than days; requiring carriers to authorize or deny, rather than respond to, certain requests for authorization within a specified timeframe; revising construction; revising a specified interval for certain notices furnished by treating physicians to employers or carriers; amending s. 440.15, F.S.; revising the maximum period of specified temporary disability benefits; amending s. 440.151, F.S.; providing that specified cancers of firefighters are deemed occupational diseases arising out of work performed in the course and scope of employment; amending s. 440.192, F.S.; revising conditions under which the Office of the Judges of Compensation Claims must dismiss petitions for benefits; revising requirements for such petitions; revising construction relating to dismissals of petitions or portions of such petitions; requiring judges of compensation claims to enter orders on certain motions to dismiss within specified timeframes; amending s. 440.34, F.S.; prohibiting the payment of certain consideration by carriers or employers, rather than prohibiting such payment for claimants, in connection with certain proceedings under certain circumstances; requiring judges of compensation claims to consider specified factors in increasing or decreasing attorney fees; specifying a maximum hourly rate for attorney fees; revising provisions that prohibit such judges from approving certain agreements and that limit attorney fees in retainer agreements; providing construction; deleting a provision authorizing such judges to approve alternative attorney fees under certain circumstances; conforming a cross-reference; amending s. 624.482, F.S.; conforming a provision to changes made by the act; amending s. 627.041, F.S.; redefining terms; amending s. 627.0612, F.S.; adding prospective loss costs to a list of reviewable matters in certain proceedings by appellate courts; amending s. 627.062, F.S.; prohibiting loss costs for specified classes of insurance from being excessive, inadequate, or unfairly discriminatory; amending s. 627.0645, F.S.; deleting an annual base rate filing requirement exception relating to workers' compensation and employer's liability insurance for certain rating organizations; amending s. 627.072, F.S.; requiring certain factors to be used in determining and fixing loss costs; deleting a specified methodology that may be used by the Office of Insurance Regulation in rate determinations; amending s. 627.091, F.S.; defining terms; requiring insurers or insurer groups writing workers' compensation and employer's liability insurances to independently and individually file their proposed final rates; specifying requirements for such filings; deleting a requirement that such filings contain certain information; revising requirements for supporting information required to be furnished to the office under certain circumstances; deleting a specified method for insurers to satisfy filing obligations; specifying requirements for a licensed rating organization that elects to develop and file certain reference filings and certain other information; authorizing insurers to use supplementary rating information approved by the office; revising applicability of public meetings and records requirements to certain meetings of recognized rating organization committees; requiring certain insurer groups to file underwriting rules not contained in rating manuals; amending s. 627.093, F.S.; revising applicability of public meetings and records requirements to prospective loss cost filings or appeals; amending s. 627.101, F.S.; conforming a provision to changes made by the act; amending s. 627.211, F.S.; deleting provisions relating to deviations; requiring that the office's an-

nual report to the Legislature relating to the workers' compensation insurance market evaluate insurance company solvency; creating s. 627.2151, F.S.; defining the term "defense and cost containment expenses" or "DCCE"; requiring insurer groups or insurers writing workers' compensation insurance to file specified schedules with the office at specified intervals; providing construction relating to excessive DCCE; requiring the office to order returns of excess amounts of DCCE, subject to certain hearing requirements; providing requirements for, and an exception from, the return of excessive DCCE amounts; providing construction; amending s. 627.291, F.S.; providing applicability of certain disclosure and hearing requirements for rating organizations filing prospective loss costs; amending s. 627.318, F.S.; providing applicability of certain recordkeeping requirements for rating organizations or insurers filing or using prospective loss costs, respectively; amending s. 627.361, F.S.; providing applicability of a prohibition against false or misleading information relating to prospective loss costs; amending s. 627.371, F.S.; providing applicability of certain hearing procedures and requirements relating to the application, making, or use of prospective loss costs; providing appropriations; providing effective dates.

On motion by Senator Bradley, by two-thirds vote, **CS for HB 7085**, as amended, was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—21

Mr. President	Campbell	Powell
Baxley	Clemens	Rader
Benacquisto	Farmer	Rodriguez
Book	Flores	Rouson
Bracy	Garcia	Simmons
Bradley	Gibson	Thurston
Braynon	Hutson	Torres

Nays—16

Bean	Latvala	Simpson
Brandes	Lee	Stargel
Broxson	Mayfield	Steube
Gainer	Montford	Young
Galvano	Passidomo	
Grimsley	Perry	

Vote after roll call:

Yea—Stewart

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

BILLS ON THIRD READING

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.

—was read the third time by title.

On motion by Senator Garcia, **CS for CS for HB 911** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Flores	Powell
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	

Nays—None

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.

—was read the third time by title.

On motion by Senator Simmons, **HB 207** was passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Book, Brandes, Galvano, Stewart

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.

—was read the third time by title.

On motion by Senator Garcia, **HB 1385** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

CS for CS for HB 937—A bill to be entitled An act relating to warnings for lottery games; amending s. 24.107, F.S.; requiring the Department of the Lottery to provide a specified warning in advertisements or promotions of lottery games; amending s. 24.111, F.S.; requiring contracts entered into between the department and a vendor of lottery tickets to include a provision that requires the vendor to place or print a specified warning on all lottery tickets; specifying requirements for specified warning; amending s. 24.112, F.S.; requiring contracts entered into between the department and a retailer of lottery tickets to include a provision that requires the retailer to prominently display a sign, provided by the department, with a specified warning at the point of sale; providing an effective date.

—was read the third time by title.

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

Amendment 1 (949616) (with title amendment)—Delete lines 68-79.

And the title is amended as follows:

Delete lines 11-16 and insert:
warning; providing an effective date.

On motion by Senator Perry, **CS for CS for HB 937**, as amended, was passed and certified to the House. The vote on passage was:

Yeas—23

Mr. President	Gainer	Rader
Baxley	Galvano	Rodriguez
Bean	Grimsley	Rouson
Benacquisto	Hutson	Simmons
Bradley	Lee	Simpson
Brandes	Mayfield	Stargel
Broxson	Passidomo	Steube
Flores	Perry	

Nays—15

Book	Farmer	Powell
Bracy	Garcia	Stewart
Braynon	Gibson	Thurston
Campbell	Latvala	Torres
Clemens	Montford	Young

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.

—was read the third time by title.

On motion by Senator Bradley, **HB 781** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Flores	Powell
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	

Nays—None

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.

—was read the third time by title.

On motion by Senator Montford, **CS for HB 1253** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Flores	Powell
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	

Nays—None

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.

—was read the third time by title.

On motion by Senator Montford, **CS for HB 1041** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Flores	Powell
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	

Nays—None

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.

—as amended May 3, was read the third time by title.

On motion by Senator Perry, **CS for HB 335**, as amended, was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Flores	Powell
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	

Nays—None

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.

—as amended May 3, was read the third time by title.

On motion by Senator Garcia, **CS for CS for HB 1121**, as amended, was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Flores	Powell
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	

Nays—None

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.

—was read the third time by title.

On motion by Senator Steube, **CS for CS for HB 6529** was passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—1

Perry

Vote after roll call:

Nay—Stargel

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.

—was read the third time by title.

On motion by Senator Simmons, **CS for HB 6501** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—1

Perry

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.

—was read the third time by title.

On motion by Senator Galvano, **CS for HB 6503** was passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—2

Perry Stargel

Vote after roll call:

Yea—Montford

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.

—was read the third time by title.

On motion by Senator Brandes, **CS for CS for HB 501** 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—38

Mr. President	Flores	Powell
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	

Nays—None

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.

—as amended May 3, was read the third time by title.

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

Yeas—38

Mr. President	Flores	Powell
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	

Nays—None

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.

—was read the third time by title.

On motion by Senator Gainer, **HB 1031** was passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—2

Brandes	Grimsley

Vote after roll call:

Yea to Nay—Bean

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.

—was read the third time by title.

On motion by Senator Garcia, **CS for CS for HB 1175** was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gainer	Rader
Baxley	Galvano	Rodriguez
Bean	Garcia	Rouson
Benacquisto	Gibson	Simmons
Book	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 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.

—was read the third time by title.

On motion by Senator Bean, **CS for HB 457** was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gainer	Rader
Baxley	Galvano	Rodriguez
Bean	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

Vote after roll call:

Yea—Benacquisto

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.

—as amended May 3, was read the third time by title.

On motion by Senator Young, **CS for HB 1027**, as amended, was passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Benacquisto, Steube

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.

—was read the third time by title.

On motion by Senator Lee, **CS for CS for HB 989** was passed and certified to the House. The vote on passage was:

Yeas—19

Mr. President	Gainer	Perry
Baxley	Galvano	Simmons
Bean	Grimsley	Simpson
Benacquisto	Hutson	Stargel
Bradley	Lee	Steube
Brandes	Mayfield	
Broxson	Passidomo	

Nays—17

Book	Flores	Rodriguez
Bracy	Garcia	Rouson
Braynon	Gibson	Stewart
Campbell	Montford	Thurston
Clemens	Powell	Torres
Farmer	Rader	

Vote after roll call:

Yea—Young

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendment 1 (285990) to CS/HB 477 and requests the Senate to recede.

Portia Palmer, Clerk

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.

Senator Steube moved that the Senate recede from **Senate Amendment 1 (285990)**. The motion was adopted.

The vote was:

Yeas—20

Baxley	Garcia	Perry
Bean	Grimsley	Rouson
Benacquisto	Hutson	Simmons
Book	Latvala	Simpson
Bradley	Lee	Stargel
Gainer	Mayfield	Steube
Galvano	Passidomo	

Nays—18

Mr. President	Clemens	Rader
Bracy	Farmer	Rodriguez
Brandes	Flores	Stewart
Braynon	Gibson	Thurston
Broxson	Montford	Torres
Campbell	Powell	Young

CS for HB 477 passed and the action of the Senate was certified to the House. The vote on passage was:

Yeas—31

Mr. President	Garcia	Rader
Baxley	Gibson	Rodriguez
Bean	Grimsley	Rouson
Benacquisto	Hutson	Simmons
Book	Latvala	Simpson
Bradley	Lee	Stargel
Braynon	Mayfield	Steube
Broxson	Montford	Stewart
Flores	Passidomo	Young
Gainer	Perry	
Galvano	Powell	

Nays—7

Bracy	Clemens	Torres
Brandes	Farmer	
Campbell	Thurston	

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

BILLS ON THIRD READING, continued

CS for CS for HB 377—A bill to be entitled An act relating to limitations on actions other than for the recovery of real property; amending s. 95.11, F.S.; specifying the date of completion for specified contracts; providing for applicability; reenacting s. 627.441(2), F.S., relating to commercial general liability policy coverage to contractors for completed operations, to incorporate the amendment made by the act to s. 95.11, F.S., in a reference thereto; providing an effective date.

—was read the third time by title.

On motion by Senator Passidomo, **CS for CS for HB 377** was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Bradley	Farmer
Baxley	Brandes	Flores
Bean	Braynon	Gainer
Benacquisto	Broxson	Galvano
Book	Campbell	Garcia
Bracy	Clemens	Gibson

Grimsley	Perry	Steube
Hutson	Powell	Stewart
Latvala	Rader	Thurston
Lee	Rodriguez	Torres
Mayfield	Rouson	Young
Montford	Simpson	
Passidomo	Stargel	

Nays—None

HB 243—A bill to be entitled An act relating to public records; amending s. 119.071, F.S.; providing an exemption from public records requirements for the personal identifying and location information of certain nonsworn investigative personnel of the Office of Financial Regulation and the names and personal identifying and location information of the spouses and children of such personnel; providing for future 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, **HB 243** 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—31

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

Nays—None

Vote after roll call:

Yea—Campbell, Garcia

CS for CS for HB 775—A bill to be entitled An act relating to motor vehicle warranty repairs and recall repairs; amending s. 320.64, F.S.; prohibiting a manufacturer, factory branch, distributor, or importer from denying a claim of a motor vehicle dealer, reducing compensation to a motor vehicle dealer, or processing a chargeback to a motor vehicle dealer because of specified circumstances; creating s. 320.6407, F.S.; requiring a manufacturer, factory branch, distributor, or importer to compensate a motor vehicle dealer for a used motor vehicle under specified circumstances; requiring the manufacturer, factory branch, distributor, or importer to pay the compensation within a specified timeframe after the motor vehicle dealer's application for payment; requiring such application to be made through the manufacturer's, factory branch's, distributor's, or importer's warranty application system or certain other system or process; providing for calculation of the amount of compensation; reenacting s. 320.6992, F.S., relating to applicability of specified provisions to systems of distribution of motor vehicles in this state, to incorporate s. 320.6407, F.S., as created by the act, in references thereto; providing an effective date.

—was read the third time by title.

On motion by Senator Hutson, **CS for CS for HB 775** was passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Latvala

HB 371—A bill to be entitled An act relating to assistive technology devices; amending s. 1003.575, F.S.; revising provisions relating to the accessibility and use of assistive technology devices by persons with disabilities; providing an effective date.

—was read the third time by title.

On motion by Senator Rouson, **HB 371** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Flores	Powell
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	

Nays—None

HB 589—A bill to be entitled An act relating to prescription drug price transparency; amending s. 408.062, F.S.; requiring the Agency for Health Care Administration to collect data on the retail prices charged by pharmacies for the 300 most frequently prescribed medicines; requiring the agency to update its website monthly; providing an effective date.

—was read the third time by title.

On motion by Senator Bean, **HB 589** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Flores	Powell
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	

Nays—None

SENATOR FLORES PRESIDING

Consideration of **CS for HB 833** was deferred.

CS for CS for HB 23—A bill to be entitled An act relating to public assistance; amending s. 414.065, F.S.; revising penalties for noncompliance with work requirements for temporary cash assistance; limiting the receipt of child-only benefits during periods of noncompliance with work requirements; providing applicability of work requirements before expiration of the minimum penalty period; requiring the Department of Children and Families to refer sanctioned participants to appropriate free and low-cost community services, including food banks; amending s. 445.024, F.S.; requiring the Department of Economic Opportunity, in cooperation with CareerSource Florida, Inc., and the Department of Children and Families, to develop and implement a work plan agreement for participants in the temporary cash assistance program; requiring the plan to identify expectations, sanctions, and penalties for noncompliance with work requirements; amending s. 402.82, F.S.; prohibiting the use of an electronic benefits transfer card at specified locations; requiring the Department of Children and Families to impose a replacement fee for electronic benefits transfer cards under certain circumstances; amending s. 39.5085, F.S.; revising eligibility guidelines for the Relative Caregiver Program with respect to relative and nonrelative caregivers; amending ss. 414.14 and 414.175, F.S.; authorizing changes to public assistance policy and federal food assistance waivers to conform to federal law and simplify administration unless such changes increase program eligibility standards; creating s. 414.315, F.S.; requiring the Department of Children and Families to seek federal approval to establish food assistance program resource eligibility standards for all initial applications and recertifications; providing that such standards are subject to changes in federal regulations governing resource eligibility; requiring the department to obtain legislative authorization before seeking federal waivers to expand resource and income eligibility for food assistance; creating s. 414.393, F.S.; requiring the department, upon federal approval, to implement an asset verification service to verify eligibility for food assistance; amending s. 445.004, F.S.; requiring CareerSource Florida, Inc., to include certain data relating to the performance outcomes of local workforce development boards and associated pilot programs in an annual report to the Governor and Legislature; providing legislative findings; providing definitions; requiring CareerSource Florida, Inc., to contract with a vendor to develop a pilot program to increase employment among certain persons receiving temporary cash assistance by a specified date; providing criteria for selecting a vendor; providing criteria for selecting local workforce boards to conduct the pilot program; requiring CareerSource Florida, Inc., to submit a comprehensive report on the outcome of the pilot program to the Governor and Legislature by a specified date; providing an appropriation; providing an effective date.

—as amended May 4, was read the third time by title.

On motion by Senator Rouson, **CS for CS for HB 23**, 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 HB 1009—A bill to be entitled An act relating to public records; amending s. 626.9891, F.S.; providing an exemption from public records requirements for reports, documents, or other information relating to the investigation and tracking of insurance fraud submitted by insurers to the Department of Financial Services; providing for future legislative review and repeal; providing a statement of public necessity; providing a contingent effective date.

—was read the third time by title.

On motion by Senator Brandes, **CS for HB 1009** 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 CS for HB 455—A bill to be entitled An act relating to tax exemptions for first responders and surviving spouses; amending s. 196.011, F.S.; specifying the information to be included in an application for certain tax exemptions; creating s. 196.102, F.S.; providing definitions; providing an exemption from ad valorem taxation for certain first responders under specified conditions; providing procedures for applying for the exemption; specifying requirements for documents that serve as prima facie evidence of entitlement to the exemption; providing that total and permanent disabilities resulting from cardiac events do not qualify for the exemption except when certain conditions are met; providing that applicants have a continuing duty to notify property appraisers of certain changes; providing that the exemption carries over to the benefit of surviving spouses under certain circumstances; providing requirements relating to the date of granting an exemption and the refund of excess taxes; providing a criminal penalty for knowingly or willfully giving false information to claim the exemption; specifying a deadline and procedures for applying for the exemption for the 2017 tax year; specifying procedures for petitioning a denial with the value adjustment board; authorizing the Department of Revenue to adopt emergency rules; providing retroactive applicability; providing an effective date.

—was read the third time by title.

On motion by Senator Baxley, **CS for CS for HB 455** was passed by the required constitutional two-thirds vote of the membership 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 359—A bill to be entitled An act relating to insurance; amending s. 215.555, F.S.; removing a provision repealing an exemption from emergency assessment for medical malpractice insurance premiums; amending s. 625.012, F.S.; revising the definition of asset to include assessments on workers' compensation insurance; amending s. 627.062, F.S.; revising requirements for medical malpractice insurers to provide rate filings; amending s. 627.0645, F.S.; providing an exemption from certain annual base rate filings for medical malpractice insurance; amending s. 627.4035, F.S.; authorizing insurers to charge insufficient funds fees; amending s. 627.421, F.S.; providing conditions under which an electronically delivered document meets formatting requirements; amending s. 627.7295, F.S.; deleting provisions authorizing additional permissible types of payment for motor vehicle insurance premiums and charging insufficient funds fee; creating s. 627.747, F.S.; authorizing insurers to exclude certain individuals from private passenger motor vehicle insurance coverage under specified circumstances; providing exceptions; providing an effective date.

—as amended May 4, was read the third time by title.

On motion by Senator Brandes, **CS for HB 359**, 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

Consideration of **CS for HB 161** was deferred.

CS for CS for CS for HB 735—A bill to be entitled An act relating to real property; amending ss. 125.022 and 166.033, F.S.; deleting provisions specifying that a county or municipality is not prohibited from providing information to an applicant regarding other state or federal permits that may apply under certain circumstances; specifying that the imposition of certain restrictions or covenants against real property does not preclude a county or municipality from exercising its police power to later amend, release, or terminate such restrictions or covenants; prohibiting a county or municipality from delegating its police power to a third party by restriction, covenant, or otherwise; creating s. 163.035, F.S.; prohibiting local governments from promulgating, adopting, or enforcing an ordinance or regulation that purports to establish a common law customary use of property; providing construction; creating s. 702.12, F.S.; authorizing certain lienholders to use certain documents as an admission in an action to foreclose a mortgage against real property; providing that submission of certain documents in a foreclosure action creates certain presumptions; authorizing a lienholder to make a request for judicial notice; providing construction; providing applicability; creating s. 712.001, F.S.; providing a short title; amending s. 712.01, F.S.; defining and redefining terms; amending s. 712.04, F.S.; providing that a marketable title to real property is free and clear of all covenants or restrictions, the existence of which depends upon any act, title transaction, event, zoning requirement, building or development permit, or omission that occurred before the effective date of the root of title; providing for construction; providing applicability; amending s. 712.05, F.S.; revising the notice filing requirements for a person claiming an interest in real property and other rights; authorizing a property owners' association to preserve and protect certain covenants or restrictions from extinguishment, subject to specified requirements; providing that a failure in indexing does not affect the validity of the notice; extending the length of time certain covenants or restrictions affecting real property are preserved; requiring a two-thirds approval of the affected parcel owners of a property owners' association for the preservation of covenants and restrictions; conforming provisions to changes made by the act; amending s. 712.06, F.S.; exempting a specified summary notice regarding real property from certain notice content requirements; revising the contents required to be specified by certain notices; conforming provisions to changes made by the act; amending s. 712.11, F.S.; conforming provisions to changes made by the act; creating s. 712.12, F.S.; defining terms; authorizing the parcel owners of a community not subject to a homeowners' association to use specified procedures to revive certain covenants or restrictions, subject to certain exceptions and requirements; authorizing a parcel owner to commence an action by a specified date under certain circumstances for a judicial determination that the covenants or restrictions did not govern that parcel as of a specified date and that any revitalization of such covenants or restrictions as to that parcel would unconstitutionally deprive the parcel owner of rights or property; providing applicability; providing for future repeal; amending s. 720.303, F.S.; requiring a homeowners association board to take up certain provisions relating to notice filings at the first board meeting; creating s. 720.3032, F.S.; providing recording requirements for an association; providing a document form for recording by an association to preserve certain covenants or restrictions affecting real property; providing that failure to file one or more notices does not affect the validity or enforceability of a covenant or restriction or alter the time before extinguishment under certain circumstances; requiring a copy of the filed notice to be sent to all members; requiring the original signed notice to be recorded with the clerk of the circuit court or other recorder; amending ss. 702.09 and 702.10, F.S.; conforming provisions to changes made by the act; amending s. 712.095, F.S.; conforming a cross-reference; amending ss. 720.403 and 720.404, F.S.; conforming provisions to changes made by the act; amending s. 720.405, F.S.; increasing the percentage of affected parcel owners required for revitalization of covenants and restrictions of a property owners' association; amending s. 720.407, F.S.; conforming provisions to changes made by the act; providing an effective date.

—as amended May 4, was read the third time by title.

On motion by Senator Passidomo, **CS for CS for CS for HB 735**, 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	Latvala	Steube
Broxson	Mayfield	Stewart
Campbell	Montford	Thurston
Clemens	Passidomo	Torres
Farmer	Perry	Young

Nays—1

Lee

CS for HB 141—A bill to be entitled An act relating to craft distilleries; amending s. 565.03, F.S.; providing limitations on retail sales by craft distilleries to consumers; providing an effective date.

—was read the third time by title.

On motion by Senator Steube, **CS for HB 141** 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

CS for CS for HB 293—A bill to be entitled An act relating to middle grades; requiring the Department of Education to solicit for a contract to conduct a comprehensive study of states with nationally recognized high-performing middle schools in reading and mathematics; requiring a report to the Governor, the State Board of Education, and the Legislature by a specified time; providing for expiration; amending s. 1003.4156, F.S.; deleting requirements related to the career and education planning course for middle grades promotion; providing an appropriation; providing an effective date.

—was read the third time by title.

On motion by Senator Stargel, **CS for CS for HB 293** 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 1021—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. 471.033, F.S.; prohibiting professional engineers from contracting with customers without disclosing whether they maintain certain insurance; 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. 553.79, F.S.; prohibiting a political subdivision from adopting or enforcing certain building permits or other development order requirement; providing construction; providing for preemption of certain local laws and regulations; providing for retroactive applicability; amending s. 553.791, F.S.; 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 Department of Education 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 Taskforce 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.

—as amended May 4, was read the third time by title.

On motion by Senator Perry, **CS for CS for HB 1021**, as amended, was passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—2

Clemens	Rodriguez

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.

—as amended May 3, was read the third time by title.

On motion by Senator Garcia, **CS for HB 1049**, as amended, 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
Brandes	Latvala	Stargel
Braynon	Lee	Steube
Broxson	Mayfield	Stewart
Campbell	Montford	Thurston
Clemens	Passidomo	Torres
Farmer	Perry	Young

Nays—None

Vote after roll call:

Yea—Flores

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

RECESS

On motion by Senator Benacquisto, the Senate recessed at 1:30 p.m., to reconvene at 1:45 p.m., or upon call of the President.

AFTERNOON SESSION

The Senate was called to order by the President at 2:08 p.m. A quorum present—30:

Mr. President	Gainer	Rader
Bean	Gibson	Rodriguez
Benacquisto	Grimsley	Rouson
Book	Hutson	Simmons
Bracy	Lee	Simpson
Braynon	Mayfield	Stargel
Broxson	Montford	Stewart
Clemens	Passidomo	Thurston
Farmer	Perry	Torres
Flores	Powell	Young

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment 1 and concurred in the same as amended, and passed CS/CS/HB 557 as further amended, and requests the concurrence of the Senate.

Portia Palmer, Clerk

By Health & Human Services Committee, Health Quality Subcommittee and Representative(s) Duran, Silvers, Donalds, Edwards, Jacobs, Jenne, Jones, Mercado, Nuñez, Willhite—

CS for CS for HB 557—A bill to be entitled An act relating to the controlled substance prescribing; amending s. 456.44, F.S.; defining the term "acute pain"; limiting prescribing of opioids for acute pain in certain circumstances; amending s. 893.055, F.S.; revising requirements for reporting the dispensing of controlled substances; limiting an exception to reporting requirements for certain facilities dispensing controlled substances; authorizing certain employees of the United States Department of Veterans Affairs access to certain information in the prescription drug monitoring program's database; specifying when a revised reporting requirement takes effect; amending s. 463.0055, F.S.; revising a cross-reference; providing an effective date.

House Amendment 1 (456491) to **Senate Amendment 1 (490720) (with title amendment)**—Remove lines 5-35 of the amendment

And the title is amended as follows:

Remove lines 121-131 of the amendment and insert: amending s.

On motion by Senator Clemens, the Senate concurred in the House amendment to the Senate amendment.

CS for CS for HB 557 passed, as amended, and the action of the Senate was certified to the House. The vote on passage was:

Yeas—28

Mr. President	Clemens	Mayfield
Bean	Farmer	Montford
Benacquisto	Flores	Perry
Book	Gainer	Powell
Bracy	Gibson	Rader
Braynon	Hutson	Rodriguez
Broxson	Lee	Rouson
Simmons	Stewart	Young
Simpson	Thurston	
Stargel	Torres	

Nays—None

Vote after roll call:

Yea—Campbell, Galvano, Garcia, Grimsley, Latvala, Passidomo, Steube

Vote preference:

May 8, 2017: Yea—Brandes

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 1726, with 1 amendment, and requests the concurrence of the Senate.

Portia Palmer, Clerk

CS for CS for SB 1726—A bill to be entitled An act relating to industrial hemp pilot projects; creating s. 1004.4473, F.S.; authorizing the Department of Agriculture and Consumer Services to oversee the development of industrial hemp pilot projects for the Institute of Food and Agricultural Sciences at the University of Florida and the Florida Agricultural and Mechanical University; authorizing the universities to develop the pilot projects in partnership with public, nonprofit, and private entities; providing the purpose of the pilot projects; defining terms; providing requirements for a qualified project partner; requiring each university to obtain the authorization of its board of trustees before implementing a pilot project; requiring pilot projects to comply with rules adopted by the department; requiring the department to adopt certain rules by a specified date; requiring the universities to develop partnerships with certain entities; requiring the universities to establish guidelines for the approval, oversight, and enforcement of pilot project rules; requiring a report to the Governor and the Legislature within a specified timeframe; providing an effective date.

House Amendment 1 (131495) (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Section 1004.4473, Florida Statutes, is created to read:

1004.4473 Industrial hemp pilot projects.—

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

(a) "Department" means the Department of Agriculture and Consumer Services.

(b) "Hemp material" means a substance containing hemp stems, leaves, fibers, seeds, extracts, oil, or any other substance derived or harvested from a species of the cannabis plant.

(c) "Industrial hemp" means all parts and varieties of the cannabis sativa plant, cultivated or possessed by an approved grower under the pilot project, whether growing or not, which contain a tetrahydrocannabinol concentration that does not exceed 0.3 percent on a dry-weight basis.

(d) "Industrial hemp pilot project" or "pilot project" means a project that includes research of industrial hemp and any aspect of cultivation, harvesting, processing, market research, and sales of approved industrial hemp agricultural, industrial, and commercial products.

(e) "Qualified program personnel" means a person who, or an employee of a company that, partners with a university on a pilot project, is certified by the university, and is 18 years of age or older.

(f) "Qualified project partner" means a public, nonprofit, or private entity that:

1. Has a principal place of business is in this state.

2. Has access to a grow site and research facility located in this state which is acceptable for the cultivation, processing, and manufacturing of industrial hemp and hemp products, as determined by the department.

3. Submits a comprehensive business or research plan acceptable to the partnering university.

4. Provides proof of prior experience in or knowledge of, or demonstrates an interest in and commitment to, the cultivation, processing, manufacturing, or research of industrial hemp, as determined by the department.

(2)(a) The department shall authorize and oversee the development of industrial hemp pilot projects for the Institute of Food and Agricultural Sciences at the University of Florida, Florida Agricultural and Mechanical University, and any land grant university in the state that has a college of agriculture. The department shall adopt rules as required under the Agricultural Act of 2014, 7 U.S.C. s. 5940, to implement this section, including rules for the certification and registration of sites used for growth or cultivation. The purpose of the pilot projects is to cultivate, process, test, research, create, and market safe and effective commercial applications for industrial hemp in the agricultural sector in this state.

(b) The department shall adopt rules that address safety, compliance, and accountability and, at a minimum, require the universities to provide detailed information on:

1. The scope, design, and objectives of the pilot project.

2. Personnel and participants involved in the pilot project.

3. Facility locations and security.

4. The chain of control of hemp material.

5. The economic impact of the pilot project on the state's agricultural sector.

6. Genetic research, ensuring that psychotropic compounds will not be synthesized.

7. Compliance with state and federal law.

(c) The department shall initiate rulemaking pursuant to this subsection within 4 months after the effective date of this act.

(3) A university must obtain the authorization of its board of trustees before implementing an industrial hemp pilot project. A pilot project authorized by a university must be registered with the department and must comply with rules adopted by the department.

(4) A university that implements an industrial hemp pilot project shall develop partnerships with qualified project partners to attract experts and investors experienced with agriculture and may develop the pilot project in partnership with public, nonprofit, and private entities in accordance with this section and all applicable state and federal laws.

(5) The research office of a university that implements an industrial hemp pilot project shall oversee the pilot project and ensure compliance with rules adopted by the department. The office must identify a contact person who is responsible for oversight of the pilot project and shall adopt procedures and guidelines to ensure the proper operation of the pilot project, the proper handling of hemp material and products, compliance with state and federal law, and the safety and security of the pilot project facility. At a minimum, the guidelines must:

(a) Designate the physical location, global positioning system position, and map of the pilot project facility. Areas within the facility must be designated as general access or limited access. An area where hemp material is cultivated, processed, stored, or packaged or where industrial hemp research is conducted must be designated as limited access. Limited-access areas must be restricted to entry by qualified program personnel and authorized visitors accompanied at all times by qualified program personnel. All other areas of the facility may be designated as general access and are open to authorized visitors, regardless of whether accompanied by qualified program personnel.

(b) Identify the qualified program personnel involved in the pilot project who meet the requirements of 21 CFR s. 1301.18 pursuant to the Agricultural Act of 2014, 7 U.S.C. s. 5940.

(c) Authorize the qualified program personnel to handle, grow, cultivate, process, and manufacture hemp materials.

(d) Establish a testing program and protocols to ensure the proper labeling of hemp material.

(6) An industrial hemp commercialization project may only be conducted after an industrial hemp pilot project has been in place for 2 years to determine if there are any adverse impacts of hemp cultivation on current indigenous crops in the state.

(7) A university that implements an industrial hemp pilot project shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the status of its pilot project and any research related to the cultivation, harvesting, processing, and uses of industrial hemp. The report must be prepared and submitted within 2 years after the pilot project's creation.

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

Remove everything before the enacting clause and insert: A bill to be entitled An act relating to industrial hemp pilot projects; creating s. 1004.4473, F.S.; defining terms; directing the Department of Agriculture and Consumer Services to authorize and oversee the development of industrial hemp pilot projects for certain universities; providing the purpose of the pilot projects; requiring the department to adopt certain rules by a specified date; requiring each university to obtain the authorization of its board of trustees before implementing a pilot project; requiring pilot projects to comply with rules adopted by the department; requiring the universities to develop partnerships with certain entities; authorizing the universities to develop pilot projects in partnership with public, nonprofit, and private entities; requiring the universities to establish guidelines for the approval, oversight, and enforcement of pilot project rules; requiring universities to delay industrial hemp commercialization projects under certain conditions; requiring a report to the Governor and the Legislature within a specified timeframe; providing an effective date.

On motion by Senator Montford, the Senate concurred in the House amendment.

CS for CS for SB 1726 passed, as amended, was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—32

Mr. President	Flores	Rader
Bean	Gainer	Rodriguez
Benacquisto	Gibson	Rouson
Book	Hutson	Simmons
Bracy	Latvala	Simpson
Bradley	Lee	Stargel
Braynon	Mayfield	Stewart
Broxson	Montford	Thurston
Campbell	Passidomo	Torres
Clemens	Perry	Young
Farmer	Powell	

Nays—None

Vote after roll call:

Yea—Baxley, Galvano, Garcia, Grimsley, Steube

Vote preference:

May 8, 2017: Yea—Brandes

SPECIAL ORDER CALENDAR, continued

HB 7115—A bill to be entitled An act relating to the Arthur G. Dozier School for Boys; providing for the interment of certain remains exhumed from the Arthur G. Dozier School for Boys; providing definitions; providing responsibilities and duties of the Division of Purchasing of the Department of Management Services for reinterment of the remains; creating s. 265.007, F.S.; providing legislative intent; establishing the Arthur G. Dozier School for Boys Memorial; providing locations for such memorial; requiring the Department of Management Services to administer the memorial and coordinate with and consider recommendations by specified entities and persons; authorizing the department to adopt rules; requiring the Board of Trustees of the Internal Improvement Trust Fund to convey, maintain, and surplus certain lands associated with the Arthur G. Dozier School for Boys; requiring the Division of State Lands of the Department of Environmental Protection to prepare a proposal to conduct a feasibility study and submit the proposal to the Governor and the Legislature by a specified date; naming the Forensic Training Center; providing an appropriation; providing an effective date.

—was read the second time by title. On motion by Senator Rouson, by two-thirds vote, **HB 7115** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Campbell, Galvano

Vote preference:

May 8, 2017: Yea—Brandes

SB 12—A bill to be entitled An act for the relief of Amie Draiemann O'Brien, individually and as personal representative of the Estate of Christian Darby Stephenson, deceased, and for the relief of Hailey Morgan Stephenson and Christian Darby Stephenson II, as surviving minor children of the decedent; providing an appropriation to compensate them for the wrongful death of Christian Darby Stephenson, which was due in part to the negligence of the Department of Transportation; providing a limitation on the payment of fees and costs; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 12**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 6519** was withdrawn from the Committee on Appropriations.

On motion by Senator Steube—

CS for CS for HB 6519—A bill to be entitled An act for the relief of Amie Draiemann O'Brien, individually and as personal representative of the Estate of Christian Darby Stephenson, deceased, and for the relief of Hailey Morgan Stephenson and Christian Darby Stephenson II, as surviving minor children of the decedent; providing an appropriation to compensate them for the wrongful death of Christian Darby Stephenson, which was due in part to the negligence of the Department of Transportation; providing a limitation on the payment of fees and costs; providing an effective date.

—a companion measure, was substituted for **SB 12** and read the second time by title.

On motion by Senator Steube, by two-thirds vote, **CS for CS for HB 6519** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—33

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

Nays—2

Perry	Stargel

Vote after roll call:

Yea—Campbell

Vote preference:

May 8, 2017: Yea—Brandes

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.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1118**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for CS for HB 865** was withdrawn from the Committees on Transportation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; and Appropriations.

On motion by Senator Gainer—

CS for CS for CS for HB 865—A bill to be entitled An act relating to the Department of Transportation; creating s. 316.0898, F.S.; requiring the department, in consultation with the Department of Highway Safety and Motor Vehicles, to develop the Florida Smart City Challenge Grant Program; providing requirements for grant applicants; establishing goals for the grant program; requiring the Department of Transportation to develop specified criteria for receipt of grants and a plan for promotion of the grant program; authorizing the department to contract with a third party for certain purposes; requiring the department to submit certain information to the Governor and Legislature; providing for future repeal; amending s. 316.545, F.S.; providing for assessment and calculation of a fine for unlawful weight and load of a vehicle fueled by natural gas; requiring written certification of certain weight information; providing gross vehicle weight requirements; providing an exception; amending s. 335.074, F.S.; requiring inspection of certain bridges at intervals required by the Federal Highway Admin-

istration; amending s. 337.11, F.S.; revising the amount for which the department may enter into certain construction and maintenance contracts; amending s. 337.401, F.S.; authorizing the department and certain local governmental entities to prescribe and enforce rules or regulations regarding the placing and maintaining of certain voice or data communications services lines or wireless facilities on certain rights-of-way; amending s. 338.227, F.S.; providing requirements for the validation of turnpike revenue bonds and related complaints; requiring the department to undertake an economic feasibility study relating to the acquisition of the Garcon Point Bridge; requiring a report to the Governor and Legislature; amending s. 339.135, F.S.; waiving requirements for approval of certain work program amendments by the Legislative Budget Commission under certain conditions; amending s. 339.2405, F.S.; deleting provisions relating to the Florida Highway Beautification Council; transferring certain powers and duties of the council to the department; 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 certain contracts or agreements without department approval of the authority's expenditures; amending s. 343.58, F.S.; providing that certain funds provided to the authority constitute state financial assistance; requiring a written agreement for provision of such funds; authorizing the department to advance a certain amount of funds under certain circumstances; requiring the department to submit to the Governor and Legislature a review of the boundaries and headquarters of department districts and a study on the expenses associated with creating an additional district; authorizing the Secretary of Transportation to enroll the state in federal pilot programs or projects for the collection and study of certain data; amending s. 215.82, F.S.; conforming provisions to changes made by the act; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1118** and read the second time by title.

Senator Gainer moved the following amendment:

Amendment 1 (102880) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (1) and paragraph (a) of subsection (4) of section 20.23, Florida Statutes, are amended to read:

20.23 Department of Transportation.—There is created a Department of Transportation which shall be a decentralized agency.

(1)*(a) The Department of Transportation shall consist of:*

1. A central office that establishes policies and procedures; and

2. Districts that carry out projects as authorized or required under the policies and procedures implemented by the central office pursuant to paragraph (3)(a).

(b)~~(a)~~ The head of the Department of Transportation is the Secretary of Transportation. The secretary shall be appointed by the Governor from among three persons nominated by the Florida Transportation Commission and shall be subject to confirmation by the Senate. The secretary shall serve at the pleasure of the Governor.

(c)~~(b)~~ The secretary shall be a proven, effective administrator who by a combination of education and experience shall clearly possess a broad knowledge of the administrative, financial, and technical aspects of the development, operation, and regulation of transportation systems and facilities or comparable systems and facilities.

(d)~~(c)~~ The secretary shall provide to the Florida Transportation Commission or its staff~~,~~ such assistance, information, and documents as are requested by the commission or its staff to enable the commission to fulfill its duties and responsibilities.

(e)~~(d)~~ The secretary may appoint up to three assistant secretaries who shall be directly responsible to the secretary and who shall perform such duties as are assigned by the secretary. The secretary shall designate to an assistant secretary the duties related to enhancing economic prosperity, including, but not limited to, the responsibility of liaison with the head of economic development in the Executive Office of the Governor. Such assistant secretary shall be directly responsible for providing the Executive Office of the Governor with investment opportunities and transportation projects that expand the state's role as a global hub for trade and investment and enhance the supply chain system in the state to process, assemble, and ship goods to markets throughout the eastern United States, Canada, the Caribbean, and Latin America. The secretary may delegate to any assistant secretary the authority to act in the absence of the secretary.

(f)1.~~(e)~~ Any secretary appointed after July *1, 2019* ~~5, 1989~~, and the assistant secretaries *are* ~~shall be~~ exempt from ~~the provisions of~~ part III of chapter 110 and shall receive compensation commensurate with their qualifications and competitive with compensation for comparable responsibility in *other public sector organizations and in* the private sector.

2. The salaries of the secretary and the assistant secretaries shall be established by the Florida Transportation Commission and determined by a market analysis focused on comparably skilled individuals in other public sector organizations, including, but not limited to, expressway authorities, aviation authorities, and port authorities, and on comparably skilled individuals in the private sector. The market analysis must serve as a basis for ascertaining compensation levels required to retain the secretary and assistant secretaries in their positions within the department and to attract external talent that can fulfill the department's mission and effect change. The salary of the secretary must be at least $180,000. The salary of an assistant secretary must be 10 percent below that of the secretary who appoints him or her.

(4)(a)*1.* The operations of the department shall be organized into seven districts, each headed by a district secretary, and a turnpike enterprise and a rail enterprise, each enterprise headed by an executive director. The district secretaries and the executive directors shall be registered professional engineers in accordance with ~~the provisions of~~ chapter 471 or the laws of another state, or, in lieu of professional engineer registration, a district secretary or executive director may hold an advanced degree in an appropriate related discipline, such as a Master of Business Administration.

2. The district secretaries and the executive director of the turnpike enterprise are exempt from part III of chapter 110 and shall receive compensation commensurate with their qualifications and competitive with compensation for comparable responsibility in other public sector organizations and in the private sector. The salaries of the district secretaries and the executive director of the turnpike enterprise must be 15 percent below that of the secretary, as determined under subparagraph (1)(f)2., who is head of the department at the time the district secretaries and the executive director of the turnpike enterprise take their positions.

3. The headquarters of the districts shall be located in Polk, Columbia, Washington, Broward, Volusia, Miami-Dade, and Hillsborough Counties. The headquarters of the turnpike enterprise shall be located in Orange County. The headquarters of the rail enterprise shall be located in Leon County. In order to provide for efficient operations and to expedite the decisionmaking process, the department shall provide for maximum decentralization to the districts.

Section 2. Section 316.0898, Florida Statutes, is created to read:

316.0898 Florida Smart City Challenge grant program.—

(1) The Department of Transportation, in consultation with the Department of Highway Safety and Motor Vehicles, shall develop the Florida Smart City Challenge grant program and shall establish grant award requirements for municipalities, regions of the state, entities created under chapters 343 and 348, including any authority formed under part I of chapter 348, and any authority created under chapter 349, referred to in this section as "applicants," for the purpose of receiving grant awards. Grant applicants must demonstrate and document the adoption of emerging technologies and their impact on the transportation system and must address at least the following focus areas:

(a) Autonomous vehicles.

(b) Connected vehicles.

(c) Sensor-based infrastructure.

(d) Collecting and using data.

(e) Electric vehicles, including charging stations.

(f) Developing strategic models and partnerships.

(2) The goals of the grant program include, but are not limited to:

(a) Identifying transportation challenges and identifying how emerging technologies can address those challenges.

(b) Determining the emerging technologies and strategies that have the potential to provide the most significant impacts.

(c) Encouraging applicants to take significant steps to integrate emerging technologies into their day-to-day operations.

(d) Identifying the barriers to implementing the grant program and communicating those barriers to the Legislature and appropriate agencies and organizations.

(e) Leveraging the initial grant to attract additional public and private investments.

(f) Increasing the state's competitiveness in the pursuit of grants from the United States Department of Transportation, the United States Department of Energy, and other federal agencies.

(g) Committing to the continued operation of programs implemented in connection with the grant.

(h) Serving as a nationwide model for Smart City programs.

(i) Documenting the costs and impacts of the grant program and lessons learned during implementation.

(j) Identifying solutions that will demonstrate local or regional economic impact.

(3) The Department of Transportation shall develop eligibility, application, and selection criteria for the program grants and a plan for the promotion of the grant program to applicants in this state as an opportunity to compete for grant funding, including the award of grants to a single recipient and secondary grants to specific projects of merit within other applications. The Department of Transportation may contract with a third party that demonstrates knowledge and expertise in the focuses and goals of this section to provide guidance in the development of the requirements of this section.

(4) On or before January 1, 2018, the Department of Transportation shall submit the grant program guidelines and plans for promotion of the grant program to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(5) This section expires July 1, 2018.

Section 3. Present paragraphs (c) and (d) of subsection (3) of section 316.545, Florida Statutes, are redesignated as paragraphs (d) and (e), respectively, and a new paragraph (c) is added to that subsection, to read:

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

(3)

(c)1. For a vehicle fueled by natural gas, the fine is calculated by reducing the actual gross vehicle weight by the certified weight difference between the natural gas tank and fueling system and a comparable diesel tank and fueling system. Upon the request of a weight inspector or a law enforcement officer, the vehicle operator shall present a written certification that identifies the weight of the natural gas tank and fueling system and the difference in weight of a comparable diesel tank and fueling system. The written certification must originate from the vehicle manufacturer or the installer of the natural gas tank and fueling system.

2. The actual gross vehicle weight for vehicles fueled by natural gas may not exceed 82,000 pounds, excluding the weight allowed for idle-reduction technology under paragraph (b).

3. This paragraph does not apply to vehicles described in s. 316.535(6).

Section 4. Effective upon the same date that SB 340 or similar legislation takes effect, if such legislation is adopted in the 2017 Regular Session or any extension thereof and becomes a law, section 316.851, Florida Statutes, is created to read:

316.851 Autonomous vehicles; providing prearranged rides.—

(1) An autonomous vehicle used by a transportation network company to provide a prearranged ride must be covered by automobile insurance as required by s. 627.748, regardless of whether a human operator is physically present within the vehicle when the ride occurs. When an autonomous vehicle is logged on to a digital network but is not engaged in a prearranged ride, the autonomous vehicle must maintain insurance coverage as defined in s. 627.748(7)(b).

(2) An autonomous vehicle used to provide a transportation service shall carry in the vehicle proof of coverage satisfying the requirements of this section at all times while operating in autonomous mode.

Section 5. Section 316.853, Florida Statutes, is created to read:

316.853 Automated mobility districts.—

(1) For the purpose of this section, an "automated mobility district" means a master planned development or combination of contiguous developments in which the deployment of autonomous vehicles as defined in s. 316.003 as the basis for a shared mobility system is a stated goal or objective of the development or developments.

(2) The Department of Transportation shall designate automated mobility districts.

(3) In determining the eligibility of a community for designation as an automated mobility district, the Department of Transportation shall consider applicable criteria from federal agencies for automated mobility districts and apply those criteria to eligible developments in this state.

Section 6. Paragraph (a) of subsection (1) of section 319.145, Florida Statutes, is amended to read:

319.145 Autonomous vehicles.—

(1) An autonomous vehicle registered in this state must continue to meet applicable federal standards and regulations for such motor vehicle. The vehicle must:

(a) Have a system to safely alert the operator if an autonomous technology failure is detected while the autonomous technology is engaged. When an alert is given, the system must:

1. Require the operator to take control of the autonomous vehicle; or

2. 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,* be capable of bringing the vehicle to a complete stop.

Section 7. Subsection (2) of section 335.074, Florida Statutes, is amended to read:

335.074 Safety inspection of bridges.—

(2) At regular intervals *as required by the Federal Highway Administration* ~~not to exceed 2 years~~, each bridge on a public transportation facility shall be inspected for structural soundness and safety for the passage of traffic on such bridge. The thoroughness with which bridges are to be inspected shall depend on such factors as age, traffic characteristics, state of maintenance, and known deficiencies. The governmental entity having maintenance responsibility for any such bridge shall be responsible for having inspections performed and reports prepared in accordance with the provisions contained herein.

Section 8. Paragraph (c) of subsection (6) of section 337.11, Florida Statutes, is amended to read:

337.11 Contracting authority of department; bids; emergency repairs, supplemental agreements, and change orders; combined design and construction contracts; progress payments; records; requirements of vehicle registration.—

(6)

(c) When the department determines that it is in the best interest of the public for reasons of public concern, economy, improved operations, or safety, and only *for contracts for construction and maintenance which do not exceed $250,000* when circumstances dictate rapid completion of the work, the department may~~, up to the amount of $120,000,~~ enter into contracts ~~for construction and maintenance~~ without advertising and receiving competitive bids. The department may enter into such contracts only upon a determination that the work is necessary for one of the following reasons:

1. To ensure timely completion of projects or avoidance of undue delay for other projects;

2. To accomplish minor repairs or construction and maintenance activities for which time is of the essence and for which significant cost savings would occur; or

3. To accomplish nonemergency work necessary to ensure avoidance of adverse conditions that affect the safe and efficient flow of traffic.

The department shall make a good faith effort to obtain two or more quotes, if available, from qualified contractors before entering into any contract. The department shall give consideration to disadvantaged business enterprise participation. However, when the work exists within the limits of an existing contract, the department shall make a good faith effort to negotiate and enter into a contract with the prime contractor on the existing contract.

Section 9. Paragraph (a) of subsection (1) of section 337.401, Florida Statutes, is amended to read:

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

(1)(a) The department and local governmental entities, referred to in this section and in ss. 337.402, 337.403, and 337.404 as the "authority," that have jurisdiction and control of public roads or publicly owned rail corridors are authorized to prescribe and enforce reasonable rules or regulations with reference to the placing and maintaining across, on, or within the right-of-way limits of any road or publicly owned rail corridors under their respective jurisdictions any electric transmission, *voice* ~~telephone~~, telegraph, *data,* or other communications services lines *or wireless facilities*; pole lines; poles; railways; ditches; sewers; water, heat, or gas mains; pipelines; fences; gasoline tanks and pumps; or other structures referred to in this section and in ss. 337.402, 337.403, and 337.404 as the "utility." The department may enter into a permit-delegation agreement with a governmental entity if issuance of a permit is based on requirements that the department finds will ensure the safety and integrity of facilities of the Department of Transportation; however, the permit-delegation agreement does not apply to facilities of electric utilities as defined in s. 366.02(2).

Section 10. Subsection (5) is added to section 338.227, Florida Statutes, to read:

338.227 Turnpike revenue bonds.—

(5) Notwithstanding s. 215.82, bonds issued pursuant to this section are not required to be validated pursuant to chapter 75 but may be validated at the option of the Division of Bond Finance. Any complaint about such validation must be filed in the circuit court of the county in which the seat of state government is situated, and the clerk shall publish the notice as required by s. 75.06 only in the county in which the complaint is filed. The complaint and order of the circuit court must be served on the state attorney of the circuit in which the action is pending.

Section 11. Subsection (2) of section 215.82, Florida Statutes, is amended to read:

215.82 Validation; when required.—

(2) Any bonds issued pursuant to this act which are validated shall be validated in the manner provided by chapter 75. In actions to validate bonds to be issued in the name of the State Board of Education under s. 9(a) and (d), Art. XII of the State Constitution and bonds to be issued pursuant to chapter 259, the Land Conservation Program, the complaint shall be filed in the circuit court of the county where the seat of state government is situated, the notice required to be published by s. 75.06 shall be published only in the county where the complaint is filed, and the complaint and order of the circuit court shall be served only on the state attorney of the circuit in which the action is pending. In any action to validate bonds issued pursuant to s. 1010.62 or issued pursuant to s. 9(a)(1), Art. XII of the State Constitution or issued pursuant to s. 215.605 ~~or s. 338.227~~, the complaint shall be filed in the circuit court of the county where the seat of state government is situated, the notice required to be published by s. 75.06 shall be published in a newspaper of general circulation in the county where the complaint is filed and in two other newspapers of general circulation in the state, and the complaint and order of the circuit court shall be served only on the state attorney of the circuit in which the action is pending; provided, however, that if publication of notice pursuant to this section would require publication in more newspapers than would publication pursuant to s. 75.06, such publication shall be made pursuant to s. 75.06.

Section 12. *The Department of Transportation shall undertake an economic feasibility study relating to the acquisition of the Garcon Point Bridge. The department shall submit the completed study to the Governor, the President of the Senate, and the Speaker of the House of Representatives by October 1, 2018.*

Section 13. Paragraph (e) of subsection (7) of section 339.135, Florida Statutes, is amended to read:

339.135 Work program; legislative budget request; definitions; preparation, adoption, execution, and amendment.—

(7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

(e) Notwithstanding paragraphs (d)*,* ~~and~~ (g)*, and (h)* and ss. 216.177(2) and 216.351, the secretary may request the Executive Office of the Governor to amend the adopted work program when an emergency exists, as defined in s. 252.34, and the emergency relates to the repair or rehabilitation of any state transportation facility. The Executive Office of the Governor may approve the amendment to the adopted work program and amend that portion of the department's approved budget if a delay incident to the notification requirements in paragraph (d) would be detrimental to the interests of the state. However, the department shall immediately notify the parties specified in paragraph (d) and provide such parties written justification for the emergency action within 7 days after approval by the Executive Office of the Governor of the amendment to the adopted work program and the department's budget. The adopted work program may not be amended under this subsection without certification by the comptroller of the department that there are sufficient funds available pursuant to the 36-month cash forecast and applicable statutes.

Section 14. Section 339.2405, Florida Statutes, is amended to read:

339.2405 Florida Highway Beautification *Grant Program* ~~Council~~.—

(1) There is created within the Department of Transportation the Florida Highway Beautification *Grant Program for the purpose of awarding grants to local governmental entities for beautification of roads on the State Highway System as provided in subsections (3) and (4). The department shall* ~~Council. It shall consist of seven members appointed by the Governor. All appointed members must be residents of this state. One member must be a licensed landscape architect, one member must be a representative of the Florida Federation of Garden Clubs, Inc., one member must be a representative of the Florida Nurserymen and Growers Association, one member must be a representative of the department as designated by the head of the department, one member must be a representative of the Department of Agriculture and Consumer Services, and two members must be private citizens. The members of the council shall serve at the pleasure of the Governor.~~

~~(2) Each chair shall be selected by the council members and shall serve a 2-year term.~~

~~(3) The council shall meet no less than semiannually at the call of the chair or, in the chair's absence or incapacity, at the call of the head of the department. Four members shall constitute a quorum for the purpose of exercising all of the powers of the council. A vote of the majority of the members present shall be sufficient for all actions of the council.~~

~~(4) The council members shall serve without pay but shall be entitled to per diem and travel expenses pursuant to s. 112.061.~~

~~(5) A member of the council may not participate in any discussion or decision to recommend grants to any qualified local government with which the member is associated as a member of the governing body or as an employee or with which the member has entered into a contractual arrangement.~~

~~(6) The council may prescribe, amend, and repeal bylaws governing the manner in which the business of the council is conducted.~~

~~(7)~~(a) ~~The duties of the council shall be to~~:

(a)~~1.~~ Provide information to local governments and local highway beautification councils regarding the state highway beautification grants program.

(b)~~2.~~ Accept grant requests from local governments.

(c)~~3.~~ Review grant requests for compliance with *department* ~~council~~ rules.

(d)~~4.~~ Establish rules for evaluating and prioritizing the grant requests. The rules must include, but are not limited to, an examination of each grant's aesthetic value, cost-effectiveness, level of local support, feasibility of installation and maintenance, and compliance with state and federal regulations. Rules adopted by the *department* ~~council~~ which it uses to evaluate grant applications must take into consideration the contributions made by the highway beautification project in preventing litter.

(e)~~5.~~ Maintain a prioritized list of approved grant requests. The list must include recommended funding levels for each request and, if staged implementation is appropriate, funding requirements for each stage shall be provided.

~~6. Assess the feasibility of planting and maintaining indigenous wildflowers and plants, instead of sod groundcovers, along the rights-of-way of state roads and highways. In making such assessment, the council shall utilize data from other states which include indigenous wildflower and plant species in their highway vegetative management systems.~~

~~(b) The council may, at the request of the head of the department, review and make recommendations on any other highway beautification matters relating to the State Highway System.~~

~~(8) The head of the department shall provide from existing personnel such staff support services to the council as are necessary to enable the council to fulfill its duties and responsibilities.~~

(2)~~(9)~~ Local highway beautification councils may be created by local governmental entities or by the Legislature. Prior to being submitted to the *department* ~~council~~, a grant request must be approved by the local government or governments of the area in which the project is located.

(3)~~(10)~~ The head of the department~~, after receiving recommendations from the council,~~ shall award grants to local governmental entities that have submitted grant requests for beautification of roads on the State Highway System and which requests are on the ~~council's~~ approved list. The grants shall be awarded in the order they appear on the ~~council's~~ prioritized list and in accordance with available funding.

(4)~~(11)~~ State highway beautification grants may be requested only for projects to beautify through landscaping roads on the State Highway System. The grant request shall identify all costs associated with the project, including sprinkler systems, plant materials, equipment, and labor. A grant shall provide for the costs of purchase and installation of a sprinkler system, the cost of plant materials and fertilizer, and may provide for the costs for labor associated with the installation of the plantings. Each local government that receives a grant *is* ~~shall be~~ responsible for any costs for water, for the maintenance of the sprinkler system, for the maintenance of the landscaped areas in accordance with a maintenance agreement with the department, and, except as otherwise provided in the grant, for any costs for labor associated with the installation of the plantings. The department may provide, by contract, services to maintain such landscaping at a level not to exceed the cost of routine maintenance of an equivalent unlandscaped area.

~~(12) The council shall annually submit to the head of the Department of Transportation a proposal recommending the level of grant funding.~~

Section 15. Section 343.52, Florida Statutes, is reordered and amended to read:

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

(2)~~(1)~~ "Authority" means the South Florida Regional Transportation Authority.

(3)~~(2)~~ "Board" means the governing body of the authority.

(4) "Department" means the Department of Transportation.

(1)~~(3)~~ "Area served" means Miami-Dade, Broward, and Palm Beach Counties. However, this area may be expanded by mutual consent of the authority and the board of county commissioners of Monroe County. The authority may not expand into any additional counties without the department's prior written approval.

(8)~~(4)~~ "Transit system" means a system used for the transportation of people and goods by means of, without limitation, a street railway, an elevated railway having a fixed guideway, a commuter railroad, a subway, motor vehicles, or motor buses, and includes a complete system of tracks, stations, and rolling stock necessary to effectuate passenger service to or from the surrounding regional municipalities.

(7)~~(5)~~ "Transit facilities" means property, avenues of access, equipment, or buildings built and installed in Miami-Dade, Broward, and Palm Beach Counties which are required to support a transit system.

(6) "Member" means the individuals constituting the board.

(5)~~(7)~~ "Feeder transit services" means a transit system that transports passengers to or from stations within or across counties.

Section 16. Paragraph (d) of subsection (2) of section 343.53, Florida Statutes, is amended to read:

343.53 South Florida Regional Transportation Authority.—

(2) The governing board of the authority shall consist of 10 voting members, as follows:

(d) If the authority's service area is expanded pursuant to *s. 343.54(6)* ~~s. 343.54(5)~~, the county containing the new service area shall have two members appointed to the board as follows:

1. The county commission of the county shall elect a commissioner as that commission's representative on the board. The commissioner must be a member of the county commission when elected and for the full extent of his or her term.

2. The Governor shall appoint a citizen member to the board who is not a member of the county commission but who is a resident and a qualified elector of that county.

Section 17. Present subsections (4) and (5) of section 343.54, Florida Statutes, are redesignated as subsections (5) and (6), respectively, and a new subsection (4) is added to that section, to read:

343.54 Powers and duties.—

(4) Notwithstanding any other provision of this part, the authority may not enter into, extend, or renew any contract or other agreement under this part without the department's prior review and written ap-

proval of the authority's proposed expenditures if such contract or agreement may be funded, in whole or in part, with funds provided by the department.

Section 18. Paragraph (c) of subsection (4) of section 343.58, Florida Statutes, is amended to read:

343.58 County funding for the South Florida Regional Transportation Authority.—

(4) Notwithstanding any other provision of law to the contrary and effective July 1, 2010, until as provided in paragraph (d), the department shall transfer annually from the State Transportation Trust Fund to the South Florida Regional Transportation Authority the amounts specified in subparagraph (a)1. or subparagraph (a)2.

(c)1. Funds provided to the authority by the department under this subsection *constitute state financial assistance provided to a nonstate entity to carry out a state project subject to the provisions of ss. 215.97 and 215.971. The department shall provide the funds in accordance with the terms of a written agreement to be entered into between the authority and the department which shall provide for department review, approval and audit of authority expenditure of such funds, and shall include such other provisions as are required by applicable law. The department is specifically authorized to agree to advance the authority one-fourth of the total funding provided under this subsection for a state fiscal year at the beginning of each state fiscal year, with monthly payments over the fiscal year on a reimbursement basis as supported by invoices and such additional documentation and information as the department may reasonably require, and a reconciliation of the advance against remaining invoices in the last quarter of the fiscal year* ~~may not be committed by the authority without the approval of the department, which may not be unreasonably withheld. At least 90 days before advertising any procurement or renewing any existing contract that will rely on state funds for payment, the authority shall notify the department of the proposed procurement or renewal and the proposed terms thereof. If the department, within 60 days after receipt of notice, objects in writing to the proposed procurement or renewal, specifying its reasons for objection, the authority may not proceed with the proposed procurement or renewal. Failure of the department to object in writing within 60 days after notice shall be deemed consent. This requirement does not impair or cause the authority to cancel contracts that exist as of June 30, 2012~~.

2. To enable the department to evaluate the authority's proposed uses of state funds, the authority shall annually provide the department with its proposed budget for the following authority fiscal year and shall *promptly* provide the department with any additional documentation or information required by the department for its evaluation of the proposed uses of the state funds.

Section 19. *The Secretary of Transportation may enroll the State of Florida in any federal pilot program or project 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.*

Section 20. *(1) Broward County has undergone significant expansion of its interstate system over the last 5 years. Broward County is the second most populous county in the state and is largely built out. The expansion of Broward County interstate highways occurred in fully developed areas in which relocation of permitted signs is difficult; the placement of new ramps, bridges, and other construction within the interstate right-of-way can hinder the ability of the public to view existing permitted signs; and allowing a minimal height increase based upon the height of the obstruction is reasonable.*

(2) Notwithstanding general law to the contrary, in the event that a properly permitted sign on an interstate highway within Broward County is subsequently obstructed by the construction of a ramp, braided bridge, or other permanent visual obstruction within the interstate right-of-way, the allowable height of the permitted sign shall be measured from the top of the visual obstruction. However, the height of the sign may not exceed 100 feet above the crown of the main traveled way of the road to which the sign is permitted regardless of the height of the visual obstruction.

(3) The Department of Transportation is authorized to promulgate any rules or forms necessary to implement subsections (1) and (2) of this section.

Section 21. 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 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; 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; defining the term "applicants"; 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; 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; requiring the department to undertake an economic feasibility study relating to the acquisition of the Garcon Point Bridge; requiring the department to submit the completed study to the Governor and Legislature by a specified date; 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; 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; authorizing the Department of Transportation to promulgate rules and forms; providing effective dates, one of which is contingent.

Senator Gainer moved the following amendments to **Amendment 1 (102880)** which were adopted:

Amendment 1A (529574) (with title amendment)—Delete lines 5-97.

And the title is amended as follows:

Delete lines 618-644 and insert: An act relating to transportation;

Amendment 1B (200448)—Delete line 349 and insert:
October 1, 2017.

Amendment 1C (542486) (with title amendment)—Between lines 609 and 610 insert:

Section 20. *On or before October 31, 2017, the Department of Transportation shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report providing a comprehensive review of the boundaries and headquarters of each of the department's districts. Along with its report, the department shall provide a study on the expenses associated with creating an additional district with the department's Fort Myers urban office as the district headquarters.*

And the title is amended as follows:

Delete line 758 and insert: forms; requiring the department to submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a review of the boundaries and headquarters of department districts and a study on the expenses associated with creating an additional district; providing effective dates, one of which is

Amendment 1D (279692) (with title amendment)—Delete lines 610-611 and insert:

Section 21. This act shall take effect July 1, 2017.

And the title is amended as follows:

Delete lines 758-759 and insert: forms; providing an effective date.

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 to **Amendment 1 (102880)** which was adopted:

Amendment 1E (316050) (with title amendment)—Between lines 159 and 160 insert:

Section 3. Subsection (2) of section 316.193, Florida Statutes, is amended to read:

316.193 Driving under the influence; penalties.—

(2)

(a) Except as provided in paragraph (b), subsection (3), or subsection (4), any person who is convicted of a violation of subsection (1) shall be punished:

1. By a fine of:

a. Not less than $500 or more than $1,000 for a first conviction.

b. Not less than $1,000 or more than $2,000 for a second conviction; and

2. By imprisonment for:

a. Not more than 6 months for a first conviction.

b. Not more than 9 months for a second conviction.

3. For a second conviction, by mandatory placement for a period of at least 1 year, at the convicted person's sole expense, of an ignition interlock device approved by the department in accordance with s. 316.1938 upon all vehicles that are individually or jointly leased or owned and routinely operated by the convicted person, when the convicted person qualifies for a permanent or restricted license. The installation of such device may not occur before July 1, 2003.

(b)1. Any person who is convicted of a third violation of this section for an offense that occurs within 10 years after a prior conviction for a violation of this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. In addition, the court shall order the mandatory placement for a period of not less than 2 years, at the convicted person's sole expense, of an ignition interlock device approved by the department in accordance with s. 316.1938 upon all vehicles that are individually or jointly leased or owned and routinely operated by the convicted person, when the convicted person qualifies for a permanent or restricted license. The installation of such device may not occur before July 1, 2003.

2. Any person who is convicted of a third violation of this section for an offense that occurs more than 10 years after the date of a prior conviction for a violation of this section shall be punished by a fine of not less than $2,000 or more than $5,000 and by imprisonment for not more than 12 months. In addition, the court shall order the mandatory placement for a period of at least 2 years, at the convicted person's sole expense, of an ignition interlock device approved by the department in accordance with s. 316.1938 upon all vehicles that are individually or jointly leased or owned and routinely operated by the convicted person, when the convicted person qualifies for a permanent or restricted license. The installation of such device may not occur before July 1, 2003.

3. Any person who is convicted of a fourth or subsequent violation of this section, regardless of when any prior conviction for a violation of this section occurred, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. However, the fine imposed for such fourth or subsequent violation may be not less than $2,000.

(c) In addition to the penalties in paragraph (a), *as a condition of probation,* the court may order placement, at the convicted person's sole expense, of an ignition interlock device approved by the department in accordance with s. 316.1938 for at least 6 continuous months upon all vehicles that are ~~individually or jointly leased or owned and~~ routinely operated by the convicted person ~~if, at the time of the offense, the person had a blood alcohol level or breath alcohol level of .08 or higher~~. *If the*

convicted person is convicted of a first offense misdemeanor of the second degree, has not violated subsection (4), and has not caused injury to, or the death of, a person or damage to property and such person voluntarily places, or if the court orders placement of, an interlock device or other equivalent device approved by the department which would prevent an impaired driver from operating a vehicle under this subsection, the court, upon proper showing that the person has received counseling, treatment, or rehabilitation or is enrolled in a substance abuse course pursuant to subsection (5), may withhold adjudication if the person does not have a prior withholding of adjudication or adjudication of guilt for any other criminal or noncriminal offense. Failure of the person to comply with all the terms of the order, including placement of the ignition interlock device or an equivalent device for the entire term required by the order, must result in, among other penalties, the court ordering an adjudication of guilt.

For purposes of this subsection, the term "conviction" means a determination of guilt which is the result of a plea or a trial, regardless of whether adjudication is withheld or a plea of nolo contendere is entered.

Section 4. Subsection (2) of section 316.1937, Florida Statutes, is amended to read:

316.1937 Ignition interlock devices, requiring; unlawful acts.—

(2) If the court imposes the use of an ignition interlock device, the court shall:

(a) Stipulate on the record the requirement for, and the period of, the use of a certified ignition interlock device.

(b) Order that the records of the department reflect such requirement.

(c) Order that an ignition interlock device be installed, as the court may determine necessary, on any vehicle owned or operated by the person.

(d) *If the person claims inability to pay, provide the following discounts on the monthly leasing fee:*

1. If a person's family income is at or below 100 percent of the federal poverty level as documented by written order of the court, the regular monthly leasing fee charged to all customers by the interlock provider shall be discounted by 50 percent.

2. If a person's family income is at or below 149 percent of the federal poverty level as documented by written order of the court, the regular monthly leasing fee charged to all customers by the interlock provider shall be discounted by 25 percent.

Persons who qualify for a reduced leasing fee as provided in this paragraph are not required to pay the costs of installation or removal of the device. ~~Determine the person's ability to pay for installation of the device if the person claims inability to pay. If the court determines that the person is unable to pay for installation of the device, the court may order that any portion of a fine paid by the person for a violation of s. 316.193 shall be allocated to defray the costs of installing the device.~~

(e) Require proof of installation of the device and periodic reporting to the department for verification of the operation of the device in the person's vehicle.

And the title is amended as follows:

Delete line 660 and insert: date; providing for repeal; 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 or other equivalent device, under certain circumstances; providing that failure of the person to comply with all the terms of the order, including placement of an ignition interlock device or other equivalent device, must 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 s. 316.545, F.S.;

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

Senator Gainer moved the following amendment to **Amendment 1 (102880)** which was adopted:

Amendment 1F (359154) (with title amendment)—Delete lines 183-230 and insert:

Section 4. Section 316.853, Florida Statutes, is created to read:

316.853 Automated mobility districts.—

(1) For the purpose of this section, an "automated mobility district" means a master planned development or combination of contiguous developments in which the deployment of autonomous vehicles as defined in s. 316.003 as the basis for a shared mobility system is a stated goal or objective of the development or developments.

(2) The Department of Transportation shall designate automated mobility districts.

(3) In determining the eligibility of a community for designation as an automated mobility district, the Department of Transportation shall consider applicable criteria from federal agencies for automated mobility districts and apply those criteria to eligible developments in the state.

And the title is amended as follows:

Delete lines 668-688 and insert: 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. 335.074, F.S.; requiring bridges

Amendment 1 (102880), as amended, was adopted.

On motion by Senator Gainer, by two-thirds vote, **CS for CS for CS for HB 865**, as amended, was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Flores	Powell
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	

Nays—None

CS for CS for SB 154—A bill to be entitled An act relating to autism awareness training for law enforcement officers; creating s. 943.1727, F.S.; requiring the Department of Law Enforcement to establish a continued employment training component relating to autism spectrum disorder; specifying instruction to be included in the training component; providing that completion of the training may count toward continued employment instruction requirements; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 154**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 39** was

withdrawn from the Committees on Criminal Justice; Children, Families, and Elder Affairs; Appropriations Subcommittee on Criminal and Civil Justice; and Appropriations.

On motion by Senator Thurston—

CS for CS for HB 39—A bill to be entitled An act relating to autism awareness training for law enforcement officers; creating s. 943.1727, F.S.; requiring the Department of Law Enforcement to establish a continued employment training component relating to autism spectrum disorder; providing a definition; specifying instruction to be included in the training component; providing that completion of the training may count toward continued employment instruction requirements; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 154** and read the second time by title.

On motion by Senator Thurston, by two-thirds vote, **CS for CS for HB 39** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Flores	Powell
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	

Nays—None

On motion by Senator Stargel—

HB 7109—A bill to be entitled An act relating to taxation; amending s. 196.1975, F.S.; requiring certain corporations that provide homes for the aged to file specified affidavits with their annual tax exemption applications; providing an exemption; authorizing the property appraiser to request specified additional documentation under certain conditions; amending s. 196.1978, F.S.; discounting property taxes for properties that offer affordable housing to specified low-income persons and families; providing requirements for such discount; amending s. 198.30, F.S.; removing a requirement for circuit judges to report certain information regarding a decedent's estate to the Department of Revenue; amending s. 192.001, F.S.; revising the definition of the term "inventory" to include specified construction and agricultural equipment under certain circumstances; amending s. 206.02, F.S.; deleting license application and renewal taxes for terminal supplier and motor fuel importer, exporter, blender, and wholesaler licenses; amending s. 206.021, F.S.; deleting license application and renewal taxes for private or common carrier of motor fuel licenses; amending s. 206.022, F.S.; deleting license application and renewal taxes for terminal operator licenses; amending ss. 206.03 and 206.045, F.S.; conforming provisions to changes made by this act; repealing ss. 206.405 and 206.406, F.S., relating to the receipt and deposit of funds received from the payment of certain motor fuel license taxes; amending s. 206.41, F.S.; deleting the fee deducted from quarterly motor fuel refund claims to qualified taxpayers; amending ss. 206.9943, 206.9952, and 206.9865, F.S.; deleting application and renewal fees for pollutant tax, natural gas fuel retailer, and aviation fuel tax licenses; amending 210.20, F.S.; deleting specified cigarette taxes from being deposited into a specified trust fund for biomedical research purposes; amending s. 212.031, F.S.; reducing the tax levied on the renting, leasing, letting, and granting of a license for the use of real property; providing applicability; amending s. 212.04, F.S.; authorizing refunds or credits of taxes paid on admissions subsequently resold to exempt entities; amending s. 212.0515, F.S.; deleting provisions relating to required notice by vending machine operators, awards for reporting certain violations, and penalties for certain violations; amending s. 212.0596, F.S.; deleting authority for the department to establish a waiver for certain registration fees; amending s. 212.08, F.S.; revising the sales and use tax exemption for certain farm trailers; exempting certain animal and aquaculture health products, fencing materials, and oxygen products from the sales and use tax; specifying the total amount of community contribution tax credits that may be granted for contributions made to eligible sponsors of specified projects; extending the expiration date of the community contribution tax credit program; specifying criteria under which certain entities that operate a municipally owned golf course may receive a tax exemption when making payments to a dealer; providing sales tax exemptions for products used to absorb menstrual flow, diapers, and incontinence products; providing an annual sales tax holiday for purchases of certain clothing and footwear by eligible military veterans; authorizing certain dealers to opt out of participating in such tax exemption; providing requirements to opt out of participation; authorizing the department to adopt rules; providing a sales tax exemption for certain sales between related persons as described under specified federal laws and regulations; providing requirements for such exemption; providing definitions; amending s. 212.18, F.S.; deleting the application fees to obtain a certificate of registration as a sales tax dealer; amending s. 220.03, F.S.; extending the expiration date for the definitions of the terms "community contribution" and "project" in the income tax code; amending s. 220.183, F.S.; specifying the total amount of community contribution tax credits that may be granted for contributions made to eligible sponsors of specified projects; extending the expiration date of specified provisions relating to community contribution tax credits; amending s. 220.1845, F.S.; specifying the tax credits available for contaminated site rehabilitation in a specified year and annually thereafter; amending s. 220.196, F.S.; specifying the amount of research and development tax credits that may be granted to business enterprises in a specified year; amending s. 220.222, F.S.; deleting a provision that limits the time period for filing certain corporate income tax filings; amending s. 220.33, F.S.; specifying filing days for estimated payments for corporate income tax purposes; amending s. 320.04, F.S.; authorizing specified entities to contract with license tag agents for services related to issuance and renewal of license tag registrations and motor vehicle titles; providing requirements for such contracts; amending ss. 320.08 and 320.10, F.S.; exempting certain marine boat trailers from license taxes; amending s. 320.102, F.S.; exempting certain marine boat trailers from a variety of fees, charges, taxes, and surcharges; amending s. 336.021, F.S.; authorizing a county to reimpose a current local option fuel tax rate under certain circumstances; amending 336.025, F.S.; authorizing a county to reimpose a current local option fuel tax rate under certain circumstances; requiring the rescission of such rate on a specified date; amending s. 376.30781, F.S.; revising the total amount of tax credits that may be granted for the rehabilitation of drycleaning-solvent-contaminated sites and brownfield sites in a specified year and annually thereafter; amending s. 376.70, F.S.; deleting provisions relating to drycleaning facility registration fees; amending s. 376.75, F.S.; deleting the registration fee for a certain pollutant tax license to import perchloroethylene; amending ss. 443.131 and 443.141, F.S.; revising the date on which certain employer contributions are due; providing a definition; amending s. 443.163, F.S.; authorizing the tax collection service provider to waive penalties for late-filed returns under certain circumstances; amending s. 563.01, F.S.; revising the definitions of the terms "beer" and "malt beverage" for purposes of the Beverage Law; amending s. 624.5105, F.S.; specifying the total amount of community contribution tax credits that may be granted each fiscal year; extending the expiration date of specified provisions relating to community contribution tax credits; amending s. 733.2121, F.S.; requiring a personal representative to serve notice of creditors on the department only if the department is a creditor; providing sales tax exemptions for the retail sale of certain clothing, school supplies, personal computers, personal computer-related accessories, disaster preparedness supplies, and educational textbooks and instructional materials during specified periods; providing exceptions; authorizing, and providing requirements for, certain dealers to opt out of participating in such tax exemption; authorizing the department to adopt emergency rules; amending s.

206.998, F.S.; conforming provisions to changes made by this act; providing repeal dates; providing for retroactive application; providing applicability; providing appropriations; providing effective dates.

—was read the second time by title.

The Committee on Appropriations recommended the following amendment which was moved by Senator Stargel:

Amendment 1 (945880) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (a) of subsection (5) of section 125.0104, Florida Statutes, is amended to read:

125.0104 Tourist development tax; procedure for levying; authorized uses; referendum; enforcement.—

(5) AUTHORIZED USES OF REVENUE.—

(a) All tax revenues received pursuant to this section by a county imposing the tourist development tax shall be used by that county for the following purposes only:

1. To acquire, construct, extend, enlarge, remodel, repair, improve, maintain, operate, or promote one or more:

a. Publicly owned and operated convention centers, sports stadiums, sports arenas, coliseums, or auditoriums within the boundaries of the county or subcounty special taxing district in which the tax is levied; ~~or~~

b. Auditoriums that are publicly owned but are operated by organizations that are exempt from federal taxation pursuant to 26 U.S.C. s. 501(c)(3) and open to the public, within the boundaries of the county or subcounty special taxing district in which the tax is levied; or

c.~~b.~~ Aquariums or museums that are publicly owned and operated or owned and operated by not-for-profit organizations and open to the public, within the boundaries of the county or subcounty special taxing district in which the tax is levied;

2. To promote zoological parks that are publicly owned and operated or owned and operated by not-for-profit organizations and open to the public;

3. To promote and advertise tourism in this state and nationally and internationally; however, if tax revenues are expended for an activity, service, venue, or event, the activity, service, venue, or event must have as one of its main purposes the attraction of tourists as evidenced by the promotion of the activity, service, venue, or event to tourists;

4. To fund convention bureaus, tourist bureaus, tourist information centers, and news bureaus as county agencies or by contract with the chambers of commerce or similar associations in the county, which may include any indirect administrative costs for services performed by the county on behalf of the promotion agency; or

5. To finance beach park facilities or beach improvement, maintenance, renourishment, restoration, and erosion control, including shoreline protection, enhancement, cleanup, or restoration of inland lakes and rivers to which there is public access as those uses relate to the physical preservation of the beach, shoreline, or inland lake or river. However, any funds identified by a county as the local matching source for beach renourishment, restoration, or erosion control projects included in the long-range budget plan of the state's Beach Management Plan, pursuant to s. 161.091, or funds contractually obligated by a county in the financial plan for a federally authorized shore protection project may not be used or loaned for any other purpose. In counties of fewer than 100,000 population, up to 10 percent of the revenues from the tourist development tax may be used for beach park facilities.

Subparagraphs 1. and 2. may be implemented through service contracts and leases with lessees that have sufficient expertise or financial capability to operate such facilities.

Section 2. Paragraph (c) of subsection (11) of section 192.001, Florida Statutes, is amended to read:

192.001 Definitions.—All definitions set out in chapters 1 and 200 that are applicable to this chapter are included herein. In addition, the following definitions shall apply in the imposition of ad valorem taxes:

(11) "Personal property," for the purposes of ad valorem taxation, shall be divided into four categories as follows:

(c)*1.* "Inventory" means only those chattels consisting of items commonly referred to as goods, wares, and merchandise (as well as inventory) which are held for sale or lease to customers in the ordinary course of business. Supplies and raw materials shall be considered to be inventory only to the extent that they are acquired for sale or lease to customers in the ordinary course of business or will physically become a part of merchandise intended for sale or lease to customers in the ordinary course of business. Partially finished products which when completed will be held for sale or lease to customers in the ordinary course of business shall be deemed items of inventory. All livestock shall be considered inventory. Items of inventory held for lease to customers in the ordinary course of business, rather than for sale, shall be deemed inventory only prior to the initial lease of such items. For the purposes of this section, fuels used in the production of electricity shall be considered inventory.

2. "Inventory" also means construction and agricultural equipment weighing 1,000 pounds or more that is returned to a dealership under a rent-to-purchase option and held for sale to customers in the ordinary course of business. This subparagraph may not be considered in determining whether property that is not construction and agricultural equipment weighing 1,000 pounds or more that is returned under a rent-to-purchase option is inventory under subparagraph 1.

Section 3. Effective upon this act becoming a law, subsection (9) of section 196.012, Florida Statutes, is amended to read:

196.012 Definitions.—For the purpose of this chapter, the following terms are defined as follows, except where the context clearly indicates otherwise:

(9) "Nursing home" or "home for special services" means an institution *that* ~~which~~ possesses a valid license under chapter 400 *or part I of chapter 429* on January 1 of the year for which exemption from ad valorem taxation is requested.

Section 4. *The amendment made by this act to s. 196.012, Florida Statutes, first applies to the 2017 property tax roll.*

Section 5. Paragraph (c) is added to subsection (4) of section 196.1975, Florida Statutes, to read:

196.1975 Exemption for property used by nonprofit homes for the aged.—Nonprofit homes for the aged are exempt to the extent that they meet the following criteria:

(4)

(c) Each not-for-profit corporation applying for an exemption under paragraph (a) must file with its annual application for exemption an affidavit approved by the Department of Revenue from each person who occupies a unit or apartment which states the person's income. The affidavit is prima facie evidence of the person's income. The corporation is not required to provide an affidavit from a resident who is a totally and permanently disabled veteran who meets the requirements of s. 196.081. If, at a later time, the property appraiser determines that additional documentation proving an affiant's income is necessary, the property appraiser may request such documentation.

Section 6. Effective January 1, 2018, section 196.1978, Florida Statutes, is amended to read:

196.1978 Affordable housing property exemption.—

(1) Property used to provide affordable housing to eligible persons as defined by s. 159.603 and natural persons or families meeting the extremely-low-income, very-low-income, low-income, or moderate-income limits specified in s. 420.0004, which is owned entirely by a nonprofit entity that is a corporation not for profit, qualified as charitable under s. 501(c)(3) of the Internal Revenue Code and in compliance with Rev. Proc. 96-32, 1996-1 C.B. 717, is considered property owned by an exempt entity and used for a charitable purpose, and those portions of the

affordable housing property that provide housing to natural persons or families classified as extremely low income, very low income, low income, or moderate income under s. 420.0004 are exempt from ad valorem taxation to the extent authorized under s. 196.196. All property identified in this section must comply with the criteria provided under s. 196.195 for determining exempt status and applied by property appraisers on an annual basis. The Legislature intends that any property owned by a limited liability company which is disregarded as an entity for federal income tax purposes pursuant to Treasury Regulation 301.7701-3(b)(1)(ii) be treated as owned by its sole member.

(2)(a) Notwithstanding ss. 196.195 and 196.196, property in a multifamily project that meets the requirements of this paragraph is considered property used for a charitable purpose and shall receive a 50 percent discount from the amount of ad valorem tax otherwise owed beginning with the January 1 assessment after the 15th completed year of the term of the recorded agreement on those portions of the affordable housing property that provide housing to natural persons or families meeting the extremely-low-income, very-low-income, or low-income limits specified in s. 420.0004. The multifamily project must:

1. Contain more than 70 units that are used to provide affordable housing to natural persons or families meeting the extremely-low-income, very-low-income, or low-income limits specified in s. 420.0004; and

2. Be subject to an agreement with the Florida Housing Finance Corporation recorded in the official records of the county in which the property is located to provide affordable housing to natural persons or families meeting the extremely-low-income, very-low-income, or low-income limits specified in s. 420.0004.

This discount terminates if the property no longer serves extremely-low-income, very-low-income, or low-income persons pursuant to the recorded agreement.

(b) To receive the discount under paragraph (a), a qualified applicant must submit an application to the county property appraiser by March 1.

(c) The property appraiser shall apply the discount by reducing the taxable value on those portions of the affordable housing property that provide housing to natural persons or families meeting the extremely-low-income, very-low-income, or low-income limits specified in s. 420.0004 before certifying the tax roll to the tax collector.

1. The property appraiser shall first ascertain all other applicable exemptions, including exemptions provided pursuant to local option, and deduct all other exemptions from the assessed value.

2. Fifty percent of the remaining value shall be subtracted to yield the discounted taxable value.

3. The resulting taxable value shall be included in the certification for use by taxing authorities in setting millage.

4. The property appraiser shall place the discounted amount on the tax roll when it is extended.

Section 7. Effective upon this act becoming a law and operating retroactively to January 1, 2017, section 196.1983, Florida Statutes, is amended to read:

196.1983 Charter school exemption from ad valorem taxes.—Any facility, or portion thereof, used to house a charter school whose charter has been approved by the sponsor and the governing board pursuant to s. 1002.33(7) shall be exempt from ad valorem taxes. For leasehold properties, the landlord must certify by affidavit to the charter school that the *required* ~~lease~~ payments *under the lease, whether paid to the landlord or on behalf of the landlord to a third party, will* ~~shall~~ be reduced to the extent of the exemption received. The owner of the property shall disclose to a charter school the full amount of the benefit derived from the exemption and the method for ensuring that the charter school receives such benefit. The charter school shall receive the full benefit derived from the exemption~~ through either an annual or monthly credit to the charter school's lease payments~~.

Section 8. Effective upon this act becoming a law, section 198.30, Florida Statutes, is amended to read:

198.30 Circuit judge to report names of decedents, etc.—Each circuit judge of this state shall, on or before the 10th day of every month, notify the *Agency for Health Care Administration* ~~department~~ of the names of all decedents; the names and addresses of the respective personal representatives, administrators, or curators appointed; the amount of the bonds, if any, required by the court; and the probable value of the estates, in all estates of decedents whose wills have been probated or propounded for probate before the circuit judge or upon which letters testamentary or upon whose estates letters of administration or curatorship have been sought or granted, during the preceding month; and such report shall contain any other information *that* ~~which~~ the circuit judge may have concerning the estates of such decedents. ~~In addition, a copy of this report shall be provided to the Agency for Health Care Administration.~~ A circuit judge shall also furnish forthwith such further information, from the records and files of the circuit court in regard to such estates, as the department may from time to time require.

Section 9. Effective January 1, 2018, subsections (2), (3), and (4), paragraph (a) of subsection (7), and paragraph (b) of subsection (8) of section 206.02, Florida Statutes, are amended to read:

206.02 Application for license; temporary license; terminal suppliers, importers, exporters, blenders, biodiesel manufacturers, and wholesalers.—

(2) To procure a terminal supplier license, a person shall file with the department an application under oath, and in such form as the department may prescribe, setting forth:

(a) The name under which the person will transact business within the state and that person's registration number under s. 4101 of the Internal Revenue Code.

(b) The location, with street number address, of his or her principal office or place of business and the location where records will be made available for inspection.

(c) The name and complete residence address of the owner or the names and addresses of the partners, if such person is a partnership, or of the principal officers, if such person is a corporation or association; and, if such person is a corporation organized under the laws of another state, territory, or country, he or she shall also indicate the state, territory, or country where the corporation is organized and the date the corporation was registered with the Department of State as a foreign corporation authorized to transact business in the state.

~~The application shall require a $30 license tax.~~ Each license *must* ~~shall~~ be renewed annually through application~~, including an annual $30 license tax~~.

(3) To procure an importer, exporter, or blender of motor fuels license, a person shall file with the department an application under oath, and in such form as the department may prescribe, setting forth:

(a) The name under which the person will transact business within the state.

(b) The location, with street number address, of his or her principal office or place of business and the location where records will be made available for inspection.

(c) The name and complete residence address of the owner or the names and addresses of the partners, if such person is a partnership, or of the principal officers, if such person is a corporation or association; and, if such person is a corporation organized under the laws of another state, territory, or country, he or she shall also indicate the state, territory, or country where the corporation is organized and the date the corporation was registered with the Department of State as a foreign corporation authorized to transact business in the state.

~~The application shall require a $30 license tax.~~ Each license *must* ~~shall~~ be renewed annually through application~~, including an annual $30 license tax~~.

(4) To procure a wholesaler of motor fuel license, a person shall file with the department an application under oath and in such form as the department may prescribe, setting forth:

(a) The name under which the person will transact business within the state.

(b) The location, with street number address, of his or her principal office or place of business within this state and the location where records will be made available for inspection.

(c) The name and complete residence address of the owner or the names and addresses of the partners, if such person is a partnership, or of the principal officers, if such person is a corporation or association; and, if such person is a corporation organized under the laws of another state, territory, or country, he or she shall also indicate the state, territory, or country where the corporation is organized and the date the corporation was registered with the Department of State as a foreign corporation authorized to transact business in the state.

~~The application shall require a $30 license tax.~~ Each license *must* ~~shall~~ be renewed annually through application~~, including an annual $30 license fee~~.

(7)(a) If all applicants for a license hold a current license in good standing of the same type and kind, the department shall issue a temporary license upon the filing of a completed application~~, payment of all fees,~~ and the posting of adequate bond. A temporary license shall automatically expire 90 days after its effective date or, prior to the expiration of 90 days or the period of any extension, upon issuance of a permanent license or of a notice of intent to deny a permanent license. A temporary license may be extended once for a period not to exceed 60 days, upon written request of the applicant, subject to the restrictions imposed by this subsection.

(8)

(b) Notwithstanding the provisions of this chapter requiring a license ~~tax~~ and a bond or criminal background check, the department may issue a temporary license as an importer or exporter to a person who holds a valid Florida wholesaler license or to a person who is an unlicensed dealer. A license may be issued under this subsection only to a business that has a physical location in this state and holds a valid Florida sales and use tax certificate of registration or that holds a valid fuel license issued by another state.

Section 10. Effective January 1, 2018, subsection (3) and paragraph (b) of subsection (5) of section 206.021, Florida Statutes, are amended to read:

206.021 Application for license; carriers.—

(3) ~~The application shall require a $30 license tax.~~ Each license *must* ~~shall~~ be renewed annually through application~~, including an annual $30 license tax~~.

(5)

(b) Notwithstanding the provisions of this chapter requiring a license ~~tax~~ and a bond or criminal background check, the department may issue a temporary license as a carrier to a person who holds a valid Florida wholesaler, importer, exporter, or blender license or to a person who is an unlicensed dealer. A license may be issued under this subsection only to a business that has a physical location in this state and holds a valid Florida sales and use tax certificate of registration or that holds a valid fuel license issued by another state.

Section 11. Effective January 1, 2018, subsection (2) of section 206.022, Florida Statutes, is amended to read:

206.022 Application for license; terminal operators.—

(2) ~~The application shall require a $30 license tax.~~ Each license shall be renewed annually through application~~, including an annual $30 license tax~~.

Section 12. Effective January 1, 2018, subsection (1) of section 206.03, Florida Statutes, is amended to read:

206.03 Licensing of terminal suppliers, importers, exporters, and wholesalers.—

(1) The application in proper form having been accepted for filing~~, the filing fee paid,~~ and the bond accepted and approved, except as provided in s. 206.05(1), the department shall issue to such person a license to transact business in the state, subject to cancellation of such license as provided by law.

Section 13. Effective January 1, 2018, section 206.045, Florida Statutes, is amended to read:

206.045 Licensing period~~; cost for license issuance~~.—Beginning January 1, 1998, the licensing period under this chapter shall be a calendar year, or any part thereof. ~~The cost of any such license issued pursuant to this chapter shall be $30.~~

Section 14. *Effective January 1, 2018, ss. 206.405 and 206.406, Florida Statutes, are repealed.*

Section 15. Effective January 1, 2018, paragraph (c) of subsection (5) of section 206.41, Florida Statutes, is amended to read:

206.41 State taxes imposed on motor fuel.—

(5)

(c)1. No refund may be authorized unless a sworn application therefor containing such information as the department may determine is filed with the department not later than the last day of the month following the quarter for which the refund is claimed. However, when a justified excuse for late filing is presented to the department and the last preceding claim was filed on time, the deadline for filing may be extended an additional month. No refund will be authorized unless the amount due is for $5 or more for any refund period and unless application is made upon forms prescribed by the department.

2. Claims made for refunds provided pursuant to subsection (4) shall be paid quarterly. ~~The department shall deduct a fee of $2 for each claim, which fee shall be deposited in the General Revenue Fund.~~

Section 16. Effective January 1, 2018, subsection (3) of section 206.9865, Florida Statutes, is amended to read:

206.9865 Commercial air carriers; registration; reporting.—

(3) The application must be renewed annually ~~and the fee for application or renewal is $30~~.

Section 17. Effective January 1, 2018, subsection (3) of section 206.9943, Florida Statutes, is amended to read:

206.9943 Pollutant tax license.—

(3) The license must be renewed annually~~, and the fee for original application or renewal is $30~~.

Section 18. Effective January 1, 2018, subsection (9) of section 206.9952, Florida Statutes, is amended to read:

206.9952 Application for license as a natural gas fuel retailer.—

(9) ~~The license application requires a license fee of $5.~~ Each license shall be renewed annually by submitting a reapplication ~~and the license fee~~ to the department. ~~The license fee shall be paid to the department for deposit into the General Revenue Fund.~~

Section 19. Effective January 1, 2018, section 206.998, Florida Statutes, is amended to read:

206.998 Applicability of specified sections of parts I and II.—The provisions of ss. 206.01, 206.02, 206.025, 206.026, 206.027, 206.028, 206.03, 206.05, 206.055, 206.06, 206.07, 206.075, 206.09, 206.10, 206.11, 206.12, 206.13, 206.14, 206.15, 206.16, 206.17, 206.175, 206.18, 206.199, 206.20, 206.204, 206.205, 206.21, 206.215, 206.22, 206.23, 206.24, 206.25, 206.27, 206.28, ~~206.405, 206.406,~~ 206.41, 206.413, 206.43, 206.44, 206.48, 206.485, 206.49, 206.56, 206.59, 206.606, 206.608, and 206.61 of part I of this chapter and ss. 206.86, 206.872, 206.874, 206.8745, 206.88, 206.90, and 206.93 of part II of this chapter shall, as far as lawful or practicable, be applicable to the tax levied and imposed and to the collection thereof as if fully set out in this part. However, any

provision of any such section does not apply if it conflicts with any provision of this part.

Section 20. Paragraph (b) of subsection (2) of section 210.20, Florida Statutes, is amended to read:

210.20 Employees and assistants; distribution of funds.—

(2) As collections are received by the division from such cigarette taxes, it shall pay the same into a trust fund in the State Treasury designated "Cigarette Tax Collection Trust Fund" which shall be paid and distributed as follows:

(b) Beginning July 1, 2004, and continuing through June 30, 2013, the division shall from month to month certify to the Chief Financial Officer the amount derived from the cigarette tax imposed by s. 210.02, less the service charges provided for in s. 215.20 and less 0.9 percent of the amount derived from the cigarette tax imposed by s. 210.02, which shall be deposited into the Alcoholic Beverage and Tobacco Trust Fund, specifying an amount equal to 1.47 percent of the net collections, and that amount shall be paid to the Board of Directors of the H. Lee Moffitt Cancer Center and Research Institute, established under s. 1004.43, by warrant drawn by the Chief Financial Officer. Beginning July 1, 2014, and continuing through June 30, *2053* ~~2033~~, the division shall from month to month certify to the Chief Financial Officer the amount derived from the cigarette tax imposed by s. 210.02, less the service charges provided for in s. 215.20 and less 0.9 percent of the amount derived from the cigarette tax imposed by s. 210.02, which shall be deposited into the Alcoholic Beverage and Tobacco Trust Fund, specifying an amount equal to 4.04 percent of the net collections, and that amount shall be paid to the Board of Directors of the H. Lee Moffitt Cancer Center and Research Institute, established under s. 1004.43, by warrant drawn by the Chief Financial Officer. These funds are appropriated monthly out of the Cigarette Tax Collection Trust Fund, to be used for lawful purposes, including constructing, furnishing, equipping, financing, operating, and maintaining cancer research and clinical and related facilities; furnishing, equipping, operating, and maintaining other properties owned or leased by the H. Lee Moffitt Cancer Center and Research Institute; and paying costs incurred in connection with purchasing, financing, operating, and maintaining such equipment, facilities, and properties. In fiscal years 2004-2005 and thereafter, the appropriation to the H. Lee Moffitt Cancer Center and Research Institute authorized by this *paragraph* ~~subparagraph~~ shall not be less than the amount that would have been paid to the H. Lee Moffitt Cancer Center and Research Institute in fiscal year 2001-2002, had this *paragraph* ~~subparagraph~~ been in effect.

Section 21. Effective January 1, 2018, paragraphs (c) and (d) of subsection (1) of section 212.031, Florida Statutes, are amended, and paragraph (e) is added to that subsection, to read:

212.031 Tax on rental or license fee for use of real property.—

(1)

(c) For the exercise of such privilege, a tax is levied *at the rate of 5.8* ~~in an amount equal to 6~~ percent of and on the total rent or license fee charged for such real property by the person charging or collecting the rental or license fee. The total rent or license fee charged for such real property shall include payments for the granting of a privilege to use or occupy real property for any purpose and shall include base rent, percentage rents, or similar charges. Such charges shall be included in the total rent or license fee subject to tax under this section whether or not they can be attributed to the ability of the lessor's or licensor's property as used or operated to attract customers. Payments for intrinsically valuable personal property such as franchises, trademarks, service marks, logos, or patents are not subject to tax under this section. In the case of a contractual arrangement that provides for both payments taxable as total rent or license fee and payments not subject to tax, the tax shall be based on a reasonable allocation of such payments and shall not apply to that portion which is for the nontaxable payments.

(d) When the rental or license fee of any such real property is paid by way of property, goods, wares, merchandise, services, or other thing of value, the tax shall be at the rate of *5.8* ~~6~~ percent of the value of the property, goods, wares, merchandise, services, or other thing of value.

(e) The tax rate in effect at the time that the tenant or person occupies, uses, or is entitled to occupy or use the real property is the tax rate applicable to the transaction taxable under this section, regardless of when a rent or license fee payment is due or paid. The applicable tax rate may not be avoided by delaying or accelerating rent or license fee payments.

Section 22. Paragraph (c) of subsection (1) of section 212.04, Florida Statutes, is amended to read:

212.04 Admissions tax; rate, procedure, enforcement.—

(1)

(c)*1.* The provisions of this chapter that authorize a tax-exempt sale for resale do not apply to sales of admissions. However, if a purchaser of an admission subsequently resells the admission for more than the amount paid, the purchaser shall collect tax on the full sales price and may take credit for the amount of tax previously paid. If the purchaser of the admission subsequently resells it for an amount equal to or less than the amount paid, the purchaser *may* ~~shall~~ not collect any additional tax, nor shall the purchaser be allowed to take credit for the amount of tax previously paid.

2.a. If a purchaser resells an admission to an entity that is exempt from sales and use tax under this chapter for any reason other than sale for resale, the purchaser may seek a refund or credit from the department for the amount of tax it paid on its purchase.

b. For a refund, the purchaser shall provide proof of the exempt entity's qualification for the exemption, as prescribed by rules of the department, and a copy of the ticket, invoice, or other documentation that provides evidence of the tax it paid on the admission with its refund application, whereupon the department shall issue a refund to the purchaser.

c. For a credit, the purchaser shall retain proof of the exempt entity's qualification for the exemption, as prescribed by rules of the department, and a copy of the ticket, invoice, or other documentation that provides evidence of the tax it paid on the admission as long as required under s. 212.13.

d. The department shall look solely to the entity that provided exemption documentation for recovery of tax, if it determines that the entity was not entitled to the exemption.

3.a. If a purchaser of an admission from a related dealer who is a member of the same controlled group of corporations for federal income tax purposes as the purchaser resells such admission to an entity that is exempt from sales and use tax under this chapter for any reason other than sale for resale, the purchaser may seek a refund or credit for the amount of tax it paid on its purchase from the related dealer if it provides that related dealer with proof of the exempt entity's qualification for the exemption, as prescribed by rules of the department.

b. Upon the purchaser's request, a related dealer receiving the exempt entity's documentation shall refund or credit the tax paid by the purchaser. If the related dealer has already remitted such tax to the department, it may then seek a refund or credit of the tax from the department. If the related dealer has not yet remitted such tax to the department, the related dealer may not seek a refund or credit of such tax, but may retain the exemption documentation in lieu of remitting the tax to the department.

c. The department shall look solely to the entity that provided exemption documentation for recovery of tax if it determines that the entity was not entitled to the exemption.

Section 23. Paragraph (i) of subsection (1) of section 212.05, Florida Statutes, is amended to read:

212.05 Sales, storage, use tax.—It is hereby declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of selling tangible personal property at retail in this state, including the business of making mail order sales, or who rents or furnishes any of the things or services taxable under this chapter, or who stores for use or consumption in this state any item or article of tangible personal property as defined herein and who leases or rents such property within the state.

(1) For the exercise of such privilege, a tax is levied on each taxable transaction or incident, which tax is due and payable as follows:

(i)1. At the rate of 6 percent on charges for all:

a. Detective, burglar protection, and other protection services (NAICS National Numbers 561611, 561612, 561613, and 561621). *Fingerprint services required under s. 790.06 or s. 790.062 are not subject to the tax.* Any law enforcement officer, as defined in s. 943.10, who is performing approved duties as determined by his or her local law enforcement agency in his or her capacity as a law enforcement officer, and who is subject to the direct and immediate command of his or her law enforcement agency, and in the law enforcement officer's uniform as authorized by his or her law enforcement agency, is performing law enforcement and public safety services and is not performing detective, burglar protection, or other protective services, if the law enforcement officer is performing his or her approved duties in a geographical area in which the law enforcement officer has arrest jurisdiction. Such law enforcement and public safety services are not subject to tax irrespective of whether the duty is characterized as "extra duty," "off-duty," or "secondary employment," and irrespective of whether the officer is paid directly or through the officer's agency by an outside source. The term "law enforcement officer" includes full-time or part-time law enforcement officers, and any auxiliary law enforcement officer, when such auxiliary law enforcement officer is working under the direct supervision of a full-time or part-time law enforcement officer.

b. Nonresidential cleaning, excluding cleaning of the interiors of transportation equipment, and nonresidential building pest control services (NAICS National Numbers 561710 and 561720).

2. As used in this paragraph, "NAICS" means those classifications contained in the North American Industry Classification System, as published in 2007 by the Office of Management and Budget, Executive Office of the President.

3. Charges for detective, burglar protection, and other protection security services performed in this state but used outside this state are exempt from taxation. Charges for detective, burglar protection, and other protection security services performed outside this state and used in this state are subject to tax.

4. If a transaction involves both the sale or use of a service taxable under this paragraph and the sale or use of a service or any other item not taxable under this chapter, the consideration paid must be separately identified and stated with respect to the taxable and exempt portions of the transaction or the entire transaction shall be presumed taxable. The burden shall be on the seller of the service or the purchaser of the service, whichever applicable, to overcome this presumption by providing documentary evidence as to which portion of the transaction is exempt from tax. The department is authorized to adjust the amount of consideration identified as the taxable and exempt portions of the transaction; however, a determination that the taxable and exempt portions are inaccurately stated and that the adjustment is applicable must be supported by substantial competent evidence.

5. Each seller of services subject to sales tax pursuant to this paragraph shall maintain a monthly log showing each transaction for which sales tax was not collected because the services meet the requirements of subparagraph 3. for out-of-state use. The log must identify the purchaser's name, location and mailing address, and federal employer identification number, if a business, or the social security number, if an individual, the service sold, the price of the service, the date of sale, the reason for the exemption, and the sales invoice number. The monthly log shall be maintained pursuant to the same requirements and subject to the same penalties imposed for the keeping of similar records pursuant to this chapter.

Section 24. Effective January 1, 2018, subsections (5) through (7) of section 212.0515, Florida Statutes, are renumbered as subsections (4) through (6), respectively, and current subsections (3), (4), and (7) of that section are amended to read:

212.0515 Sales from vending machines; sales to vending machine operators; special provisions; registration; penalties.—

(3)~~(a)~~ An operator of a vending machine may not operate or cause to be operated in this state any vending machine until the operator has registered with the department *and*~~,~~ has obtained a separate registration certificate for each county in which such machines are located~~, and has affixed a notice to each vending machine selling food or beverages~~. ~~The notice must be conspicuously displayed on the vending machine when it is being operated in this state and shall contain the following language in conspicuous type: NOTICE TO CUSTOMER: FLORIDA LAW REQUIRES THIS NOTICE TO BE POSTED ON ALL FOOD AND BEVERAGE VENDING MACHINES. REPORT ANY MACHINE WITHOUT A NOTICE TO (TOLL FREE NUMBER). YOU MAY BE ELIGIBLE FOR A CASH REWARD. DO NOT USE THIS NUMBER TO REPORT PROBLEMS WITH THE VENDING MACHINE SUCH AS LOST MONEY OR OUT OF DATE PRODUCTS.~~

~~(b)~~ The department shall establish a toll-free number to report any violations of this section. ~~Upon a determination that a violation has occurred, the department shall pay the informant a reward of up to 10 percent of previously unpaid taxes recovered as a result of the information provided. A person who receives information concerning a violation of this section from an employee as specified in s. 213.30 is not eligible for a cash reward.~~

~~(4) A penalty of $250 per machine is imposed on an operator who fails to properly obtain and display the required notice on any machine. Penalties accrue interest as provided for delinquent taxes under this chapter and apply in addition to all other applicable taxes, interest, and penalties.~~

(6)~~(7)~~ The department may adopt rules necessary to administer ~~the provisions of~~ this section ~~and may establish a schedule for phasing in the requirement that existing notices be replaced with revised notices displayed on vending machines~~.

Section 25. Effective January 1, 2018, subsection (7) of section 212.0596, Florida Statutes, is amended to read:

212.0596 Taxation of mail order sales.—

(7) The department may establish by rule procedures for collecting the use tax from unregistered persons who but for their mail order purchases would not be required to remit sales or use tax directly to the department. The procedures may provide for waiver of registration ~~and registration fees~~, provisions for irregular remittance of tax, elimination of the collection allowance, and nonapplication of local option surtaxes.

Section 26. Paragraphs (a) and (p) of subsection (5) of section 212.08, Florida Statutes, are amended, and paragraphs (r) and (s) of subsection (5) and paragraph (d) of subsection (6) are added, to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(a) Items in agricultural use and certain nets.—There are exempt from the tax imposed by this chapter nets designed and used exclusively by commercial fisheries; disinfectants, fertilizers, insecticides, pesticides, herbicides, fungicides, and weed killers used for application on crops or groves, including commercial nurseries and home vegetable gardens, used in dairy barns or on poultry farms for the purpose of protecting poultry or livestock, or used directly on poultry or livestock; *animal health products that are administered to, applied to, or consumed by livestock or poultry to alleviate pain or cure or prevent sickness, disease, or suffering, including, but not limited to, antiseptics, absorbent cotton, gauze for bandages, lotions, vaccines, vitamins, and worm remedies; aquaculture health products that are used by aquaculture producers, as defined in s. 597.0015, to prevent or treat fungi, bacteria, and parasitic diseases;* portable containers or movable receptacles in which portable containers are placed, used for processing farm products; field and garden seeds, including flower seeds; nursery stock, seedlings, cuttings, or other propagative material purchased for growing stock; seeds, seedlings, cuttings, and plants used to produce food for human consumption; cloth, plastic, and other similar materials used for shade, mulch, or protection from frost or insects on a farm; stakes used by a farmer to support plants during agricultural production; generators used on poultry farms; and liquefied petroleum gas or

other fuel used to heat a structure in which started pullets or broilers are raised; however, such exemption is not allowed unless the purchaser or lessee signs a certificate stating that the item to be exempted is for the exclusive use designated herein. Also exempt are cellophane wrappers, glue for tin and glass (apiarists), mailing cases for honey, shipping cases, window cartons, and baling wire and twine used for baling hay, when used by a farmer to contain, produce, or process an agricultural commodity.

(p) Community contribution tax credit for donations.—

1. Authorization.—Persons who are registered with the department under s. 212.18 to collect or remit sales or use tax and who make donations to eligible sponsors are eligible for tax credits against their state sales and use tax liabilities as provided in this paragraph:

a. The credit shall be computed as 50 percent of the person's approved annual community contribution.

b. The credit shall be granted as a refund against state sales and use taxes reported on returns and remitted in the 12 months preceding the date of application to the department for the credit as required in sub-subparagraph 3.c. If the annual credit is not fully used through such refund because of insufficient tax payments during the applicable 12-month period, the unused amount may be included in an application for a refund made pursuant to sub-subparagraph 3.c. in subsequent years against the total tax payments made for such year. Carryover credits may be applied for a 3-year period without regard to any time limitation that would otherwise apply under s. 215.26.

c. A person may not receive more than $200,000 in annual tax credits for all approved community contributions made in any one year.

d. All proposals for the granting of the tax credit require the prior approval of the Department of Economic Opportunity.

e. The total amount of tax credits which may be granted for all programs approved under this paragraph, s. 220.183, and s. 624.5105 is *$10.5* ~~$18.4 million in the 2015-2016 fiscal year, $21.4 million in the 2016-2017 fiscal year, and $21.4~~ million *each fiscal year* ~~in the 2017-2018 fiscal year~~ for projects that provide housing opportunities for persons with special needs or homeownership opportunities for low-income households or very-low-income households and $3.5 million *each fiscal year* ~~annually~~ for all other projects. As used in this paragraph, the term "person with special needs" has the same meaning as in s. 420.0004 and the terms "low-income person," "low-income household," "very-low-income person," and "very-low-income household" have the same meanings as in s. 420.9071.

f. A person who is eligible to receive the credit provided in this paragraph, s. 220.183, or s. 624.5105 may receive the credit only under one section of the person's choice.

2. Eligibility requirements.—

a. A community contribution by a person must be in the following form:

(I) Cash or other liquid assets;

(II) Real property, including 100 percent ownership of a real property holding company;

(III) Goods or inventory; or

(IV) Other physical resources identified by the Department of Economic Opportunity.

For purposes of this subparagraph, the term "real property holding company" means a Florida entity, such as a Florida limited liability company, that is wholly owned by the person; is the sole owner of real property, as defined in s. 192.001(12), located in the state; is disregarded as an entity for federal income tax purposes pursuant to 26 C.F.R. s. 301.7701-3(b)(1)(ii); and at the time of contribution to an eligible sponsor, has no material assets other than the real property and any other property that qualifies as a community contribution.

b. All community contributions must be reserved exclusively for use in a project. As used in this sub-subparagraph, the term "project" means activity undertaken by an eligible sponsor which is designed to construct, improve, or substantially rehabilitate housing that is affordable to low-income households or very-low-income households; designed to provide housing opportunities for persons with special needs; designed to provide commercial, industrial, or public resources and facilities; or designed to improve entrepreneurial and job-development opportunities for low-income persons. A project may be the investment necessary to increase access to high-speed broadband capability in a rural community that had an enterprise zone designated pursuant to chapter 290 as of May 1, 2015, including projects that result in improvements to communications assets that are owned by a business. A project may include the provision of museum educational programs and materials that are directly related to a project approved between January 1, 1996, and December 31, 1999, and located in an area which was in an enterprise zone designated pursuant to s. 290.0065 as of May 1, 2015. This paragraph does not preclude projects that propose to construct or rehabilitate housing for low-income households or very-low-income households on scattered sites or housing opportunities for persons with special needs. With respect to housing, contributions may be used to pay the following eligible special needs, low-income, and very-low-income housing-related activities:

(I) Project development impact and management fees for special needs, low-income, or very-low-income housing projects;

(II) Down payment and closing costs for persons with special needs, low-income persons, and very-low-income persons;

(III) Administrative costs, including housing counseling and marketing fees, not to exceed 10 percent of the community contribution, directly related to special needs, low-income, or very-low-income projects; and

(IV) Removal of liens recorded against residential property by municipal, county, or special district local governments if satisfaction of the lien is a necessary precedent to the transfer of the property to a low-income person or very-low-income person for the purpose of promoting home ownership. Contributions for lien removal must be received from a nonrelated third party.

c. The project must be undertaken by an "eligible sponsor," which includes:

(I) A community action program;

(II) A nonprofit community-based development organization whose mission is the provision of housing for persons with specials needs, low-income households, or very-low-income households or increasing entrepreneurial and job-development opportunities for low-income persons;

(III) A neighborhood housing services corporation;

(IV) A local housing authority created under chapter 421;

(V) A community redevelopment agency created under s. 163.356;

(VI) A historic preservation district agency or organization;

(VII) A local workforce development board;

(VIII) A direct-support organization as provided in s. 1009.983;

(IX) An enterprise zone development agency created under s. 290.0056;

(X) A community-based organization incorporated under chapter 617 which is recognized as educational, charitable, or scientific pursuant to s. 501(c)(3) of the Internal Revenue Code and whose bylaws and articles of incorporation include affordable housing, economic development, or community development as the primary mission of the corporation;

(XI) Units of local government;

(XII) Units of state government; or

(XIII) Any other agency that the Department of Economic Opportunity designates by rule.

A contributing person may not have a financial interest in the eligible sponsor.

d. The project must be located in an area which was in an enterprise zone designated pursuant to chapter 290 as of May 1, 2015, or a Front Porch Florida Community, unless the project increases access to high-speed broadband capability in a rural community that had an enterprise zone designated pursuant to chapter 290 as of May 1, 2015, but is physically located outside the designated rural zone boundaries. Any project designed to construct or rehabilitate housing for low-income households or very-low-income households or housing opportunities for persons with special needs is exempt from the area requirement of this sub-subparagraph.

e.(I) If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects that provide housing opportunities for persons with special needs or homeownership opportunities for low-income households or very-low-income households are received for less than the annual tax credits available for those projects, the Department of Economic Opportunity shall grant tax credits for those applications and grant remaining tax credits on a first-come, first-served basis for subsequent eligible applications received before the end of the state fiscal year. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects that provide housing opportunities for persons with special needs or homeownership opportunities for low-income households or very-low-income households are received for more than the annual tax credits available for those projects, the Department of Economic Opportunity shall grant the tax credits for those applications as follows:

(A) If tax credit applications submitted for approved projects of an eligible sponsor do not exceed $200,000 in total, the credits shall be granted in full if the tax credit applications are approved.

(B) If tax credit applications submitted for approved projects of an eligible sponsor exceed $200,000 in total, the amount of tax credits granted pursuant to sub-sub-sub-subparagraph (A) shall be subtracted from the amount of available tax credits, and the remaining credits shall be granted to each approved tax credit application on a pro rata basis.

(II) If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects other than those that provide housing opportunities for persons with special needs or homeownership opportunities for low-income households or very-low-income households are received for less than the annual tax credits available for those projects, the Department of Economic Opportunity shall grant tax credits for those applications and shall grant remaining tax credits on a first-come, first-served basis for subsequent eligible applications received before the end of the state fiscal year. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects other than those that provide housing opportunities for persons with special needs or homeownership opportunities for low-income households or very-low-income households are received for more than the annual tax credits available for those projects, the Department of Economic Opportunity shall grant the tax credits for those applications on a pro rata basis.

3. Application requirements.—

a. An eligible sponsor seeking to participate in this program must submit a proposal to the Department of Economic Opportunity which sets forth the name of the sponsor, a description of the project, and the area in which the project is located, together with such supporting information as is prescribed by rule. The proposal must also contain a resolution from the local governmental unit in which the project is located certifying that the project is consistent with local plans and regulations.

b. A person seeking to participate in this program must submit an application for tax credit to the Department of Economic Opportunity which sets forth the name of the sponsor, a description of the project, and the type, value, and purpose of the contribution. The sponsor shall verify, in writing, the terms of the application and indicate its receipt of the contribution, and such verification must accompany the application for tax credit. The person must submit a separate tax credit application to the Department of Economic Opportunity for each individual contribution that it makes to each individual project.

c. A person who has received notification from the Department of Economic Opportunity that a tax credit has been approved must apply to the department to receive the refund. Application must be made on the form prescribed for claiming refunds of sales and use taxes and be accompanied by a copy of the notification. A person may submit only one application for refund to the department within a 12-month period.

4. Administration.—

a. The Department of Economic Opportunity may adopt rules necessary to administer this paragraph, including rules for the approval or disapproval of proposals by a person.

b. The decision of the Department of Economic Opportunity must be in writing, and, if approved, the notification shall state the maximum credit allowable to the person. Upon approval, the Department of Economic Opportunity shall transmit a copy of the decision to the department.

c. The Department of Economic Opportunity shall periodically monitor all projects in a manner consistent with available resources to ensure that resources are used in accordance with this paragraph; however, each project must be reviewed at least once every 2 years.

d. The Department of Economic Opportunity shall, in consultation with the statewide and regional housing and financial intermediaries, market the availability of the community contribution tax credit program to community-based organizations.

~~5. Expiration.—This paragraph expires June 30, 2018; however, any accrued credit carryover that is unused on that date may be used until the expiration of the 3-year carryover period for such credit.~~

(r) Building materials, the rental of tangible personal property, and pest control services used in new construction located in a rural area of opportunity.—

1. As used in this paragraph, the term:

a. "Building materials" means tangible personal property that becomes a component part of improvements to real property.

b. "Exempt goods and services" means building materials, the rental of tangible personal property, and pest control services used in new construction.

c. "New construction" means improvements to real property which did not previously exist. The term does not include the reconstruction, renovation, restoration, rehabilitation, modification, alteration, or expansion of buildings already located on the parcel on which the new construction is built.

d. "Pest control" has the same meaning as in s. 482.021.

e. "Real property" has the same meaning as provided in s. 192.001, but does not include a condominium parcel or condominium property as defined in s. 718.103.

f. "Substantially completed" has the same meaning as in s. 192.042(1).

2. Building materials, the rental of tangible personal property, and pest control services used in new construction located in a rural area of opportunity, as designated by the Governor pursuant to s. 288.0656, are exempt from the tax imposed by this chapter if an owner, lessee, or lessor can demonstrate to the satisfaction of the department that the requirements of this paragraph have been met. Except as provided in subparagraph 3., this exemption inures to the owner, lessee, or lessor at the time the new construction occurs, but only through a refund of previously paid taxes. To receive a refund pursuant to this paragraph, the owner, lessee, or lessor of the new construction must file an application under oath with the Department of Economic Opportunity. The application must include all of the following:

a. The name and address of the person claiming the refund.

b. An address and assessment roll parcel number of the real property that was improved by the new construction for which a refund of previously paid taxes is being sought.

c. A description of the new construction.

d. A copy of a valid building permit issued by the county or municipal building department for the new construction.

e. A sworn statement, under penalty of perjury, from the general contractor licensed in this state with whom the applicant contracted to build the new construction, which specifies the exempt goods and services, the actual cost of the exempt goods and services, and the amount of sales tax paid in this state on the exempt goods and services, and which states that the improvement to the real property was new construction. If a general contractor was not used, the applicant shall make the sworn statement required by this sub-subparagraph. Copies of the invoices evidencing the actual cost of the exempt goods and services and the amount of sales tax paid on such goods and services must be attached to the sworn statement provided by the general contractor or by the applicant. If copies of such invoices are not attached, the cost of the exempt goods and services is deemed to be an amount equal to 40 percent of the increase in assessed value of the property for ad valorem tax purposes.

f. A certification by the local building code inspector that the new construction is substantially completed and is new construction.

3. The exemption under this paragraph inures to a municipality, county, other governmental unit or agency, or nonprofit community-based organization through a refund of previously paid taxes if the exempt goods and services are paid for from the funds of a community development block grant, the State Housing Initiatives Partnership Program, or a similar grant or loan program. To receive a refund, a municipality, county, other governmental unit or agency, or nonprofit community-based organization must file an application that includes the same information required under subparagraph 2. In addition, the application must include a sworn statement signed by the chief executive officer of the municipality, county, other governmental unit or agency, or nonprofit community-based organization seeking a refund which states that the exempt goods and services for which a refund is sought were funded by a community development block grant, the State Housing Initiatives Partnership Program, or a similar grant or loan program.

4. Within 10 working days after receiving an application, the Department of Economic Opportunity shall review the application to determine whether it contains all of the information required by subparagraph 2. or subparagraph 3., as appropriate, and meets the criteria set out in this paragraph. The Department of Economic Opportunity shall certify all applications that contain the required information and are eligible to receive a refund. The certification must be in writing and a copy must be transmitted by the Department of Economic Opportunity to the executive director of the department. The applicant is responsible for forwarding a certified application to the department within the period specified in subparagraph 5.

5. An application for a refund must be submitted to the department within 6 months after the new construction is deemed to be substantially completed by the local building code inspector or by November 1 after the improved property is first subject to assessment.

6. Only one exemption through a refund of previously paid taxes for the new construction may be claimed for any single parcel of property unless there is a change in ownership, a new lessor, or a new lessee of the real property. A refund may not be granted unless the amount to be refunded exceeds $500. A refund may not exceed the lesser of 97.5 percent of the Florida sales or use tax paid on the cost of the exempt goods and services as determined pursuant to sub-subparagraph 2.e. or $10,000. The department shall issue a refund within 30 days after it formally approves a refund application.

7. The department shall deduct 10 percent of each refund amount granted under this paragraph from the amount transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund pursuant to s. 212.20 for the county area in which the new construction is located and shall transfer that amount to the General Revenue Fund.

8. The department may adopt rules governing the manner and format of refund applications and may establish guidelines as to the requisites for an affirmative showing of qualification for exemption under this paragraph.

9. This exemption does not apply to improvements for which construction began before July 1, 2017.

(s) Data center property.—

1. As used in this paragraph, the term:

a. "Critical IT load" means that portion of electric power capacity, expressed in terms of megawatts, which is reserved solely for owners or tenants of a data center to operate their computer server equipment. The term does not include any ancillary load for cooling, lighting, common areas, or other equipment.

b. "Cumulative capital investment" means the combined total of all expenses incurred by the owners or tenants of a data center after July 1, 2017, in connection with acquiring, constructing, installing, equipping, or expanding the data center. However, the term does not include any expenses incurred in the acquisition of improved real property operating as a data center at the time of acquisition or within 6 months before the acquisition.

c. "Data center" means a facility that:

(I) Consists of one or more contiguous parcels in this state, along with the buildings, substations and other infrastructure, fixtures, and personal property located on the parcels;

(II) Is used exclusively to house and operate equipment that receives, stores, aggregates, manages, processes, transforms, retrieves, researches, or transmits data; or that is necessary for the proper operation of equipment that receives, stores, aggregates, manages, processes, transforms, retrieves, researches, or transmits data;

(III) Has a critical IT load of 15 megawatts or higher, and a critical IT load of 1 megawatt or higher dedicated to each individual owner or tenant within the data center; and

(IV) Is constructed on or after July 1, 2017.

d. "Data center property" means property used exclusively at a data center to construct, outfit, operate, support, power, cool, dehumidify, secure, or protect a data center and any contiguous dedicated substations. The term includes, but is not limited to, construction materials, component parts, machinery, equipment, computers, servers, installations, redundancies, and operating or enabling software, including any replacements, updates and new versions, and upgrades to or for such property, regardless of whether the property is a fixture or is otherwise affixed to or incorporated into real property. The term also includes electricity used exclusively at a data center.

2. Data center property is exempt from the tax imposed by this chapter, except for the tax imposed by s. 212.031. To be eligible for the exemption provided by this paragraph, the data center's owners and tenants must make a cumulative capital investment of $150 million or more for the data center and the data center must have a critical IT load of 15 megawatts or higher and a critical IT load of 1 megawatt or higher dedicated to each individual owner or tenant within the data center. Each of these requirements must be satisfied no later than 5 years after the commencement of construction of the data center.

3.a. To receive the exemption provided by this paragraph, the person seeking the exemption must apply to the department for a temporary tax exemption certificate. The application must state that a qualifying data center designation is being sought and provide information that the requirements of subparagraph 2. will be met. Upon a tentative determination by the department that the data center will meet the requirements of subparagraph 2., the department must issue the certificate.

b.(I) The certificateholder shall maintain all necessary books and records to support the exemption provided by this paragraph. Upon satisfaction of all requirements of subparagraph 2., the certificateholder must deliver the temporary tax certificate to the department together with documentation sufficient to show the satisfaction of the requirements. Such documentation must include written declarations, pursuant to s. 92.525, from:

(A) A professional engineer, licensed pursuant to chapter 471, certifying that the critical IT load requirement set forth in subparagraph 2. has been satisfied at the data center; and

(B) A Florida certified public accountant, as defined in s. 473.302, certifying that the cumulative capital investment requirement set forth in subparagraph 2. has been satisfied for the data center.

The professional engineer and the Florida certified public accountant may not be professionally related with the data center's owners, tenants, or contractors, except that they may be retained by a data center owner to certify that the requirements of subparagraph 2. have been met.

(II) If the department determines that the subparagraph 2. requirements have been satisfied, the department must issue a permanent tax exemption certificate.

(III) Notwithstanding s. 212.084(4), the permanent tax exemption certificate remains valid and effective for as long as the data center described in the exemption application continues to operate as a data center as defined in subparagraph 1., with review by the department every 5 years to ensure compliance. As part of the review, the certificateholder shall, within 3 months before the end of any 5-year period, submit a written declaration, pursuant to s. 92.525, certifying that the critical IT load of 15 megawatts or higher and the critical IT load of 1 megawatt or higher dedicated to each individual owner or tenant within the data center required by subparagraph 2. continues to be met. All owners, tenants, contractors, and others purchasing exempt data center property shall maintain all necessary books and records to support the exemption as to those purchases.

(IV) Notwithstanding s. 213.053, the department may share information concerning a temporary or permanent data center exemption certificate among all owners, tenants, contractors, and others purchasing exempt data center property pursuant to such certificate.

c. If, in an audit conducted by the department, it is determined that the certificateholder or any owners, tenants, contractors, or others purchasing, renting, or leasing data center property do not meet the criteria of this paragraph, the amount of taxes exempted at the time of purchase, rental, or lease is immediately due and payable to the department from the purchaser, renter, or lessee of those particular items, together with the appropriate interest and penalty computed from the date of purchase in the manner prescribed by this chapter. Notwithstanding s. 95.091(3)(a), any tax due as provided in this sub-subparagraph may be assessed by the department within 6 years after the date the data center property was purchased.

d. Purchasers, lessees, and renters of data center property who qualify for the exemption provided by this paragraph shall obtain from the data center a copy of the tax exemption certificate issued pursuant to sub-subparagraph a. or sub-subparagraph b. Before or at the time of purchase of the item or items eligible for exemption, the purchaser, lessee, or renter shall provide to the seller a copy of the tax exemption certificate and a signed certificate of entitlement. Purchasers, lessees, and renters with self-accrual authority shall maintain all documentation necessary to prove the exempt status of purchases.

e. For any purchase, lease, or rental of property that is exempt pursuant to this paragraph, the possession of a copy of a tax exemption certificate issued pursuant to sub-subparagraph a. or sub-subparagraph b. and a signed certificate of entitlement relieves the seller of the responsibility of collecting the tax on the sale, lease, or rental of such property, and the department must look solely to the purchaser, renter, or lessee for recovery of the tax if it determines that the purchase, rental, or lease was not entitled to the exemption.

4. After June 30, 2022, the department may not issue a temporary tax exemption certificate pursuant to this paragraph.

(6) EXEMPTIONS; POLITICAL SUBDIVISIONS.—

(d) For purposes of paragraph (a), the phrase "when payment is made directly to the dealer by the governmental entity" includes situations in which an entity under contract with a municipality to maintain and operate a municipally owned golf course pays for a purchase or lease for the operation or maintenance of that golf course using the golf course revenues or other funds provided by the municipality for use by that entity. This paragraph applies to a municipally owned golf course that is:

1. Located in a county with a population of at least 2 million residents.

2. The site upon which youth education programs are delivered on an ongoing basis by a nonprofit organization that is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code.

Section 27. *The provisions of this act relating to s. 212.08(5)(a), Florida Statutes, which exempt certain animal health products and aquaculture health products, and s. 212.08(6)(d), Florida Statutes, which exempt purchases by entities that operate certain municipally owned golf courses, are intended to be remedial in nature and apply retroactively, but do not provide a basis for an assessment of any tax or create a right to a refund or credit of any tax paid before the effective date of this act.*

Section 28. Effective January 1, 2018, paragraph (ooo) is added to subsection (7) of section 212.08, Florida Statutes, to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any entity by this chapter do not inure to any transaction that is otherwise taxable under this chapter when payment is made by a representative or employee of the entity by any means, including, but not limited to, cash, check, or credit card, even when that representative or employee is subsequently reimbursed by the entity. In addition, exemptions provided to any entity by this subsection do not inure to any transaction that is otherwise taxable under this chapter unless the entity has obtained a sales tax exemption certificate from the department or the entity obtains or provides other documentation as required by the department. Eligible purchases or leases made with such a certificate must be in strict compliance with this subsection and departmental rules, and any person who makes an exempt purchase with a certificate that is not in strict compliance with this subsection and the rules is liable for and shall pay the tax. The department may adopt rules to administer this subsection.

(ooo) Products used to absorb menstrual flow.—Products used to absorb menstrual flow are exempt from the tax imposed by this chapter. As used in this paragraph, the term "products used to absorb menstrual flow" means products used to absorb or contain menstrual flow, including, but not limited to, tampons, sanitary napkins, pantiliners, and menstrual cups.

Section 29. Effective January 1, 2018, paragraphs (a) and (c) of subsection (3) of section 212.18, Florida Statutes, are amended to read:

212.18 Administration of law; registration of dealers; rules.—

(3)(a) A person desiring to engage in or conduct business in this state as a dealer, or to lease, rent, or let or grant licenses in living quarters or sleeping or housekeeping accommodations in hotels, apartment houses, roominghouses, or tourist or trailer camps that are subject to tax under s. 212.03, or to lease, rent, or let or grant licenses in real property, and a person who sells or receives anything of value by way of admissions, must file with the department an application for a certificate of registration for each place of business. The application must include the names of the persons who have interests in such business and their residences, the address of the business, and other data reasonably required by the department. However, owners and operators of vending machines or newspaper rack machines are required to obtain only one certificate of registration for each county in which such machines are located. The department, by rule, may authorize a dealer that uses independent sellers to sell its merchandise to remit tax on the retail sales price charged to the ultimate consumer in lieu of having the independent seller register as a dealer and remit the tax. The department may appoint the county tax collector as the department's agent to accept applications for registrations. The application must be submitted to the department before the person, firm, copartnership, or corporation may engage in such business~~, and it must be accompanied by a registration fee of $5. However, a registration fee is not required to accompany an application to engage in or conduct business to make mail order sales. The department may waive the re-~~

~~gistration fee for applications submitted through the department's Internet registration process~~.

(c)1. A person who engages in acts requiring a certificate of registration under this subsection and who fails or refuses to register commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Such acts are subject to injunctive proceedings as provided by law. A person who engages in acts requiring a certificate of registration and who fails or refuses to register is also subject to a $100 ~~initial~~ registration fee ~~in lieu of the $5 registration fee required by paragraph (a)~~. However, the department may waive ~~the increase in~~ the registration fee if it finds that the failure to register was due to reasonable cause and not to willful negligence, willful neglect, or fraud.

2.a. A person who willfully fails to register after the department provides notice of the duty to register as a dealer commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

b. The department shall provide written notice of the duty to register to the person by personal service or by sending notice by registered mail to the person's last known address. The department may provide written notice by both methods described in this sub-subparagraph.

Section 30. Paragraphs (d) and (t) of subsection (1) of section 220.03, Florida Statutes, are amended to read:

220.03 Definitions.—

(1) SPECIFIC TERMS.—When used in this code, and when not otherwise distinctly expressed or manifestly incompatible with the intent thereof, the following terms shall have the following meanings:

(d) "Community Contribution" means the grant by a business firm of any of the following items:

1. Cash or other liquid assets.

2. Real property, which for purposes of this subparagraph includes 100 percent ownership of a real property holding company. The term "real property holding company" means a Florida entity, such as a Florida limited liability company, that:

a. Is wholly owned by the business firm.

b. Is the sole owner of real property, as defined in s. 192.001(12), located in the state.

c. Is disregarded as an entity for federal income tax purposes pursuant to 26 C.F.R. s. 301.7701-3(b)(1)(ii).

d. At the time of contribution to an eligible sponsor, has no material assets other than the real property and any other property that qualifies as a community contribution.

3. Goods or inventory.

4. Other physical resources as identified by the department.

~~This paragraph expires June 30, 2018.~~

(t) "Project" means any activity undertaken by an eligible sponsor, as defined in s. 220.183(2)(c), which is designed to construct, improve, or substantially rehabilitate housing that is affordable to low-income or very-low-income households as defined in s. 420.9071(19) and (28); designed to provide housing opportunities for persons with special needs as defined in s. 420.0004; designed to provide commercial, industrial, or public resources and facilities; or designed to improve entrepreneurial and job-development opportunities for low-income persons. A project may be the investment necessary to increase access to high-speed broadband capability in a rural community that had an enterprise zone designated pursuant to chapter 290 as of May 1, 2015, including projects that result in improvements to communications assets that are owned by a business. A project may include the provision of museum educational programs and materials that are directly related to any project approved between January 1, 1996, and December 31, 1999, and located in an area that was in an enterprise zone designated pursuant to s. 290.0065 as of May 1, 2015. This paragraph does not preclude projects that propose to construct or rehabilitate low-income or very-low-income housing on scattered sites or housing opportunities for persons with special needs as defined in s. 420.0004. With respect to housing, contributions may be used to pay the following eligible project-related activities:

1. Project development, impact, and management fees for special needs, low-income, or very-low-income housing projects;

2. Down payment and closing costs for eligible persons, as defined in s. 420.9071(19) and (28);

3. Administrative costs, including housing counseling and marketing fees, not to exceed 10 percent of the community contribution, directly related to special needs, low-income, or very-low-income projects; and

4. Removal of liens recorded against residential property by municipal, county, or special-district local governments when satisfaction of the lien is a necessary precedent to the transfer of the property to an eligible person, as defined in s. 420.9071(19) and (28), for the purpose of promoting home ownership. Contributions for lien removal must be received from a nonrelated third party.

~~This paragraph expires June 30, 2018.~~

Section 31. Paragraph (c) of subsection (1) and subsection (5) of section 220.183, Florida Statutes, are amended to read:

220.183 Community contribution tax credit.—

(1) AUTHORIZATION TO GRANT COMMUNITY CONTRIBUTION TAX CREDITS; LIMITATIONS ON INDIVIDUAL CREDITS AND PROGRAM SPENDING.—

(c) The total amount of tax credit which may be granted for all programs approved under this section, s. 212.08(5)(p), and s. 624.5105 is *$10.5* ~~$18.4 million in the 2015-2016 fiscal year, $21.4 million in the 2016-2017 fiscal year, and $21.4~~ million *each fiscal year* ~~in the 2017-2018 fiscal year~~ for projects that provide housing opportunities for persons with special needs as defined in s. 420.0004 and homeownership opportunities for low-income households or very-low-income households as defined in s. 420.9071 and $3.5 million *each fiscal year* ~~annually~~ for all other projects.

~~(5) EXPIRATION.—The provisions of this section, except paragraph (1)(e), expire June 30, 2018.~~

Section 32. Paragraph (f) of subsection (2) of section 220.1845, Florida Statutes, is amended to read:

220.1845 Contaminated site rehabilitation tax credit.—

(2) AUTHORIZATION FOR TAX CREDIT; LIMITATIONS.—

(f) The total amount of the tax credits which may be granted under this section is ~~$21.6 million in the 2015-2016 fiscal year and~~ *$10* ~~$5~~ million *each fiscal year* ~~annually thereafter~~.

Section 33. Paragraph (e) of subsection (2) of section 220.196, Florida Statutes, is amended to read:

220.196 Research and development tax credit.—

(2) TAX CREDIT.—

(e) The combined total amount of tax credits which may be granted to all business enterprises under this section during any calendar year is $9 million, except that the total amount that may be awarded in the *2018* ~~2016~~ calendar year is *$18* ~~$23~~ million. Applications may be filed with the department on or after March 20 and before March 27 for qualified research expenses incurred within the preceding calendar year. If the total credits for all applicants exceed the maximum amount allowed under this paragraph, the credits shall be allocated on a prorated basis.

Section 34. Paragraph (d) of subsection (2) of section 220.222, Florida Statutes, is amended to read:

220.222 Returns; time and place for filing.—

(2)

(d) For taxable years beginning before January 1, 2026, the 6-month time period in paragraphs (a) and (b) shall be 7 months for taxpayers with a taxable year ending June 30 ~~and shall be 5 months for taxpayers with a taxable year ending December 31~~.

Section 35. *The amendment made by this act to s. 220.222, Florida Statutes, applies to taxable years beginning on or after January 1, 2016.*

Section 36. Subsection (13) of section 320.08, Florida Statutes, is amended to read:

320.08 License taxes.—Except as otherwise provided herein, there are hereby levied and imposed annual license taxes for the operation of motor vehicles, mopeds, motorized bicycles as defined in s. 316.003(2), tri-vehicles as defined in s. 316.003, and mobile homes as defined in s. 320.01, which shall be paid to and collected by the department or its agent upon the registration or renewal of registration of the following:

(13) EXEMPT OR OFFICIAL LICENSE PLATES.—Any exempt or official license plate: $4 flat, of which $1 shall be deposited into the General Revenue Fund*, except that the registration or renewal of a registration of a marine boat trailer exempt under s. 320.102 is not subject to any license tax*.

Section 37. Paragraphs (i) and (j) of subsection (1) of section 320.10, Florida Statutes, are amended, and paragraph (k) is added to that subsection, to read:

320.10 Exemptions.—

(1) The provisions of s. 320.08 do not apply to:

(i) Any vehicle used by any of the various search and rescue units of the several counties for exclusive use as a search and rescue vehicle; ~~or~~

(j) Any motor vehicle used by a community transportation coordinator or a transportation operator as defined in part I of chapter 427, and which is used exclusively to transport transportation disadvantaged persons*; or*

(k) Any marine boat trailer exempt under s. 320.102.

Section 38. Section 320.102, Florida Statutes, is created to read:

320.102 Marine boat trailers owned by nonprofit organizations; exemptions.—The registration or renewal of a registration of any marine boat trailer owned and operated by a nonprofit organization that is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code and which is used exclusively in carrying out its customary nonprofit activities is exempt from paying the fees, taxes, surcharges, and charges in ss. 320.03(5), (6), and (9), 320.031(2), 320.04(1), 320.06(1)(b) and (3)(b), 320.0801, 320.0802, 320.0804, and 320.08046.

Section 39. Effective upon this act becoming a law, subsection (5) of section 336.021, Florida Statutes, is amended to read:

336.021 County transportation system; levy of ninth-cent fuel tax on motor fuel and diesel fuel.—

(5) All impositions of the tax shall be levied before October 1 of each year to be effective January 1 of the following year. However, levies of the tax which were in effect on July 1, 2002, and which expire on August 31 of any year may be reimposed at the current authorized rate *provided the tax is levied before July 1 and is* ~~to be~~ effective September 1 of the year of expiration. All impositions shall be required to end on December 31 of a year. A decision to rescind the tax shall not take effect on any date other than December 31 and shall require a minimum of 60 days' notice to the department of such decision.

Section 40. Effective upon this act becoming a law, paragraphs (a) and (b) of subsection (1) and paragraph (a) of subsection (5) of section 336.025, Florida Statutes, are amended to read:

336.025 County transportation system; levy of local option fuel tax on motor fuel and diesel fuel.—

(1)(a) In addition to other taxes allowed by law, there may be levied as provided in ss. 206.41(1)(e) and 206.87(1)(c) a 1-cent, 2-cent, 3-cent, 4-cent, 5-cent, or 6-cent local option fuel tax upon every gallon of motor fuel and diesel fuel sold in a county and taxed under the provisions of part I or part II of chapter 206.

1. All impositions and rate changes of the tax shall be levied before October 1 to be effective January 1 of the following year for a period not to exceed 30 years, and the applicable method of distribution shall be established pursuant to subsection (3) or subsection (4). However, levies of the tax which were in effect on July 1, 2002, and which expire on August 31 of any year may be reimposed at the current authorized rate *provided the tax is levied before July 1 and is* effective September 1 of the year of expiration. Upon expiration, the tax may be relevied provided that a redetermination of the method of distribution is made as provided in this section.

2. County and municipal governments shall utilize moneys received pursuant to this paragraph only for transportation expenditures.

3. Any tax levied pursuant to this paragraph may be extended on a majority vote of the governing body of the county. A redetermination of the method of distribution shall be established pursuant to subsection (3) or subsection (4), if, after July 1, 1986, the tax is extended or the tax rate changed, for the period of extension or for the additional tax.

(b) In addition to other taxes allowed by law, there may be levied as provided in s. 206.41(1)(e) a 1-cent, 2-cent, 3-cent, 4-cent, or 5-cent local option fuel tax upon every gallon of motor fuel sold in a county and taxed under the provisions of part I of chapter 206. The tax shall be levied by an ordinance adopted by a majority plus one vote of the membership of the governing body of the county or by referendum.

1. All impositions and rate changes of the tax shall be levied before October 1, to be effective January 1 of the following year. However, levies of the tax which were in effect on July 1, 2002, and which expire on August 31 of any year may be reimposed at the current authorized rate *provided the tax is levied before July 1 and is* effective September 1 of the year of expiration.

2. The county may, prior to levy of the tax, establish by interlocal agreement with one or more municipalities located therein, representing a majority of the population of the incorporated area within the county, a distribution formula for dividing the entire proceeds of the tax among county government and all eligible municipalities within the county. If no interlocal agreement is adopted before the effective date of the tax, tax revenues shall be distributed pursuant to the provisions of subsection (4). If no interlocal agreement exists, a new interlocal agreement may be established prior to June 1 of any year pursuant to this subparagraph. However, any interlocal agreement agreed to under this subparagraph after the initial levy of the tax or change in the tax rate authorized in this section shall under no circumstances materially or adversely affect the rights of holders of outstanding bonds which are backed by taxes authorized by this paragraph, and the amounts distributed to the county government and each municipality shall not be reduced below the amount necessary for the payment of principal and interest and reserves for principal and interest as required under the covenants of any bond resolution outstanding on the date of establishment of the new interlocal agreement.

3. County and municipal governments shall use moneys received pursuant to this paragraph for transportation expenditures needed to meet the requirements of the capital improvements element of an adopted comprehensive plan or for expenditures needed to meet immediate local transportation problems and for other transportation-related expenditures that are critical for building comprehensive roadway networks by local governments. For purposes of this paragraph, expenditures for the construction of new roads, the reconstruction or resurfacing of existing paved roads, or the paving of existing graded roads shall be deemed to increase capacity and such projects shall be included in the capital improvements element of an adopted comprehensive plan. Expenditures for purposes of this paragraph shall not include routine maintenance of roads.

(5)(a) By October 1 of each year, the county shall notify the Department of Revenue of the rate of the taxes levied pursuant to paragraphs (1)(a) and (b), and of its decision to rescind or change the rate of a tax, if applicable, and shall provide the department with a certified

copy of the interlocal agreement established under subparagraph (1)(b) 2. or subparagraph (3)(a)1. with distribution proportions established by such agreement or pursuant to subsection (4), if applicable. A decision to rescind a tax may not take effect on any date other than December 31, *regardless of when the tax was originally imposed,* and requires a minimum of 60 days' notice to the Department of Revenue of such decision.

Section 41. Subsection (4) of section 376.30781, Florida Statutes, is amended to read:

376.30781 Tax credits for rehabilitation of drycleaning-solvent-contaminated sites and brownfield sites in designated brownfield areas; application process; rulemaking authority; revocation authority.—

(4) The Department of Environmental Protection is responsible for allocating the tax credits provided for in s. 220.1845, which may not exceed a total of ~~$21.6 million in tax credits in the 2015-2016 fiscal year and~~ *$10* ~~$5~~ million in tax credits *each fiscal year* ~~annually thereafter~~.

Section 42. Effective January 1, 2018, subsection (2) of section 376.70, Florida Statutes, is amended to read:

376.70 Tax on gross receipts of drycleaning facilities.—

(2) Each drycleaning facility or dry drop-off facility imposing a charge for the drycleaning or laundering of clothing or other fabrics is required to register with the Department of Revenue and become licensed for the purposes of this section. The owner or operator of the facility shall register the facility with the Department of Revenue. Drycleaning facilities or dry drop-off facilities operating at more than one location are only required to have a single registration. ~~The fee for registration is $30. The owner or operator of the facility shall pay the registration fee to the Department of Revenue. The department may waive the registration fee for applications submitted through the department's Internet registration process.~~

Section 43. Effective upon this act becoming a law, subsection (2) of section 376.75, Florida Statutes, is amended to read:

376.75 Tax on production or importation of perchloroethylene.—

(2) Any person producing in, importing into, or causing to be imported into, or selling in, this state perchloroethylene must register with the Department of Revenue and become licensed for the purposes of remitting the tax pursuant to, or providing information required by, this section. Such person must register as a seller of perchloroethylene, a user of perchloroethylene in drycleaning facilities, or a user of perchloroethylene for purposes other than drycleaning. Persons operating at more than one location are only required to have a single registration. ~~The fee for registration is $30.~~ Failure to timely register is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 44. Effective upon this act becoming a law, subsection (1) of section 443.131, Florida Statutes, is amended to read:

443.131 Contributions.—

(1) PAYMENT OF CONTRIBUTIONS.—Contributions accrue and are payable by each employer for each calendar quarter he or she is subject to this chapter for wages paid during each calendar quarter for employment. Contributions are due and payable by each employer to the tax collection service provider, in accordance with the rules adopted by the Department of Economic Opportunity or the state agency providing tax collection services. This subsection does not prohibit the tax collection service provider from allowing, at the request of the employer, employers of employees performing domestic services, as defined in s. 443.1216(6), to pay contributions or report wages at intervals other than quarterly when the nonquarterly payment or reporting assists the service provider and when nonquarterly payment and reporting is authorized under federal law. Employers of employees performing domestic services may report wages and pay contributions annually, with a due date of *no later than January 31, unless that day is a Saturday, Sunday, or holiday, in which event the due date is the next day that is not a Saturday, Sunday, or holiday. For purposes of this subsection, the term "holiday" means a day designated under s. 110.117(1) and (2) or any other day when the offices of the United States Postal Service are closed* ~~January 1 and a delinquency date of February 1~~. To qualify for this election, the employer must employ only employees performing domestic services, be eligible for a variation from the standard rate computed under subsection (3), apply to this program no later than December 1 of the preceding calendar year, and agree to provide the department or its tax collection service provider with any special reports that are requested, including copies of all federal employment tax forms. An employer who fails to timely furnish any wage information required by the department or its tax collection service provider loses the privilege to participate in this program, effective the calendar quarter immediately after the calendar quarter the failure occurred. The employer may reapply for annual reporting when a complete calendar year elapses after the employer's disqualification if the employer timely furnished any requested wage information during the period in which annual reporting was denied. An employer may not deduct contributions, interests, penalties, fines, or fees required under this chapter from any part of the wages of his or her employees. A fractional part of a cent less than one-half cent shall be disregarded from the payment of contributions, but a fractional part of at least one-half cent shall be increased to 1 cent.

Section 45. Effective upon this act becoming a law, paragraph (d) of subsection (1) of section 443.141, Florida Statutes, is amended to read:

443.141 Collection of contributions and reimbursements.—

(1) PAST DUE CONTRIBUTIONS AND REIMBURSEMENTS; DELINQUENT, ERRONEOUS, INCOMPLETE, OR INSUFFICIENT REPORTS.—

(d) Payments for contributions.—For an annual administrative fee not to exceed $5, a contributing employer may pay its quarterly contributions due for wages paid in the first three quarters of each year in equal installments if those contributions are paid as follows:

1. For contributions due for wages paid in the first quarter of each year, one-fourth of the contributions due must be paid on or before April 30, one-fourth must be paid on or before July 31, one-fourth must be paid on or before October 31, and one-fourth must be paid on or before December 31.

2. In addition to the payments specified in subparagraph 1., for contributions due for wages paid in the second quarter of each year, one-third of the contributions due must be paid on or before July 31, one-third must be paid on or before October 31, and one-third must be paid on or before December 31.

3. In addition to the payments specified in subparagraphs 1. and 2., for contributions due for wages paid in the third quarter of each year, one-half of the contributions due must be paid on or before October 31, and one-half must be paid on or before December 31.

4. If any of the due dates in this paragraph falls on a Saturday, Sunday, or holiday, the due date is the next day that is not a Saturday, Sunday, or holiday. For purposes of this paragraph, the term "holiday" means a day designated under s. 110.117(1) and (2) or any other day when the offices of the United States Postal Service are closed.

5. ~~4.~~ The annual administrative fee assessed for electing to pay under the installment method shall be collected at the time the employer makes the first installment payment each year. The fee shall be segregated from the payment and deposited into the Operating Trust Fund of the Department of Revenue.

6. ~~5.~~ Interest does not accrue on any contribution that becomes due for wages paid in the first three quarters of each year if the employer pays the contribution in accordance with *subparagraphs 1.-5.* ~~subparagraphs 1.-4.~~ Interest and fees continue to accrue on prior delinquent contributions and commence accruing on all contributions due for wages paid in the first three quarters of each year which are not paid in accordance with *subparagraphs 1.-4.* ~~subparagraphs 1.-3.~~ Penalties may be assessed in accordance with this chapter. The contributions due for wages paid in the fourth quarter are not affected by this paragraph and are due and payable in accordance with this chapter.

Section 46. Effective upon this act becoming a law, section 443.163, Florida Statutes, is amended to read:

443.163 Electronic reporting and remitting of contributions and reimbursements.—

(1) An employer may file any report and remit any contributions or reimbursements required under this chapter by electronic means. The Department of Economic Opportunity or the state agency providing reemployment assistance tax collection services shall adopt rules prescribing the format and instructions necessary for electronically filing reports and remitting contributions and reimbursements to ensure a full collection of contributions and reimbursements due. The acceptable method of transfer, the method, form, and content of the electronic means, and the method, if any, by which the employer will be provided with an acknowledgment shall be prescribed by the department or its tax collection service provider. However, any employer who employed 10 or more employees in any quarter during the preceding state fiscal year must file the Employers Quarterly Reports ~~(UCT-6)~~ for the current calendar year and remit the contributions and reimbursements due by electronic means approved by the tax collection service provider. A person who prepared and reported for 100 or more employers in any quarter during the preceding state fiscal year must file the Employers Quarterly Reports ~~(UCT-6)~~ for each calendar quarter in the current calendar year, beginning with reports due for the second calendar quarter of 2003, by electronic means approved by the tax collection service provider.

(2)(a) An employer who is required by law to file an Employers Quarterly Report ~~(UCT-6)~~ by approved electronic means, but who files the report by a means other than approved electronic means, is liable for a penalty of $50 for that report and $1 for each employee. This penalty is in addition to any other penalty provided by this chapter. However, the penalty does not apply if the tax collection service provider waives the electronic filing requirement in advance. An employer who fails to remit contributions or reimbursements by approved electronic means as required by law is liable for a penalty of $50 for each remittance submitted by a means other than approved electronic means. This penalty is in addition to any other penalty provided by this chapter.

(b) A person who prepared and reported for 100 or more employers in any quarter during the preceding state fiscal year, but who fails to file an Employers Quarterly Report ~~(UCT-6)~~ for each calendar quarter in the current calendar year by approved electronic means, is liable for a penalty of $50 for that report and $1 for each employee. This penalty is in addition to any other penalty provided by this chapter. However, the penalty does not apply if the tax collection service provider waives the electronic filing requirement in advance.

(3) The tax collection service provider may waive the requirement to file an Employers Quarterly Report ~~(UCT-6)~~ by electronic means for employers that are unable to comply despite good faith efforts or due to circumstances beyond the employer's reasonable control.

(a) As prescribed by the Department of Economic Opportunity or its tax collection service provider, grounds for approving the waiver include, but are not limited to, circumstances in which the employer does not:

1. Currently file information or data electronically with any business or government agency; or

2. Have a compatible computer that meets or exceeds the standards prescribed by the department or its tax collection service provider.

(b) The tax collection service provider shall accept other reasons for requesting a waiver from the requirement to submit the Employers Quarterly Report ~~(UCT-6)~~ by electronic means, including, but not limited to:

1. That the employer needs additional time to program his or her computer;

2. That complying with this requirement causes the employer financial hardship; or

3. That complying with this requirement conflicts with the employer's business procedures.

(c) The department or the state agency providing reemployment assistance tax collection services may establish by rule the length of time a waiver is valid and may determine whether subsequent waivers will be authorized, based on this subsection.

(4) As used in this section, the term "electronic means" includes, but is not limited to, electronic data interchange; electronic funds transfer; and use of the Internet, telephone, or other technology specified by the Department of Economic Opportunity or its tax collection service provider.

(5) The tax collection service provider may waive the penalty imposed by this section if a written request for a waiver is filed which establishes that imposition would be inequitable. Examples of inequity include, but are not limited to, situations where the failure to electronically file was caused by one of the following factors:

(a) Death or serious illness of the person responsible for the preparation and filing of the report.

(b) Destruction of the business records by fire or other casualty.

(c) Unscheduled and unavoidable computer downtime.

Section 47. Section 563.01, Florida Statutes, is amended to read:

563.01 *Definitions* ~~Definition~~.— The *term:* ~~terms~~

(1) "Beer" *means a brewed beverage that meets the federal definition of beer in 27 C.F.R. s. 25.11 and contains less than 6 percent alcohol by volume.* ~~and~~

(2) "Malt beverage" *means any* ~~mean all~~ brewed *beverage* ~~beverages~~ containing malt.

The terms "beer" and "malt beverage" have the same meaning when either term is used in the Beverage Law. The terms do not include alcoholic beverages that require a certificate of label approval by the Federal Government as wine or as distilled spirits.

Section 48. Paragraph (c) of subsection (1) and subsection (6) of section 624.5105, Florida Statutes, are amended to read:

624.5105 Community contribution tax credit; authorization; limitations; eligibility and application requirements; administration; definitions; expiration.—

(1) AUTHORIZATION TO GRANT TAX CREDITS; LIMITATIONS.—

(c) The total amount of tax credit which may be granted for all programs approved under this section and ss. 212.08(5)(p) and 220.183 is *$10.5* ~~$18.4 million in the 2015-2016 fiscal year, $21.4 million in the 2016-2017 fiscal year, and $21.4~~ million *each fiscal year* ~~in the 2017-2018 fiscal year~~ for projects that provide housing opportunities for persons with special needs as defined in s. 420.0004 or homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071 and $3.5 million *each fiscal year* ~~annually~~ for all other projects.

~~(6) EXPIRATION.—The provisions of this section, except paragraph (1)(c), expire June 30, 2018.~~

Section 49. Effective upon this act becoming a law, paragraph (e) of subsection (3) of section 733.2121, Florida Statutes, is amended to read:

733.2121 Notice to creditors; filing of claims.—

(3)

(e) *The personal representative may serve a notice to creditors on the Department of Revenue only when the Department of Revenue is determined to be a creditor under paragraph (a)* ~~If the Department of Revenue has not previously been served with a copy of the notice to creditors, then service of the inventory on the Department of Revenue shall be the equivalent of service of a copy of the notice to creditors~~.

Section 50. Paragraph (c) of subsection (5) of section 790.06, Florida Statutes, is amended to read:

790.06 License to carry concealed weapon or firearm.—

(5) The applicant shall submit to the Department of Agriculture and Consumer Services or an approved tax collector pursuant to s. 790.0625:

(c) A full set of fingerprints of the applicant administered by a law enforcement agency or the Division of Licensing of the Department of Agriculture and Consumer Services or an approved tax collector pursuant to s. 790.0625 together with any personal identifying information required by federal law to process fingerprints. *Charges for fingerprint services under this paragraph are not subject to the sales tax on fingerprint services imposed in s. 212.05(1)(i).*

Section 51. Subsection (2) of section 790.062, Florida Statutes, is amended to read:

790.062 Members and veterans of United States Armed Forces; exceptions from licensure provisions.—

(2) The Department of Agriculture and Consumer Services shall accept fingerprints of an applicant under this section administered by any law enforcement agency, military provost, or other military unit charged with law enforcement duties or as otherwise provided for in s. 790.06(5)(c). *Charges for fingerprint services under this subsection are not subject to the sales tax on fingerprint services imposed in s. 212.05(1)(i).*

Section 52. *Clothing, school supplies, personal computers, and personal computer-related accessories; sales tax holiday.-*

(1) The tax levied under chapter 212, Florida Statutes, may not be collected during the period from 12:01 a.m. on August 4, 2017, through 11:59 p.m. on August 6, 2017, on the retail sale of:

(a) Clothing, wallets, or bags, including handbags, backpacks, fanny packs, and diaper bags, but excluding briefcases, suitcases, and other garment bags, having a sales price of $60 or less per item. As used in this paragraph, the term "clothing" means:

1. Any article of wearing apparel intended to be worn on or about the human body, excluding watches, watchbands, jewelry, umbrellas, and handkerchiefs; and

2. All footwear, excluding skis, swim fins, roller blades, and skates.

(b) School supplies having a sales price of $15 or less per item. As used in this paragraph, the term "school supplies" means pens, pencils, erasers, crayons, notebooks, notebook filler paper, legal pads, binders, lunch boxes, construction paper, markers, folders, poster board, composition books, poster paper, scissors, cellophane tape, glue or paste, rulers, computer disks, protractors, compasses, and calculators.

(2) The tax levied under chapter 212, Florida Statutes, may not be collected during the period from 12:01 a.m. on August 4, 2017, through 11:59 p.m. on August 6, 2017, on the first $750 of the sales price of personal computers or personal computer-related accessories purchased for noncommercial home or personal use. For purposes of this subsection, the term:

(a) "Personal computers" includes electronic book readers, laptops, desktops, handhelds, tablets, and tower computers. The term does not include cellular telephones, video game consoles, digital media receivers, or devices that are not primarily designed to process data.

(b) "Personal computer-related accessories" includes keyboards, mice, personal digital assistants, monitors, other peripheral devices, modems, routers, and nonrecreational software, regardless of whether the accessories are used in association with a personal computer base unit. The term does not include furniture or systems, devices, software, or peripherals that are designed or intended primarily for recreational use.

(c) "Monitors" does not include devices that include a television tuner.

(3) The tax exemptions provided in this section do not apply to sales within a theme park or entertainment complex as defined in s. 509.013(9), Florida Statutes, within a public lodging establishment as defined in s. 509.013(4), Florida Statutes, or within an airport as defined in s. 330.27(2), Florida Statutes.

(4) The tax exemptions provided in this section apply at the option of a dealer if less than 5 percent of the dealer's gross sales of tangible personal property in the prior calendar year are comprised of items that would be exempt under this section. If a qualifying dealer chooses not to participate in the tax holiday, the dealer must notify the Department of Revenue in writing, by August 1, 2017, of its election to collect sales tax during the holiday and must post a copy of that notice in a conspicuous location at its place of business.

(5) The Department of Revenue may, and all conditions are deemed met to, adopt emergency rules pursuant to ss. 120.536(1) and 120.54(4), Florida Statutes, to administer this section.

(6) For the 2017-2018 fiscal year, the sum of $241,200 in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Revenue for the purpose of implementing this section.

Section 53. *Section 1 of chapter 2007-339, section 13 of chapter 2008-173, section 6 of chapter 2009-131, subsection (2) of section 8 and section 24 of chapter 2010-138, section 6 of chapter 2010-149, section 7 of chapter 2010-166, section 35 of chapter 2011-76, section 4 of chapter 2011-93, section 3 of chapter 2011-229, section 25 of chapter 2012-32, and section 3 of chapter 2013-46, Laws of Florida, are repealed.*

Section 54. *Notwithstanding the application deadline stated in s. 196.011(1)(a), Florida Statutes, an educational institution that leased a facility that was exempt from ad valorem tax under s. 196.1983, Florida Statutes, for the 2015 ad valorem tax roll and purchased the facility may apply for the exemption under s. 196.198, Florida Statutes, for the 2016 ad valorem tax roll by filing an application on or before August 1, 2017.*

Section 55. *For the 2017-2018 fiscal year, the sum of $149,818 in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Revenue to implement the amendments made by this act to ss. 212.08(7) and 212.031, Florida Statutes.*

Section 56. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, 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 taxation; amending s. 125.0104, F.S.; authorizing counties imposing the tourist development tax to use those tax revenues for auditoriums that are publicly owned but operated by specified organizations under certain circumstances; amending s. 192.001, F.S.; revising the definition of the term "inventory" to include specified construction and agricultural equipment under certain circumstances; amending s. 196.012, F.S.; revising the definition of the terms "nursing home" or "home for special services"; providing applicability; amending s. 196.1975, F.S.; requiring certain corporations that provide homes for the aged to file specified affidavits with their annual tax exemption applications; providing an exemption; authorizing the property appraiser to request specified additional documentation under certain conditions; amending s. 196.1978, F.S.; discounting property taxes for properties that offer affordable housing to specified low-income persons and families; providing requirements for such discount; amending s. 196.1983, F.S.; revising requirements for a landlord's affidavit relating to the charter school exemption from ad valorem taxes; deleting a provision specifying the method of receiving the benefit of the exemption; providing retroactive operation; amending s. 198.30, F.S.; deleting a requirement for circuit judges to monthly report certain information to the Department of Revenue relating to the estates of certain decedents; amending s. 206.02, F.S.; deleting requirements to pay license taxes for a terminal supplier license, an importer, exporter, or blender of motor fuels license, or a wholesaler of motor fuel license; conforming provisions to changes made by the act; amending s. 206.021, F.S.; deleting a requirement to pay license taxes for a carrier license; conforming a provision to changes made by the act; amending s. 206.022, F.S.; deleting a requirement to pay license taxes for a terminal operator license; amending s. 206.03, F.S.; conforming a provision to changes made by the act; amending s. 206.045, F.S.; conforming a provision to changes made by the act; providing for future repeal of ss. 206.405 and 206.406, F.S., relating to receipt for payment of license taxes and disposition of license tax funds, respectively; amending s. 206.41, F.S.; deleting a requirement for the department to deduct a specified fee from certain motor fuel refund claims; amending s. 206.9865, F.S.; deleting a requirement to pay application fees for an aviation fuel tax license for commercial air carriers; amending s.

206.9943, F.S.; deleting a requirement to pay license fees for a pollutant tax license; amending s. 206.9952, F.S.; deleting a requirement to pay license fees for a natural gas fuel retailer license; amending s. 206.998, F.S.; conforming cross-references; amending 210.20, F.S.; extending a date by which the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation must monthly certify to the Chief Financial Officer specified amounts relating to the cigarette tax and make specified payments and distributions; amending s. 212.031, F.S.; reducing the tax levied on the renting, leasing, letting, and granting of a license for the use of real property; providing applicability and construction; amending s. 212.04, F.S.; authorizing refunds or credits from the sales and use tax for the resale of admissions to certain exempt entities under certain circumstances; providing requirements and procedures relating to such refunds and credits; amending s. 212.05, F.S.; providing that fingerprint services required for a license to carry a concealed weapon or firearm are not subject to the sales and use tax on detective and protection services; amending s. 212.0515, F.S.; deleting a requirement for vending machine operators to post a specified notice on vending machines; conforming provisions to changes made by the act; amending s. 212.0596, F.S.; deleting an authorization for procedures that waive registration fees in relation to the use tax on mail order purchases by certain persons; amending s. 212.08, F.S.; adding items in agricultural use to a list of such items exempt from the sales and use tax; providing retroactive applicability; revising the total amount of certain community contribution tax credits for donations which may be granted each fiscal year; deleting a provision providing for the expiration of the credit; providing a sales and use tax exemption for building materials, the rental of tangible personal property, and pest control services used in new construction located in a rural area of opportunity; defining terms; specifying requirements, limitations, procedures for the exemption; authorizing the department to adopt rules; providing applicability; providing a sales and use tax exemption for data center property; defining terms; specifying requirements, limitations, and procedures for the exemption; specifying criteria under which certain entities that operate a municipally owned golf course may receive a tax exemption when making payments to a dealer; providing retroactive applicability; providing a sales and use tax exemption for products used to absorb menstrual flow; amending s. 212.18, F.S.; deleting a requirement for certificates of registration fees for certain dealers in relation to the sales and use tax; conforming provisions to changes made by the act; amending s. 220.03, F.S.; deleting the expiration date for the definitions of the terms "community contribution" and "project" in the income tax code; amending s. 220.183, F.S.; specifying the total amount of community contribution tax credits that may be granted each fiscal year for contributions made to eligible sponsors of specified projects; deleting the expiration date of specified provisions relating to community contribution tax credits; amending s. 220.1845, F.S.; specifying the total amount of tax credits which may be granted for contaminated site rehabilitation each fiscal year; amending s. 220.196, F.S.; specifying the amount of research and development tax credits that may be granted to business enterprises in a specified year; amending s. 220.222, F.S.; deleting a provision that limits the time period for filing certain corporate income tax filings; providing retroactive applicability; amending ss. 320.08 and 320.10, F.S.; exempting certain marine boat trailers from license taxes; amending s. 320.102, F.S.; exempting certain marine boat trailers from specified fees, charges, taxes, and surcharges; amending s. 336.021, F.S.; specifying a condition for the reimposition of ninth-cent fuel taxes on motor and diesel fuels by a county; amending s. 336.025, F.S.; specifying a condition for the reimposition of local option fuel taxes on motor and diesel fuels by a county; providing construction relating to requirements on a decision to rescind a tax; amending s. 376.30781, F.S.; revising the total amount of tax credits that may be annually allocated by the Department of Environmental Protection for the rehabilitation of drycleaning-solvent-contaminated sites and brownfield sites; amending s. 376.70, F.S.; deleting provisions relating to drycleaning facility registration fees; amending s. 376.75, F.S.; deleting a requirement to pay registration fees for certain persons producing, importing, selling, or using perchloroethylene; amending s. 443.131, F.S.; revising a deadline for employers of employees performing domestic services to annually report wages and pay certain contributions under the Reemployment Assistance Program Law; defining the term "holiday"; amending s. 443.141, F.S.; specifying a due date of certain employer contributions if such date falls on a weekend or holiday; defining the term "holiday"; conforming cross-references; amending s. 443.163, F.S.; deleting a form name; authorizing reemployment assistance tax collection service providers to waive a certain penalty under certain circumstances; amending s. 563.01, F.S.; revising the definitions of the terms "beer" and "malt beverage" for purposes of the Beverage Law; amending s. 624.5105, F.S.; specifying the total amount of community contribution tax credits that may be granted each fiscal year; deleting the expiration date of specified provisions relating to community contribution tax credits; amending s. 733.2121, F.S.; providing that a personal representative may serve a notice to creditors on the department only under certain circumstances; deleting a provision providing construction; amending ss. 790.06 and 790.062, F.S.; providing that fingerprint services required for a license to carry a concealed weapon or firearm are not subject to the sales tax on fingerprint services; providing sales tax exemptions for the retail sale of certain clothing, school supplies, personal computers, and personal computer-related accessories; providing exceptions; authorizing certain dealers to opt out of participating in such tax exemption; providing requirements for such dealers; authorizing the department to adopt emergency rules; providing an appropriation; repealing s. 1 of ch. 2007-339, s. 13 of ch. 2008-173, s. 6 of ch. 2009-131, ss. 8(2) and 24 of ch. 2010-138, s. 6 of ch. 2010-149, s. 7 of ch. 2010-166, s. 35 of ch. 2011-76, s. 4 of ch. 2011-93, s. 3 of ch. 2011-229, s. 25 of ch. 2012-32, and s. 3 of ch. 2013-46, Laws of Florida, relating to obsolete emergency rulemaking authority of the department; authorizing specified educational institutions that leased and purchased facilities exempt from ad valorem tax under the charter school exemption to apply by a specified date for the educational property exemption for the 2016 ad valorem tax roll; providing an appropriation; providing effective dates.

Senator Stargel moved the following amendments to **Amendment 1 (945880)** which were adopted:

Amendment 1A (708476)—Delete lines 758-760 and insert:
624.5105 is ~~$18.4 million in the 2015-2016 fiscal year, $21.4 million in the 2016-2017 fiscal year, and~~ $21.4 million in the 2017-2018 fiscal year *and $10.5 million in each fiscal year thereafter* for projects that

Amendment 1B (445344)—Delete lines 1418-1420 and insert:
s. 624.5105 is ~~$18.4 million in the 2015-2016 fiscal year, $21.4 million in the 2016-2017 fiscal year, and~~ $21.4 million in the 2017-2018 fiscal year *and $10.5 million in each fiscal year thereafter* for projects that

Amendment 1C (561068)—Delete lines 1866-1868 and insert:
and 220.183 is ~~$18.4 million in the 2015-2016 fiscal year, $21.4 million in the 2016-2017 fiscal year, and~~ $21.4 million in the 2017-2018 fiscal year *and $10.5 million in each fiscal year thereafter* for projects that

Amendment 1D (452656) (with title amendment)—Between lines 1994 and 1995 insert:

Section 55. For the purpose of incorporating paragraph (s) of subsection (5) of section 212.08, Florida Statutes, as created by this act, paragraph (a) of subsection (1) of section 203.01, Florida Statutes, is reenacted to read:

203.01 Tax on gross receipts for utility and communications services.—

(1)(a)1. A tax is imposed on gross receipts from utility services that are delivered to a retail consumer in this state. The tax shall be levied as provided in paragraphs (b)-(j).

2. A tax is levied on communications services as defined in s. 202.11(1). The tax shall be applied to the same services and transactions as are subject to taxation under chapter 202, and to communications services that are subject to the exemption provided in s. 202.125(1). The tax shall be applied to the sales price of communications services when sold at retail, as the terms are defined in s. 202.11, shall be due and payable at the same time as the taxes imposed pursuant to chapter 202, and shall be administered and collected pursuant to chapter 202.

3. An additional tax is levied on charges for, or the use of, electrical power or energy that is subject to the tax levied pursuant to s.

212.05(1)(e)1.c. or s. 212.06(1). The tax shall be applied to the same transactions or uses as are subject to taxation under s. 212.05(1)(e)1.c. or s. 212.06(1). If a transaction or use is exempt from the tax imposed under s. 212.05(1)(e)1.c. or s. 212.06(1), the transaction or use is also exempt from the tax imposed under this subparagraph. The tax shall be applied to charges for electrical power or energy and is due and payable at the same time as taxes imposed pursuant to chapter 212. Chapter 212 governs the administration and enforcement of the tax imposed by this subparagraph. The charges upon which the tax imposed by this subparagraph is applied do not include the taxes imposed by subparagraph 1. or s. 166.231. The tax imposed by this subparagraph becomes state funds at the moment of collection and is not considered as revenue of a utility for purposes of a franchise agreement between the utility and a local government.

And the title is amended as follows:

Delete line 2199 and insert: tax roll; reenacting s. 203.01(1)(a), F.S., relating to the tax on gross receipts for utility and communications services, to incorporate the creation of s. 212.08(5)(s), F.S.; providing an appropriation; providing

Amendment 1E (234826) (with title amendment)—Delete lines 1939-1979 and insert:
2017, through 11:59 p.m. on August 6, 2017, on personal computers or personal computer-related accessories purchased for noncommercial home or personal use and having a sales price of $750 or less per item. For purposes of this subsection, the term:

(a) "Personal computers" includes electronic book readers, laptops, desktops, handhelds, tablets, and tower computers. The term does not include cellular telephones, video game consoles, digital media receivers, or devices that are not primarily designed to process data.

(b) "Personal computer-related accessories" includes keyboards, mice, personal digital assistants, monitors, other peripheral devices, modems, routers, and nonrecreational software, regardless of whether the accessories are used in association with a personal computer base unit. The term does not include furniture or systems, devices, software, or peripherals that are designed or intended primarily for recreational use.

(c) "Monitors" does not include devices that include a television tuner.

(3) The tax exemptions provided in this section do not apply to sales within a theme park or entertainment complex as defined in s. 509.013(9), Florida Statutes, within a public lodging establishment as defined in s. 509.013(4), Florida Statutes, or within an airport as defined in s. 330.27(2), Florida Statutes.

(4) The tax exemptions provided in this section apply at the option of a dealer if less than 5 percent of the dealer's gross sales of tangible personal property in the prior calendar year are comprised of items that would be exempt under this section. If a qualifying dealer chooses not to participate in the tax holiday, the dealer must notify the Department of Revenue in writing, by August 1, 2017, of its election to collect sales tax during the holiday and must post a copy of that notice in a conspicuous location at its place of business.

(5) The Department of Revenue may, and all conditions are deemed met to, adopt emergency rules pursuant to ss. 120.536(1) and 120.54(4), Florida Statutes, to administer this section.

(6) For the 2017-2018 fiscal year, the sum of $241,200 in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Revenue for the purpose of implementing this section.

Section 53. *Disaster preparedness supplies; sales tax holiday.—*

(1) The tax levied under chapter 212, Florida Statutes, may not be collected during the period from 12:01 a.m. on June 2, 2017, through 11:59 p.m. on June 4, 2017, on the retail sale of:

(a) A portable self-powered light source selling for $20 or less.

(b) A portable self-powered radio, two-way radio, or weatherband radio selling for $50 or less.

(c) A tarpaulin or other flexible waterproof sheeting selling for $50 or less.

(d) A self-contained first-aid kit selling for $30 or less.

(e) A ground anchor system or tie-down kit selling for $50 or less.

(f) A gas or diesel fuel tank selling for $25 or less.

(g) A package of AA-cell, C-cell, D-cell, 6-volt, or 9-volt batteries, excluding automobile and boat batteries, selling for $30 or less.

(h) A nonelectric food storage cooler selling for $30 or less.

(i) A portable generator used to provide light or communications or preserve food in the event of a power outage selling for $750 or less.

(j) Reusable ice selling for $10 or less.

(2) The Department of Revenue may, and all conditions are deemed met to, adopt emergency rules pursuant to ss. 120.536(1) and 120.54, Florida Statutes, to administer this section.

(3) The tax exemptions provided in this section do not apply to sales within a theme park or entertainment complex as defined in s. 509.013(9), Florida Statutes, within a public lodging establishment as defined in s. 509.013(4), Florida Statutes, or within an airport as defined in s. 330.27(2), Florida Statutes.

(4) For the 2016-17 fiscal year, the sum of $290,580 in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Revenue for the purpose of implementing this section.

(5) This section is effective upon this act becoming a law.

And the title is amended as follows:

Delete line 2187 and insert: rules; providing an appropriation; providing a sales tax exemption for specified disaster preparedness supplies during a specified timeframe; authorizing the department to adopt emergency rules; providing applicability; providing an appropriation; repealing s. 1 of

Amendment 1F (454810)—Delete line 1443 and insert:
that may be awarded in the *2018* ~~2016~~ calendar year is *$16.5* ~~$23~~

Amendment 1G (189862)—In directory clause, delete line 503 and insert:

Section 22. Effective January 1, 2018, paragraph (c) of subsection (1) of section

Senator Montford moved the following amendment to **Amendment 1 (945880)** which was adopted:

Amendment 1H (326648) (with title amendment)—Between lines 1994 and 1995 insert:

Section 55. *Notwithstanding s. 290.016, Florida Statutes, enterprise zone boundaries in existence before December 31, 2015, are preserved for the purpose of allowing local governments to administer local incentive programs within these boundaries through December 31, 2020, except for eligible contiguous multi-phase projects in which at least one certificate of use or occupancy has been issued before December 31, 2020, and which project will then vest the remaining project phases until completion, but no later than December 31, 2025.*

And the title is amended as follows:

Delete line 2199 and insert: tax roll; providing that certain enterprise zone boundaries are preserved for a specified purpose through a specified date; providing an exception; providing an appropriation; providing

Amendment 1 (945880), as amended, was adopted.

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

COMMUNICATION

The Honorable Joe Negron May 5, 2017
President, The Florida Senate
Suite 409, The Capitol
Tallahassee, FL 32399-1100

Dear Mr. President:

In compliance with Article III, Section 19(d) of the State Constitution, and Joint Rule 2, the Conference Committee Report on the General Appropriations Act—**SB 2500** has been furnished electronically to each member of the Legislature, the Governor, the Chief Justice of the Supreme Court, and each member of the Cabinet.

The Conference Committee Report on the General Appropriation Act—SB 2500 was made available May 5, 2017, at 2:43 p.m., EDT.

Respectfully Submitted,
Debbie Brown,
Secretary of the Senate

Consideration of **SB 1160** was deferred.

The Senate resumed consideration of—

CS for CS for CS for HB 545—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 316.003, F.S.; defining the term "autocycle"; revising the definition of the term "motorcycle"; conforming a cross-reference; amending s. 316.2397, 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; revising requirements for use of amber lights; amending s. 316.2398, F.S.; authorizing firefighters to use or display red and white lights 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 certain intrastate motor carriers; deleting a limitation on a civil penalty for falsification of certain time records; deleting a requirement that a motor carrier maintain certain documentation of driving times; providing an exemption from specified provisions for a person who operates a commercial motor vehicle with a gross vehicle weight, gross vehicle weight rating, and gross combined weight rating of less than a specified amount; amending s. 316.3025, F.S.; conforming provisions to changes made by the act; amending s. 316.614, F.S.; prohibiting a person from operating an autocycle unless certain safety belt or child restraint device requirements are met; 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.; revising the definitions of 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 Prevent Blindness Florida; amending s. 320.03, F.S.; authorizing electronic filing of certain documents; revising rulemaking authority; 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; revising information required to appear on the cab card; providing requirements for license plates, cab cards, and validation stickers for vehicles registered in accordance with the International Registration Plan beginning on a specified date; authorizing a damaged or worn 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 for liability; revising information required in such documentation; amending s. 320.0607, F.S.; providing an exemption, beginning on a specified date, from a certain fee for vehicles registered under the International Registration Plan; amending s. 320.0655, F.S.; requiring state-owned motor vehicles to be marked in a certain manner; providing an exception; 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.; conforming a cross-reference; revising provisions regarding eligibility for certain agricultural license plates; 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; 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; amending s. 320.08068, F.S.; requiring distribution of a specified percentage of motorcycle specialty license plate annual use fees to Preserve Vision Florida rather than Prevent Blindness Florida; creating s. 320.0875, F.S.; providing for a special motorcycle 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; amending s. 320.133, F.S.; defining the term "transporter license plate eligible business"; revising requirements for the issuance, use, and display of a transporter license plate; providing criminal penalties; providing for disqualification from issuance; providing recordkeeping requirements; providing conditions for cancellation and removal of such plates; amending s. 320.27, F.S.; revising the definitions of the terms "motor vehicle dealer" and "motor vehicle broker"; revising provisions relating to licensing requirements; amending s. 321.25, F.S.; providing for reimbursement to the department of tuition and other course expenses for certain training under certain circumstances; authorizing the department to institute a civil action; providing an exception; amending s. 322.01, F.S.; conforming provisions to changes made by the act; amending s. 322.03, F.S.; authorizing operation of an autocycle without a motorcycle endorsement; amending s. 322.051, F.S.; revising eligibility for a "D" designation on an identification card; 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 Prevent Blindness Florida; amending s. 322.091, F.S.; revising reporting requirements relating to students whose driving privileges have been suspended; amending s. 322.12, F.S.; revising the allocation of fees from certain driver license examinations; exempting the operation of an autocycle from certain examination requirements for licenses to operate motorcycles; amending s. 322.161, F.S.; providing a short title; revising the period of time in which certain licensees may accumulate points before being issued a restricted driver license by the department; requiring restricted licensees to attend a driver improvement course approved by the department; providing for extension of the restriction period under certain circumstances; amending s. 322.17, F.S.; providing for replacement of a stolen identification card at no charge; amending s. 322.21, F.S.; deleting obsolete provisions; deleting a fee for certain specialty driver licenses or identification cards; revising fee distributions for certain driver license reinstatement services performed by tax collectors; providing for expedited service of a renewal or replacement driver license or identification card; providing for fee disposition; amending s. 322.61, F.S.; providing penalties for texting or using a handheld mobile telephone while operating a commercial motor vehicle; amending s. 324.031, F.S.; revising requirements for an owner or operator of certain motor vehicles to prove financial responsibility for damages in the event of a crash arising out of the use of the motor vehicle; amending s. 715.07, F.S.; revising provisions for release of a towed vehicle or vessel;

amending s. 812.014, F.S.; providing a criminal penalty for an offender committing grand theft who uses a device to interfere with a global positioning or similar system; 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.

—which was previously considered and amended May 4 with pending **Amendment 1 (183848)** by Senator Gainer, as amended, and **Amendment 1E (200270)** by Senator Lee.

Senator Rouson moved the following amendments to **Amendment 1 (183848)** which were adopted:

Amendment 1F (695650) (with title amendment)—Delete lines 389-421.

And the title is amended as follows:

Delete lines 2497-2511 and insert: child restraint device requirements are met; amending s.

Amendment 1G (422588)—

In title, delete line 2736 and insert: providing effective dates.

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

Senator Lee moved the following substitute amendment:

Amendment 1H (363600) (with title amendment)—Between lines 2439 and 2440 insert:

Section 49. Effective upon the same date that SB 340 or similar legislation takes effect, if such legislation is adopted in the 2017 Regular Session or any extension thereof and becomes a law, section 627.749, Florida Statutes, is created to read:

627.749 Transportation network companies; preemption.—

(1) In addition to the requirements under s. 627.748(15), a county, municipality, special district, airport authority, port authority, or other local governmental entity or subdivision may not:

(a)1. Enter into an agreement that gives one or more transportation network companies, as defined in s. 627.748(1), the exclusive right to operate within the local governmental entity's jurisdiction; or

2. Enter into an agreement that provides disparate treatment to one or more transportation network companies, as defined in s. 627.748(1), within the local governmental entity's jurisdiction.

(b)1. Enter into an agreement that gives one or more taxicab companies the exclusive right to operate within the local governmental entity's jurisdiction; or

2. Enter into an agreement that provides disparate treatment to one or more taxicab companies within the local governmental entity's jurisdiction.

(c)1. Enter into an agreement that gives other for-hire vehicles the exclusive right to operate within the local governmental entity's jurisdiction; or

2. Enter into an agreement that provides disparate treatment to one or more other for-hire vehicles within the local governmental entity's jurisdiction.

(2) Subsection (1) does not apply to contracts existing on July 1, 2017, and does not apply if the county, municipality, special district, airport authority, port authority, or other local governmental entity or subdivision enters into such agreement after a competitive solicitation process.

And the title is amended as follows:

Delete line 2736 and insert: creating s. 627.749, F.S.; prohibiting a county, municipality, special district, airport authority, port authority, or other local governmental entity or subdivision from taking specified actions relating to transportation network companies, taxicab companies, or other for-hire vehicles; providing applicability; providing effective dates, two of which are contingent.

POINT OF ORDER

Senator Brandes raised a point of order that pursuant to Rule 7.3(3)(a), **Substitute Amendment 363600**, an amendment to **Amendment 422588** was a third degree amendment and therefore, was out of order.

The President referred the point of order, pending **Amendment 1 (183848)**, **Amendment 1E (200270)**, and **Substitute Amendment 1H (363600)** to Senator Benacquisto, Chair of the Committee on Rules.

On motion by Senator Gainer, further consideration of **CS for CS for CS for HB 545**, as amended, with pending **Amendment 1 (183848), Amendment 1E (200270), Substitute Amendment 1H (363600)**, and point of order was deferred.

SB 1160—A bill to be entitled An act relating to elections; amending s. 97.021, F.S.; revising the definition of the term "marksense ballot"; amending s. 99.061, F.S.; requiring a candidate to provide a money order or cashier's check drawn upon his or her campaign account to the filing officer if not qualifying by petition; deleting provisions regarding returned checks, to conform; amending s. 100.011, F.S.; specifying conditions under which a court may extend the time of the official closing of the polls; amending s. 101.131, F.S.; prohibiting an elected official from being designated as a poll watcher; amending s. 101.151, F.S.; specifying applicability of ballot layout requirements with respect to voting systems using a voter interface device to designate an elector's ballot selections; amending s. 101.20, F.S.; providing an exception to the requirement that the supervisor of elections publish a sample ballot in a newspaper of general circulation if a sample ballot is mailed to a registered voter's household by a specified time; amending s. 101.5603, F.S.; revising the definition of the term "marking device"; amending s. 101.56075, F.S.; revising a reference regarding the use of a marking device; amending s. 101.68, F.S.; deleting an obsolete date; modifying and clarifying provisions governing the canvassing of vote-by-mail ballots; authorizing use of the vote-by-mail ballot cure affidavit if an elector's signature does not match the signature in the registration books or precinct register; requiring the supervisor of elections to immediately notify an elector upon receipt of a vote-by-mail ballot with a missing or mismatched signature; revising terminology; revising the cure affidavit instructions with respect to acceptable forms of identification; specifying that a Florida driver license or Florida identification card are acceptable forms of identification for purposes of curing a vote-by-mail ballot; expanding the scope of post-election signature update requests to include electors who cured a vote-by-mail ballot with a mismatched signature; amending s. 105.031, F.S.; requiring certain nonpartisan candidates to provide a money order or cashier's check drawn upon his or her campaign account to the filing officer if not qualifying by petition; deleting provisions regarding returned checks, to conform; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 1160**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 1325** was withdrawn from the Committees on Ethics and Elections; and Rules.

On motion by Senator Bradley—

CS for CS for HB 1325—A bill to be entitled An act relating to elections; amending s. 97.021, F.S.; revising the definition of the term "marksense ballots" for purposes of the Florida Election Code; amending s. 99.012, F.S.; requiring an officer who qualifies for federal office to resign from the office he or she presently holds if the terms, or any part thereof, run concurrently; providing requirements for resignation; providing for automatic irrevocable resignation in the event of noncompliance; specifying that a resignation creates a vacancy in office and providing requirements therefor; revising an exemption; amending s. 99.021, F.S.; providing requirements for persons seeking to qualify for election as a candidate with no party affiliation; amending s. 99.061,

F.S.; providing an additional means by which a candidate may pay his or her qualifying fee; conforming provisions to changes made by the act; amending s. 99.063, F.S.; conforming provisions to changes made by the act; amending s. 99.0955, F.S.; providing requirements for persons seeking to qualify as a candidate with no party affiliation; amending s. 100.011, F.S.; prohibiting a court from extending the official time of closing of the polls except under certain circumstances; amending s. 100.3605, F.S.; requiring the governing body of a municipality to determine the date on which initial and runoff elections for municipal office are held and providing options therefor; preempting the state the authority to establish election dates for municipal elections; providing construction; amending s. 100.361, F.S.; requiring municipal recall elections to be held concurrently with municipal elections under certain conditions; amending s. 101.131, F.S.; prohibiting an elected official from being designated as a poll watcher; amending s. 101.151, F.S.; providing applicability of specified ballot requirements to a voter interface device; amending s. 101.20, F.S.; providing an exception to the requirement that a sample ballot be published by the supervisor of elections in a newspaper of general circulation in the county; amending ss. 101.5603 and 101.56075, F.S.; conforming provisions to changes made by the act; repealing s. 101.75, F.S., relating to change of dates for cause in municipal elections; amending s. 105.031, F.S.; providing an additional means by which certain nonpartisan candidates may pay their qualification fees; amending s. 121.121, F.S.; revising a cross-reference to conform to changes made by the act; extending the terms of incumbent elected municipal officers until the next municipal election; providing effective dates.

—a companion measure, was substituted for **SB 1160** and read the second time by title.

Senator Passidomo moved the following amendment:

Amendment 1 (646064) (with title amendment)—Delete lines 131-459 and insert:

Section 3. Paragraph (a) of subsection (7) of section 99.061, Florida Statutes, is amended to read:

99.061 Method of qualifying for nomination or election to federal, state, county, or district office.—

(7)(a) In order for a candidate to be qualified, the following items must be received by the filing officer by the end of the qualifying period:

1. A *money order or cashier's check* ~~properly executed check~~ drawn upon *funds in* the candidate's campaign account payable to the person or entity as prescribed by the filing officer in an amount not less than the fee required by s. 99.092, unless the candidate obtained the required number of signatures on petitions pursuant to s. 99.095. The filing fee for a special district candidate is not required to be drawn upon *funds in* the candidate's campaign account. ~~If a candidate's check is returned by the bank for any reason, the filing officer shall immediately notify the candidate and the candidate shall have until the end of qualifying to pay the fee with a cashier's check purchased from funds of the campaign account. Failure to pay the fee as provided in this subparagraph shall disqualify the candidate.~~

2. The candidate's oath required by s. 99.021, which must contain the name of the candidate as it is to appear on the ballot; the office sought, including the district or group number if applicable; and the signature of the candidate, which must be verified under oath or affirmation pursuant to s. 92.525(1)(a).

3. If the office sought is partisan, the written statement of political party affiliation required by s. 99.021(1)(b).

4. The completed form for the appointment of campaign treasurer and designation of campaign depository, as required by s. 106.021.

5. The full and public disclosure or statement of financial interests required by subsection (5). A public officer who has filed the full and public disclosure or statement of financial interests with the Commission on Ethics or the supervisor of elections prior to qualifying for office may file a copy of that disclosure at the time of qualifying.

Section 4. Present subsections (3) and (4) of section 100.011, Florida Statutes, are renumbered as subsections (4) and (5), respectively, and a new subsection (3) is added to that section to read:

100.011 Opening and closing of polls, all elections; expenses.—

(3) A court may not extend the official time of closing of the polls unless there is a specific showing or finding of fact that extraordinary circumstances exist to justify the extension. Extraordinary circumstances may include an act of God or any other circumstance that materially impairs the physical operation of the polling equipment.

Section 5. Effective July 1, 2020, section 100.3605, Florida Statutes, is amended to read:

100.3605 Conduct of municipal elections.—

(1) The Florida Election Code, chapters 97-106, shall govern the conduct of a municipality's election in the absence of an applicable special act, charter, or ordinance provision. No charter or ordinance provision shall be adopted which conflicts with or exempts a municipality from any provision in the Florida Election Code that expressly applies to municipalities.

(2)*(a) The governing body of a municipality shall determine if an election for municipal office is held on one of the following dates:*

1. The same date as the general election;

2. The first Tuesday after the first Monday in November in an odd-numbered year; or

3. The third Tuesday in March except, in a presidential election year, on the date of the presidential preference primary.

(b) If a municipal charter or ordinance requires a runoff election for municipal office, the governing body of a municipality shall conduct its elections in one of the following formats:

1. The initial election shall be held at the primary election on the Tuesday 10 weeks before the general election and the runoff election shall be held on the same date as the general election.

2. The initial election shall be held at an election on the Tuesday 10 weeks before the election held on the first Tuesday after the first Monday in November in an odd-numbered year and the runoff election shall be held at an election on the first Tuesday after the first Monday in November in an odd-numbered year.

3. The initial election shall be held at an election on the Tuesday 10 weeks before the third Tuesday in March and the runoff election shall be held at an election on the third Tuesday in March. However, in a presidential election year, the initial election shall be held on the Tuesday 10 weeks before the date of the presidential preference primary and the runoff election shall be held on the date of the presidential preference primary.

(c) This subsection does not affect the manner in which vacancies in municipal office are filled or recall elections for municipal officers are conducted.

(d) Notwithstanding any general law, special law, local law, municipal charter, or municipal ordinance, this subsection provides the exclusive method for establishing the dates of elections for municipal office in this state. Any general law, special law, local law, municipal charter, or municipal ordinance that conflicts with this subsection is superseded to the extent of the conflict.

(3) The governing body of a municipality may, by ordinance, ~~change the dates for qualifying and for the election of members of the governing body of the municipality and~~ provide for the orderly transition of office resulting from *election* ~~such~~ date changes.

Section 6. Effective July 1, 2020, subsection (4) of section 100.361, Florida Statutes, is amended to read:

100.361 Municipal recall.—

(4) RECALL ELECTION.—If the person designated in the petition files with the clerk, within 5 days after the last-mentioned notice, his or her written resignation, the clerk shall at once notify the governing body of that fact, and the resignation shall be irrevocable. The governing body shall then proceed to fill the vacancy according to the provisions of the appropriate law. In the absence of a resignation, the chief judge of the judicial circuit in which the municipality is located shall fix a day for holding a recall election for the removal of those not resigning. Any such election shall be held not less than 30 days or more than 60 days after the expiration of the 5-day period last-mentioned and at the same time as any other general*, municipal,* or special election held within the period; but if no such election is to be held within that period, the judge shall call a special recall election to be held within the period aforesaid.

Section 7. Subsection (3) of section 101.131, Florida Statutes, is amended to read:

101.131 Watchers at polls.—

(3) *Any elected official,* ~~No~~ candidate*,* ~~or~~ sheriff, deputy sheriff, police officer, or other law enforcement officer may *not* be designated as a poll watcher.

Section 8. Subsection (10) is added to section 101.151, Florida Statutes, to read:

101.151 Specifications for ballots.—

(10) With respect to any certified voting system that uses a voter interface device to designate the elector's ballot selections on a printed sheet of paper, this section, s. 101.161, and ss. 101.2512-101.254 that prescribe the ballot layout apply only to the display of candidates and issues on the voter interface device.

Section 9. Subsection (2) of section 101.20, Florida Statutes, is amended to read:

101.20 Publication of ballot form; sample ballots.—

(2) Upon completion of the list of qualified candidates *and before the day of an election*, a sample ballot shall be published by the supervisor of elections in a newspaper of general circulation in the county *unless the supervisor mails a sample ballot to each registered elector or to each household in which there is a registered elector at least 7 days*~~,~~ before the day of *an* election. A supervisor may send a sample ballot to each registered elector by e-mail at least 7 days before *the day of* an election if an e-mail address has been provided and the elector has opted to receive a sample ballot by electronic delivery. ~~If an e-mail address has not been provided, or if the elector has not opted for electronic delivery, a sample ballot may be mailed to each registered elector or to each household in which there is a registered elector at least 7 days before an election.~~

Section 10. Subsection (5) of section 101.5603, Florida Statutes, is amended to read:

101.5603 Definitions relating to Electronic Voting Systems Act.—As used in this act, the term:

(5) "Marking device" means any approved device for marking a ballot with ink or other substance*, including through a voter interface device,* which will enable the ballot to be tabulated by means of automatic tabulating equipment.

Section 11. Subsection (1) of section 101.56075, Florida Statutes, is amended to read:

101.56075 Voting methods.—

(1) Except as provided in subsection (2), all voting shall be by marksense ballot *using* ~~utilizing~~ a marking device for the purpose of designating ballot selections.

Section 12. *Effective July 1, 2020, section 101.75, Florida Statutes, is repealed.*

Section 13. Paragraph (a) of subsection (5) of section 105.031, Florida Statutes, is amended to read:

105.031 Qualification; filing fee; candidate's oath; items required to be filed.—

(5) ITEMS REQUIRED TO BE FILED.—

(a) In order for a candidate for judicial office or the office of school board member to be qualified, the following items must be received by the filing officer by the end of the qualifying period:

1. Except for candidates for retention to judicial office, a *money order or cashier's check* ~~properly executed check~~ drawn upon *funds in* the candidate's campaign account in an amount not less than the fee required by subsection (3) or, in lieu thereof, the copy of the notice of obtaining ballot position pursuant to s. 105.035. ~~If a candidate's check is returned by the bank for any reason, the filing officer shall immediately notify the candidate and the candidate shall, the end of qualifying notwithstanding, have 48 hours from the time such notification is received, excluding Saturdays, Sundays, and legal holidays, to pay the fee with a cashier's check purchased from funds of the campaign account. Failure to pay the fee as provided in this subparagraph shall disqualify the candidate.~~

2. The candidate's oath required by subsection (4), which must contain the name of the candidate as it is to appear on the ballot; the office sought, including the district or group number if applicable; and the signature of the candidate, duly acknowledged.

3. The loyalty oath required by s. 876.05, signed by the candidate and duly acknowledged.

4. The completed form for the appointment of campaign treasurer and designation of campaign depository, as required by s. 106.021. In addition, each candidate for judicial office, including an incumbent judge, shall file a statement with the qualifying officer, within 10 days after filing the appointment of campaign treasurer and designation of campaign depository, stating that the candidate has read and understands the requirements of the Florida Code of Judicial Conduct. Such statement shall be in substantially the following form:

Statement of Candidate for Judicial Office

I, _____(name of candidate)_____, a judicial candidate, have received, read, and understand the requirements of the Florida Code of Judicial Conduct.

_____(Signature of candidate)

_____(Date)

5. The full and public disclosure of financial interests required by s. 8, Art. II of the State Constitution or the statement of financial interests required by s. 112.3145, whichever is applicable. A public officer who has filed the full and public disclosure or statement of financial interests with the Commission on Ethics or the supervisor of elections prior to qualifying for office may file a copy of that disclosure at the time of qualifying.

And the title is amended as follows:

Delete lines 13-48 and insert: exemption; amending s. 99.061, F.S.; requiring a candidate to provide a money order or cashier's check drawn upon his or her campaign account to the filing officer to pay his or her qualifying fee; deleting provisions regarding returned checks, to conform; amending s. 100.011, F.S.; prohibiting a court from extending the official time of closing of the polls except under certain circumstances; amending s. 100.3605, F.S.; requiring the governing body of a municipality to determine the date on which initial and runoff elections for municipal office are held and providing options therefor; preempting the state the authority to establish election dates for municipal elections; providing construction; amending s. 100.361, F.S.; requiring municipal recall elections to be held concurrently with municipal elections under certain conditions; amending s. 101.131, F.S.; prohibiting an elected official from being designated as a poll watcher; amending s. 101.151, F.S.; providing applicability of specified ballot requirements to a voter interface device; amending s. 101.20, F.S.; providing an exception to the requirement that a sample ballot be published by the supervisor of elections in a newspaper of general circulation in the county; amending ss. 101.5603 and 101.56075, F.S.; conforming provisions to changes made by the act; repealing s. 101.75, F.S., relating to change of dates for cause in municipal elections; amending s. 105.031, F.S.; requiring cer-

tain nonpartisan candidates to provide a money order or cashier's check drawn upon his or her campaign account to the filing officer to pay his or her qualifying fee; deleting provisions regarding returned checks, to conform; amending s. 121.121, F.S.;

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

Senators Mayfield and Clemens offered the following substitute amendment which was moved by Senator Passidomo and adopted:

Amendment 2 (918094) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (a) of subsection (5) of section 97.021, Florida Statutes, is amended to read:

97.021 Definitions.—For the purposes of this code, except where the context clearly indicates otherwise, the term:

(5) "Ballot" or "official ballot" when used in reference to:

(a) "Marksense *ballot* ~~ballots~~" means *the* ~~that~~ printed sheet of paper, used in conjunction with an electronic or electromechanical vote tabulation voting system, containing the names of candidates, or a statement of proposed constitutional amendments or other questions or propositions submitted to the electorate at *an* ~~any~~ election*, or the selections made by the elector of candidates or other questions or propositions at an election*, on which ~~sheet of paper~~ an elector casts his or her vote *either directly by using a marking device to designate his or her ballot selections on the sheet of paper or indirectly through the use of a voter interface device used to designate his or her ballot selections on the sheet of paper*.

Section 2. Paragraph (a) of subsection (7) of section 99.061, Florida Statutes, is amended to read:

99.061 Method of qualifying for nomination or election to federal, state, county, or district office.—

(7)(a) In order for a candidate to be qualified, the following items must be received by the filing officer by the end of the qualifying period:

1. A *money order or cashier's check* ~~properly executed check~~ drawn upon *funds in* the candidate's campaign account payable to the person or entity as prescribed by the filing officer in an amount not less than the fee required by s. 99.092, unless the candidate obtained the required number of signatures on petitions pursuant to s. 99.095. The filing fee for a special district candidate is not required to be drawn upon *funds in* the candidate's campaign account. ~~If a candidate's check is returned by the bank for any reason, the filing officer shall immediately notify the candidate and the candidate shall have until the end of qualifying to pay the fee with a cashier's check purchased from funds of the campaign account. Failure to pay the fee as provided in this subparagraph shall disqualify the candidate.~~

2. The candidate's oath required by s. 99.021, which must contain the name of the candidate as it is to appear on the ballot; the office sought, including the district or group number if applicable; and the signature of the candidate, which must be verified under oath or affirmation pursuant to s. 92.525(1)(a).

3. If the office sought is partisan, the written statement of political party affiliation required by s. 99.021(1)(b).

4. The completed form for the appointment of campaign treasurer and designation of campaign depository, as required by s. 106.021.

5. The full and public disclosure or statement of financial interests required by subsection (5). A public officer who has filed the full and public disclosure or statement of financial interests with the Commission on Ethics or the supervisor of elections prior to qualifying for office may file a copy of that disclosure at the time of qualifying.

Section 3. Subsection (3) of section 101.131, Florida Statutes, is amended to read:

101.131 Watchers at polls.—

(3) *Any elected official,* ~~No~~ candidate*,* ~~or~~ sheriff, deputy sheriff, police officer, or other law enforcement officer may *not* be designated as a poll watcher.

Section 4. Subsection (10) is added to section 101.151, Florida Statutes, to read:

101.151 Specifications for ballots.—

(10) With respect to any certified voting system that uses a voter interface device to designate the elector's ballot selections on a printed sheet of paper, this section, s. 101.161, and ss. 101.2512-101.254 that prescribe the ballot layout apply only to the display of candidates and issues on the voter interface device.

Section 5. Subsection (2) of section 101.20, Florida Statutes, is amended to read:

101.20 Publication of ballot form; sample ballots.—

(2) Upon completion of the list of qualified candidates *and before the day of an election*, a sample ballot shall be published by the supervisor of elections in a newspaper of general circulation in the county *unless the supervisor mails a sample ballot to each registered elector or to each household in which there is a registered elector at least 7 days*~~,~~ before the day of *an* election. A supervisor may send a sample ballot to each registered elector by e-mail at least 7 days before *the day of* an election if an e-mail address has been provided and the elector has opted to receive a sample ballot by electronic delivery. ~~If an e-mail address has not been provided, or if the elector has not opted for electronic delivery, a sample ballot may be mailed to each registered elector or to each household in which there is a registered elector at least 7 days before an election.~~

Section 6. Subsection (5) of section 101.5603, Florida Statutes, is amended to read:

101.5603 Definitions relating to Electronic Voting Systems Act.—As used in this act, the term:

(5) "Marking device" means any approved device for marking a ballot with ink or other substance*, including through a voter interface device,* which will enable the ballot to be tabulated by means of automatic tabulating equipment.

Section 7. Subsection (1) of section 101.56075, Florida Statutes, is amended to read:

101.56075 Voting methods.—

(1) Except as provided in subsection (2), all voting shall be by marksense ballot *using* ~~utilizing~~ a marking device for the purpose of designating ballot selections.

Section 8. Paragraph (a) of subsection (5) of section 105.031, Florida Statutes, is amended to read:

105.031 Qualification; filing fee; candidate's oath; items required to be filed.—

(5) ITEMS REQUIRED TO BE FILED.—

(a) In order for a candidate for judicial office or the office of school board member to be qualified, the following items must be received by the filing officer by the end of the qualifying period:

1. Except for candidates for retention to judicial office, a *money order or cashier's check* ~~properly executed check~~ drawn upon *funds in* the candidate's campaign account in an amount not less than the fee required by subsection (3) or, in lieu thereof, the copy of the notice of obtaining ballot position pursuant to s. 105.035. ~~If a candidate's check is returned by the bank for any reason, the filing officer shall immediately notify the candidate and the candidate shall, the end of qualifying notwithstanding, have 48 hours from the time such notification is received, excluding Saturdays, Sundays, and legal holidays, to pay the fee with a cashier's check purchased from funds of the campaign account. Failure to pay the fee as provided in this subparagraph shall disqualify the candidate.~~

2. The candidate's oath required by subsection (4), which must contain the name of the candidate as it is to appear on the ballot; the office sought, including the district or group number if applicable; and the signature of the candidate, duly acknowledged.

3. The loyalty oath required by s. 876.05, signed by the candidate and duly acknowledged.

4. The completed form for the appointment of campaign treasurer and designation of campaign depository, as required by s. 106.021. In addition, each candidate for judicial office, including an incumbent judge, shall file a statement with the qualifying officer, within 10 days after filing the appointment of campaign treasurer and designation of campaign depository, stating that the candidate has read and understands the requirements of the Florida Code of Judicial Conduct. Such statement shall be in substantially the following form:

Statement of Candidate for Judicial Office

I, (name of candidate), a judicial candidate, have received, read, and understand the requirements of the Florida Code of Judicial Conduct.

(Signature of candidate)

(Date)

5. The full and public disclosure of financial interests required by s. 8, Art. II of the State Constitution or the statement of financial interests required by s. 112.3145, whichever is applicable. A public officer who has filed the full and public disclosure or statement of financial interests with the Commission on Ethics or the supervisor of elections prior to qualifying for office may file a copy of that disclosure at the time of qualifying.

Section 9. 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 elections; amending s. 97.021, F.S.; revising the definition of the term "marksense ballots" for purposes of the Florida Election Code; amending s. 99.061, F.S.; requiring a candidate to provide a money order or cashier's check drawn upon his or her campaign account to the filing officer to pay his or her qualifying fee; deleting provisions regarding returned checks, to conform; amending s. 101.131, F.S.; prohibiting an elected official from being designated as a poll watcher; amending s. 101.151, F.S.; providing applicability of specified ballot requirements to a voter interface device; amending s. 101.20, F.S.; providing an exception to the requirement that a sample ballot be published by the supervisor of elections in a newspaper of general circulation in the county; amending ss. 101.5603 and 101.56075, F.S.; conforming provisions to changes made by the act; amending s. 105.031, F.S.; requiring certain nonpartisan candidates to provide a money order or cashier's check drawn upon his or her campaign account to the filing officer to pay his or her qualifying fee; deleting provisions regarding returned checks, to conform; providing an effective date.

Pursuant to Rule 4.19, **CS for CS for HB 1325**, as amended, was placed on the calendar of Bills on Third Reading.

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

CS for CS for CS for HB 545—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 316.003, F.S.; defining the term "autocycle"; revising the definition of the term "motorcycle"; conforming a cross-reference; amending s. 316.2397, 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; revising requirements for use of amber lights; amending s. 316.2398, F.S.; authorizing firefighters to use or display red and white lights 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 certain intrastate motor carriers; deleting a limitation on a civil penalty for falsification of certain time records; deleting a requirement that a motor carrier maintain certain documentation of driving times; providing an exemption from specified provisions for a person who operates a commercial motor vehicle with a gross vehicle weight, gross vehicle weight rating, and gross combined weight rating of less than a specified amount; amending s. 316.3025, F.S.; conforming provisions to changes made by the act; amending s. 316.614, F.S.; prohibiting a person from operating an autocycle unless certain safety belt or child restraint device requirements are met; 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.; revising the definitions of 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 Prevent Blindness Florida; amending s. 320.03, F.S.; authorizing electronic filing of certain documents; revising rulemaking authority; 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; revising information required to appear on the cab card; providing requirements for license plates, cab cards, and validation stickers for vehicles registered in accordance with the International Registration Plan beginning on a specified date; authorizing a damaged or worn 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 for liability; revising information required in such documentation; amending s. 320.0607, F.S.; providing an exemption, beginning on a specified date, from a certain fee for vehicles registered under the International Registration Plan; amending s. 320.0655, F.S.; requiring state-owned motor vehicles to be marked in a certain manner; providing an exception; 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.; conforming a cross-reference; revising provisions regarding eligibility for certain agricultural license plates; 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; 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; amending s. 320.08068, F.S.; requiring distribution of a specified percentage of motorcycle specialty license plate annual use fees to Preserve Vision Florida rather than Prevent Blindness Florida; creating s. 320.0875, F.S.; providing for a special motorcycle 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; amending s. 320.133, F.S.; defining the term "transporter license plate eligible business"; revising requirements for the issuance, use, and display of a transporter license plate; providing criminal penalties; providing for disqualification from issuance; providing recordkeeping requirements; providing conditions for cancellation and removal of such plates; amending s. 320.27, F.S.; revising the definitions of the terms "motor vehicle dealer" and "motor vehicle broker"; revising provisions relating to licensing requirements; amending s. 321.25, F.S.; providing for reimbursement to the department of tuition and other course expenses for certain training under certain circumstances; authorizing the department to institute a civil action; providing an exception; amending s. 322.01, F.S.; conforming provisions to changes made by the act; amending s. 322.03, F.S.; authorizing operation of an autocycle without a motorcycle endorsement; amending s. 322.051, F.S.; revising eligibility for a "D" designation on

an identification card; 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 Prevent Blindness Florida; amending s. 322.091, F.S.; revising reporting requirements relating to students whose driving privileges have been suspended; amending s. 322.12, F.S.; revising the allocation of fees from certain driver license examinations; exempting the operation of an autocycle from certain examination requirements for licenses to operate motorcycles; amending s. 322.161, F.S.; providing a short title; revising the period of time in which certain licensees may accumulate points before being issued a restricted driver license by the department; requiring restricted licensees to attend a driver improvement course approved by the department; providing for extension of the restriction period under certain circumstances; amending s. 322.17, F.S.; providing for replacement of a stolen identification card at no charge; amending s. 322.21, F.S.; deleting obsolete provisions; deleting a fee for certain specialty driver licenses or identification cards; revising fee distributions for certain driver license reinstatement services performed by tax collectors; providing for expedited service of a renewal or replacement driver license or identification card; providing for fee disposition; amending s. 322.61, F.S.; providing penalties for texting or using a handheld mobile telephone while operating a commercial motor vehicle; amending s. 324.031, F.S.; revising requirements for an owner or operator of certain motor vehicles to prove financial responsibility for damages in the event of a crash arising out of the use of the motor vehicle; amending s. 715.07, F.S.; revising provisions for release of a towed vehicle or vessel; amending s. 812.014, F.S.; providing a criminal penalty for an offender committing grand theft who uses a device to interfere with a global positioning or similar system; 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.

—which was previously considered and amended this day and May 4, with pending **Amendment 1 (183848)**, **Amendment 1E (200270)**, **Substitute Amendment 1H (363600)**, and pending point of order.

RULING ON POINT OF ORDER

On recommendation of Senator Benacquisto, Chair of the Committee on Rules, **Substitute Amendment 363600** for an amendment to **Amendment 422588** was determined to be out of order. The President ruled the point well taken and the substitute amendment for amendment to amendment out of order.

The question recurred on **Amendment 1E (200270)** by Senator Lee, which was withdrawn.

Senator Simmons moved the following amendment to **Amendment 1 (183848)** which was adopted:

Amendment 1I (349786) (with title amendment)—Delete lines 99-111 and insert:
~~or higher~~. *If the convicted person is convicted of a first offense misdemeanor of the second degree, has not violated subsection (4), and has not caused injury to, or the death of, a person or damage to property and such person voluntarily places, or if the court orders placement of, an interlock device or other equivalent device approved by the department which would prevent an impaired driver from operating a vehicle under this subsection, the court, upon proper showing that the person has received counseling, treatment, rehabilitation or is enrolled in a substance abuse course pursuant to subsection (5), may withhold adjudication if the person does not have a prior withholding of adjudication or adjudication of guilt for any other criminal or noncriminal offense. Failure of the person to comply with all the terms of the order, including placement of the ignition interlock device or an equivalent device for the entire term required by the order, must result in, among other penalties, the court ordering an adjudication of guilt.*

And the title is amended as follows:

Delete lines 2457-2461 and insert: placement of, an ignition interlock device or other equivalent device, under certain circumstances; providing that failure of the person to comply with all the terms of the order, including placement of an ignition interlock device or other equivalent device, must result in the court ordering an adjudication of

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

Senator Lee moved the following amendment to **Amendment 1 (183848)** which failed:

Amendment 1J (425100) (with title amendment)—Between lines 2439 and 2440 insert:

Section 49. Effective upon the same date that SB 340 or similar legislation takes effect, if such legislation is adopted in the 2017 Regular Session or any extension thereof and becomes a law, section 627.749, Florida Statutes, is created to read:

627.749 Transportation network companies; preemption.—

(1) In addition to the requirements under s. 627.748(15), a county, municipality, special district, airport authority, port authority, or other local governmental entity or subdivision may not:

(a)1. Enter into an agreement that gives one or more transportation network companies, as defined in s. 627.748(1), the exclusive right to operate within the local governmental entity's jurisdiction; or

2. Enter into an agreement that provides disparate treatment to one or more transportation network companies, as defined in s. 627.748(1), within the local governmental entity's jurisdiction.

(b)1. Enter into an agreement that gives one or more taxicab companies the exclusive right to operate within the local governmental entity's jurisdiction; or

2. Enter into an agreement that provides disparate treatment to one or more taxicab companies within the local governmental entity's jurisdiction.

(c)1. Enter into an agreement that gives other for-hire vehicles the exclusive right to operate within the local governmental entity's jurisdiction; or

2. Enter into an agreement that provides disparate treatment to one or more other for-hire vehicles within the local governmental entity's jurisdiction.

(2) Subsection (1) does not apply to contracts existing on July 1, 2017, and does not apply if the county, municipality, special district, airport authority, port authority, or other local governmental entity or subdivision enters into such agreement after a competitive solicitation process.

And the title is amended as follows:

Delete line 2736 and insert: creating s. 627.749, F.S.; prohibiting a county, municipality, special district, airport authority, port authority, or other local governmental entity or subdivision from taking specified actions relating to transportation network companies, taxicab companies, or other for-hire vehicles; providing applicability; providing effective dates, two of which are contingent.

Amendment 1 (183848), as amended, was adopted.

On motion by Senator Gainer, by two-thirds vote, **CS for CS for CS for HB 545**, as amended, was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Broxson	Grimsley
Baxley	Campbell	Hutson
Bean	Clemens	Latvala
Benacquisto	Farmer	Mayfield
Book	Flores	Montford
Bracy	Gainer	Passidomo
Bradley	Galvano	Perry
Brandes	Garcia	Powell
Braynon	Gibson	Rader

Rodriguez	Stargel	Torres
Rouson	Steube	Young
Simmons	Stewart	
Simpson	Thurston	

Nays—1

Lee

SPECIAL GUESTS

Senator Mayfield recognized her husband, Dr. Robert Scaringe; sons, Evan, Samuel, and Coleman; stepson and daughter-in-law, Ryan Scaringe and Megan Scaringe; and grandson, Pede Scaringe, who were present in the chamber.

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

CS for CS for HB 1325—A bill to be entitled An act relating to elections; amending s. 97.021, F.S.; revising the definition of the term "marksense ballots" for purposes of the Florida Election Code; amending s. 99.012, F.S.; requiring an officer who qualifies for federal office to resign from the office he or she presently holds if the terms, or any part thereof, run concurrently; providing requirements for resignation; providing for automatic irrevocable resignation in the event of noncompliance; specifying that a resignation creates a vacancy in office and providing requirements therefor; revising an exemption; amending s. 99.021, F.S.; providing requirements for persons seeking to qualify for election as a candidate with no party affiliation; amending s. 99.061, F.S.; providing an additional means by which a candidate may pay his or her qualifying fee; conforming provisions to changes made by the act; amending s. 99.063, F.S.; conforming provisions to changes made by the act; amending s. 99.0955, F.S.; providing requirements for persons seeking to qualify as a candidate with no party affiliation; amending s. 100.011, F.S.; prohibiting a court from extending the official time of closing of the polls except under certain circumstances; amending s. 100.3605, F.S.; requiring the governing body of a municipality to determine the date on which initial and runoff elections for municipal office are held and providing options therefor; preempting the state the authority to establish election dates for municipal elections; providing construction; amending s. 100.361, F.S.; requiring municipal recall elections to be held concurrently with municipal elections under certain conditions; amending s. 101.131, F.S.; prohibiting an elected official from being designated as a poll watcher; amending s. 101.151, F.S.; providing applicability of specified ballot requirements to a voter interface device; amending s. 101.20, F.S.; providing an exception to the requirement that a sample ballot be published by the supervisor of elections in a newspaper of general circulation in the county; amending ss. 101.5603 and 101.56075, F.S.; conforming provisions to changes made by the act; repealing s. 101.75, F.S., relating to change of dates for cause in municipal elections; amending s. 105.031, F.S.; providing an additional means by which certain nonpartisan candidates may pay their qualification fees; amending s. 121.121, F.S.; revising a cross-reference to conform to changes made by the act; extending the terms of incumbent elected municipal officers until the next municipal election; providing effective dates.

—which was previously considered and amended this day.

On motion by Senator Bradley, by two-thirds vote, **CS for CS for HB 1325**, as amended, was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Campbell

CS for CS for SB 1012—A bill to be entitled An act relating to insurance fraud; reordering and amending s. 626.9891, F.S.; defining and revising definitions; requiring every insurer to designate at least one primary anti-fraud employee for certain purposes; requiring insurers to adopt an anti-fraud plan; revising insurer requirements in providing anti-fraud information to the Department of Financial Services; requiring specified information to be filed annually with the department; revising the information to be provided by insurers who write workers' compensation insurance; requiring each insurer to provide annual anti-fraud education and training; requiring insurers who submit an application for a certificate of authority after a specified date to comply with the section; providing penalties for the failure to comply with requirements of the section; requiring the Division of Investigative and Forensic Services of the department to create, by a specified date, a report detailing best practices for the detection, investigation, prevention, and reporting of insurance fraud and other fraudulent insurance acts; requiring such report to be updated at certain intervals; specifying required information in the report; requiring the department to adopt rules relating to insurers' annual reporting of certain data; creating s. 626.9896, F.S.; providing legislative intent; creating a grant program to fund the Insurance Fraud Dedicated Prosecutor Program within the department; requiring moneys that are appropriated for the program be used to fund specific attorney and paralegal positions; specifying procedures to be used by state attorneys' offices when applying for biennial grants; specifying that grants are for 2 years but authorizing the division to renew the grants; specifying procedures to be used by the department in awarding grant funds; requiring the Division of Investigative and Forensic Services to provide an annual report to the Executive Office of the Governor, the Speaker of the House of Representatives, and the Senate President; specifying information to be contained in the report; authorizing the department to adopt rules to administer and implement the insurance fraud dedicated prosecutor program; amending s. 626.9911, F.S.; defining the terms "fraudulent viatical settlement act" and "stranger-originated life insurance practice" for purposes of provisions relating to the Viatical Settlement Act; amending ss. 626.9924 and 626.99245, F.S.; conforming cross-references; amending s. 626.99275, F.S.; providing additional prohibited acts related to viatical settlement contracts; amending s. 626.99287, F.S.; providing that a viatical settlement contract is void and unenforceable by either party if the viatical settlement policy is subject, within a specified timeframe, to a loan secured by an interest in the policy; revising conditions and requirements in which viatical settlement contracts entered into within specified timeframes are valid and enforceable; deleting provisions related to the transfer of insurance policies or certificates to viatical settlement providers; creating s. 626.99289, F.S.; providing that certain contracts, agreements, arrangements, or transactions relating to stranger-originated life insurance practices are void and unenforceable; creating s. 626.99291, F.S.; authorizing a life insurer to contest policies obtained through such practices; creating s. 626.99292, F.S.; requiring life insurers to provide a specified statement to individual life insurance policyholders; authorizing such statements to accompany or be included in notices or mailings provided to the policyholders; requiring such statements to include contact information; amending s. 627.744, F.S.; deleting a provision that provides construction; authorizing insurers to opt out of the preinsurance inspection requirements for private passenger motor vehicles; requiring insurers opting out to file a certain manual rule with the Office of Insurance

Regulation; authorizing such insurers to establish their own pre-insurance inspection requirements, which must be included in the filed manual rule; prohibiting such insurers from requiring applicants to pay for the cost of inspections; deleting an obsolete provision; amending s. 641.3915, F.S.; deleting obsolete provisions; providing effective dates.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1012**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for CS for HB 1007** was withdrawn from the Committee on Rules.

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

CS for CS for CS for HB 1007—A bill to be entitled An act relating to insurer anti-fraud efforts; reordering and amending s. 626.9891, F.S.; providing and revising definitions; requiring every insurer to designate at least one primary anti-fraud employee for certain purposes; requiring insurers to adopt an anti-fraud plan; revising insurer requirements in providing anti-fraud information to the Department of Financial Services; requiring specified information to be filed annually with the department; revising the information to be provided by insurers who write workers' compensation insurance; requiring each insurer to provide annual anti-fraud education and training; requiring insurers who submit an application for a certificate of authority after a specified date to comply with the section; providing penalties for failure to comply with requirements of the section; requiring rulemaking in certain cases; creating s. 626.9896, F.S.; requiring certain state attorneys to submit data; requiring the Division of Investigative and Forensic Services to provide an annual report to the Executive Office of the Governor, the Speaker of the House of Representatives, and the President of the Senate; amending s. 641.221, F.S.; requiring a health maintenance organization authorized to exclusively market, sell, or offer to sell Medicare Advantage plans in this state to meet certain criteria to maintain eligibility for a certificate of authority; authorizing the Office of Insurance Regulation to extend the period of eligibility; amending s. 641.3915, F.S.; deleting obsolete provisions; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 1012** and read the second time by title.

Senator Brandes moved the following amendment:

Amendment 1 (888862) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Effective September 1, 2017, section 626.9891, Florida Statutes, is reordered and amended to read:

626.9891 Insurer anti-fraud investigative units; reporting requirements; penalties for noncompliance.—

(1)~~(5)~~ *As used in* ~~For purposes of~~ this section, the term*:*

(a) "Anti-fraud investigative unit" means the designated anti-fraud unit or division, or contractor authorized under subparagraph (2)(a)2.

(b) "*Designated anti-fraud* unit or division" includes *a distinct unit or division or a unit or division made up of* ~~the assignment of fraud investigation to~~ employees whose principal responsibilities are the investigation and disposition of claims *who are also assigned investigation of fraud*. ~~If an insurer creates a distinct unit or division, hires additional employees, or contracts with another entity to fulfill the requirements of this section, the additional cost incurred must be included as an administrative expense for ratemaking purposes.~~

(2)~~(1)~~ *By December 31, 2017,* every insurer admitted to do business in this state ~~who in the previous calendar year, at any time during that year, had $10 million or more in direct premiums written~~ shall:

(a)*1.* Establish and maintain a *designated anti-fraud* unit or division within the company to investigate *and report* possible fraudulent *insurance acts* ~~claims~~ by insureds or by persons making claims for services or repairs against policies held by insureds; or

2.~~(b)~~ Contract with others to investigate *and report* possible fraudulent *insurance acts by insureds or by persons making* claims for services or repairs against policies held by insureds.

(b) Adopt an anti-fraud plan.

(c) Designate at least one employee with primary responsibility for implementing the requirements of this section.

(d) Electronically ~~An insurer subject to this subsection shall~~ file with the Division of Investigative and Forensic Services of the department*, and annually thereafter* ~~on or before July 1, 1996~~, a detailed description of the *designated anti-fraud* unit or division ~~established pursuant to paragraph (a)~~ or a copy of the contract *executed under subparagraph (a)2., as applicable, a copy of the anti-fraud plan, and the name of the employee designated under paragraph (c)* ~~and related documents required by paragraph (b)~~.

An insurer must include the additional cost incurred in creating a distinct unit or division, hiring additional employees, or contracting with another entity to fulfill the requirements of this section, as an administrative expense for ratemaking purposes.

~~(2) Every insurer admitted to do business in this state, which in the previous calendar year had less than $10 million in direct premiums written, must adopt an anti-fraud plan and file it with the Division of Investigative and Forensic Services of the department on or before July 1, 1996. An insurer may, in lieu of adopting and filing an anti-fraud plan, comply with the provisions of subsection (1).~~

(3) Each ~~insurers~~ anti-fraud *plan must* ~~plans shall~~ include:

(a) *An acknowledgement that the insurer has established procedures for detecting and investigating possible fraudulent insurance acts relating to the different types of insurance by that insurer* ~~A description of the insurer's procedures for detecting and investigating possible fraudulent insurance acts~~;

(b) *An acknowledgment that the insurer has established* ~~A description of the insurer's~~ procedures for the mandatory reporting of possible fraudulent insurance acts to the Division of Investigative and Forensic Services of the department;

(c) *An acknowledgement that the insurer provides the* ~~A description of the insurer's plan for~~ anti-fraud education and training *required by this section to the anti-fraud investigative unit* ~~of its claims adjusters or other personnel~~; ~~and~~

(d) *A description of the required anti-fraud education and training;*

(e) A ~~written~~ description or chart ~~outlining~~ ~~the organizational arrangement~~ of the insurer's anti-fraud *investigative unit, including the position titles and descriptions of staffing; and* ~~personnel who are responsible for the investigation and reporting of possible fraudulent insurance acts~~

(f) The rationale for the level of staffing and resources being provided for the anti-fraud investigative unit which may include objective criteria, such as the number of policies written, the number of claims received on an annual basis, the volume of suspected fraudulent claims detected on an annual basis, an assessment of the optimal caseload that one investigator can handle on an annual basis, and other factors.

(4) By December 31, 2018, each insurer shall provide staff of the anti-fraud investigative unit at least 2 hours of initial anti-fraud training that is designed to assist in identifying and evaluating instances of suspected fraudulent insurance acts in underwriting or claims activities. Annually thereafter, an insurer shall provide such employees a 1-hour course that addresses detection, referral, investigation, and reporting of possible fraudulent insurance acts for the types of insurance lines written by the insurer.

(5) Each insurer is required to report data related to fraud for each identified line of business written by the insurer during the prior calendar year. The data shall be reported to the department by March 1, 2019, and annually thereafter, and must include, at a minimum:

(a) The number of policies in effect;

(b) The amount of premiums written for policies;

(c) The number of claims received;

(d) The number of claims referred to the anti-fraud investigative unit;

(e) The number of other insurance fraud matters referred to the anti-fraud investigative unit that were not claim related;

(f) The number of claims investigated or accepted by the anti-fraud investigative unit;

(g) The number of other insurance fraud matters investigated or accepted by the anti-fraud investigative unit that were not claim related;

(h) The number of cases referred to the Division of Investigative and Forensic Services;

(i) The number of cases referred to other law enforcement agencies;

(j) The number of cases referred to other entities; and

(k) The estimated dollar amount or range of damages on cases referred to the Division of Investigative and Forensic Services or other agencies.

(6) *In addition to providing information required under subsections (2), (4), and (5),* each insurer writing workers' compensation insurance shall *also* report *the following information* to the department, on or before *March 1, 2019, and annually thereafter* ~~August 1 of each year, on its experience in implementing and maintaining an anti-fraud investigative unit or an anti-fraud plan. The report must include, at a minimum~~:

(a) The estimated dollar amount of losses attributable to workers' compensation fraud delineated by the type of fraud, including claimant, employer, provider, agent, or other type.

(b) The estimated dollar amount of recoveries attributable to workers' compensation fraud delineated by the type of fraud, including claimant, employer, provider, agent, or other type.

(c) The number of cases referred to the Division of Investigative and Forensic Services, delineated by the type of fraud, including claimant, employer, provider, agent, or other type.

~~(a) The dollar amount of recoveries and losses attributable to workers' compensation fraud delineated by the type of fraud: claimant, employer, provider, agent, or other.~~

~~(b) The number of referrals to the Bureau of Workers' Compensation Fraud for the prior year.~~

~~(c) A description of the organization of the anti-fraud investigative unit, if applicable, including the position titles and descriptions of staffing.~~

~~(d) The rationale for the level of staffing and resources being provided for the anti-fraud investigative unit, which may include objective criteria such as number of policies written, number of claims received on an annual basis, volume of suspected fraudulent claims currently being detected, other factors, and an assessment of optimal caseload that can be handled by an investigator on an annual basis.~~

~~(e) The in-service education and training provided to underwriting and claims personnel to assist in identifying and evaluating instances of suspected fraudulent activity in underwriting or claims activities.~~

~~(f) A description of a public awareness program focused on the costs and frequency of insurance fraud and methods by which the public can prevent it.~~

(7)~~(4)~~ *An* ~~Any~~ insurer who obtains a certificate of authority *has 6* ~~after July 1, 1995, shall have 18~~ months in which to comply with *subsection (2), and one calendar year thereafter, to comply with subsections (4), (5), and (6)* ~~the requirements of this section~~.

(8)~~(7)~~ If an insurer fails ~~to timely submit a final acceptable anti-fraud plan or anti-fraud investigative unit description, fails to implement the provisions of a plan or an anti-fraud investigative unit description,~~ or otherwise refuses to comply with the provisions of this section, the department, office, or commission may:

(a) Impose an administrative fine of not more than $2,000 per day for such failure ~~by an insurer to submit an acceptable anti-fraud plan or anti-fraud investigative unit description,~~ until the department, office, or commission deems the insurer to be in compliance;

(b) Impose an administrative fine for failure by an insurer to implement or follow the provisions of an anti-fraud plan or anti-fraud investigative unit description; or

(c) Impose the provisions of both paragraphs (a) and (b).

(9) On or before December 31, 2018, the Division of Investigative and Forensic Services shall create a report detailing best practices for the detection, investigation, prevention, and reporting of insurance fraud and other fraudulent insurance acts. The report must be updated as necessary but at least every 2 years. The report must provide:

(a) Information on the best practices for the establishment of anti-fraud investigative units within insurers;

(b) Information on the best practices and methods for detecting and investigating insurance fraud and other fraudulent insurance acts;

(c) Information on appropriate anti-fraud education and training of insurer personnel;

(d) Information on the best practices for reporting insurance fraud and other fraudulent insurance acts to the Division of Investigative and Forensic Services and to other law enforcement agencies;

(e) Information regarding the appropriate level of staffing and resources for anti-fraud investigative units within insurers;

(f) Information detailing statistics and data relating to insurance fraud which insurers should maintain; and

(g) Other information as determined by the Division of Investigative and Forensic Services.

(10)~~(8)~~ The department may adopt rules to administer this section*, except that it shall adopt rules to administer subsection (5)*.

Section 2. Effective July 1, 2017, section 626.9896, Florida Statutes, is created to read:

626.9896 Dedicated insurance fraud prosecutors.—

(1) The department shall collect data from each state attorney office that receives an appropriation to fund attorneys and paralegals dedicated solely to the prosecution of insurance fraud cases and report on the use of such funds. The data must be submitted by the state attorneys to the Division of Investigative and Forensic Services on the last day of each calendar quarter beginning September 30, 2017, and quarterly thereafter. Data must be submitted for each attorney funded by the appropriation and grouped by case type, including Division of Investigative and Forensic Services insurance fraud cases, other insurance fraud cases, and cases not involving insurance fraud. For each type of case, the data must include the number of cases in which an information has been filed; the number of cases pending at pretrial or intake, the number of cases in which the attorney is assisting in the investigation; the number of cases closed or disposed of during the prior quarter; the disposition of the cases closed during the prior quarter; and the number of cases currently pending in a pretrial diversion program.

(2) The Division of Investigative and Forensic Services must report the data collected pursuant to subsection (1) for the year ending June 30, to the Executive Office of the Governor, the Speaker of the House of Representatives, and the President of the Senate by September 1, 2018, and annually thereafter.

Section 3. Section 641.221, Florida Statutes, is amended to read:

641.221 Continued eligibility for certificate of authority.—

(1) In order to maintain its eligibility for a certificate of authority, a health maintenance organization shall continue to meet all conditions required to be met under this part and the rules promulgated thereunder for the initial application for and issuance of its certificate of authority under s. 641.22.

(2) In order to maintain eligibility for a certificate of authority, a health maintenance organization authorized under the Florida Insurance Code to exclusively market, sell, or offer to sell Medicare Advantage plans in this state shall be actively engaged in managed care within 24 months after licensure, shall designate and maintain at least one primary anti-fraud employee, and shall adopt an anti-fraud plan. The Office of Insurance Regulation may extend the period of eligibility upon written request.

Section 4. Paragraph (m) of subsection (1) of section 626.9541, Florida Statutes, is amended to read:

626.9541 Unfair methods of competition and unfair or deceptive acts or practices defined.—

(1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE ACTS.—The following are defined as unfair methods of competition and unfair or deceptive acts or practices:

(m) Advertising *and promotional* gifts *and charitable contributions* permitted.—

1. No provision of paragraph (f), paragraph (g), or paragraph (h) shall be deemed to prohibit a licensed insurer or its agent from*:*

a. Giving to insureds, prospective insureds, and others~~, for the purpose of advertising,~~ any article of merchandise*, goods, wares, gift cards, gift certificates, event tickets, anti-fraud or loss mitigation services, and other items with a total value of $100 or less per customer or prospective customer within 1 calendar year* ~~having a value of not more than $25~~.

b. Making charitable contributions, as defined in s. 170(c) of the Internal Revenue Code, on behalf of insureds or prospective insureds of up to $100 per insured or prospective insured each calendar year.

2. A title insurance agent or title insurance agency, as those terms are defined in s. 626.841, or a title insurer, as defined in s. 627.7711, may not give to insureds, prospective insureds, or others, for the purpose of advertising, any article of merchandise having a value in excess of $25. A person or entity governed by this subparagraph is exempt from subparagraph 1.

Section 5. Section 641.3915, Florida Statutes, is amended to read:

641.3915 Health maintenance organization anti-fraud plans and investigative units.—Each authorized health maintenance organization and applicant for a certificate of authority shall comply with the provisions of ss. 626.989 and 626.9891 as though such organization or applicant were an authorized insurer. ~~For purposes of this section, the reference to the year 1996 in s. 626.9891 means the year 2000 and the reference to the year 1995 means the year 1999.~~

Section 6. Present subsections (2) through (7) of section 626.9911, Florida Statutes, are renumbered as subsections (3) through (8), respectively, present subsections (8) through (14) of that section are renumbered as subsections (10) through (16), respectively, and new subsections (2) and (9) are added to that section, to read:

626.9911 Definitions.—As used in this act, the term:

(2) "Fraudulent viatical settlement act" means an act or omission committed by a person who knowingly, or with intent to defraud for the purpose of depriving another of property or for pecuniary gain, commits or allows an employee or agent to commit any of the following acts:

(a) Presenting, causing to be presented, or preparing with the knowledge or belief that it will be presented to or by another person, false or concealed material information as part of, in support of, or concerning a fact material to:

1. An application for the issuance of a viatical settlement contract or a life insurance policy;

2. The underwriting of a viatical settlement contract or a life insurance policy;

3. A claim for payment or benefit pursuant to a viatical settlement contract or a life insurance policy;

4. Premiums paid on a life insurance policy;

5. Payments and changes in ownership or beneficiary made in accordance with the terms of a viatical settlement contract or a life insurance policy;

6. The reinstatement or conversion of a life insurance policy;

7. The solicitation, offer, effectuation, or sale of a viatical settlement contract or a life insurance policy;

8. The issuance of written evidence of a viatical settlement contract or a life insurance policy; or

9. A financing transaction for a viatical settlement contract or life insurance policy.

(b) Employing a plan, financial structure, device, scheme, or artifice relating to viaticated policies for the purpose of perpetrating fraud.

(c) Engaging in a stranger-originated life insurance practice.

(d) Failing to disclose, upon request by an insurer, that the prospective insured has undergone a life expectancy evaluation by a person other than the insurer or its authorized representatives in connection with the issuance of the life insurance policy.

(e) Perpetuating a fraud or preventing the detection of a fraud by:

1. Removing, concealing, altering, destroying, or sequestering from the office the assets or records of a licensee or other person engaged in the business of viatical settlements;

2. Misrepresenting or concealing the financial condition of a licensee, financing entity, insurer, or other person;

3. Transacting in the business of viatical settlements in violation of laws requiring a license, certificate of authority, or other legal authority to transact such business; or

4. Filing with the office or the equivalent chief insurance regulatory official of another jurisdiction a document that contains false information or conceals information about a material fact from the office or other regulatory official.

(f) Embezzlement, theft, misappropriation, or conversion of moneys, funds, premiums, credits, or other property of a viatical settlement provider, insurer, insured, viator, insurance policyowner, or other person engaged in the business of viatical settlements or life insurance.

(g) Entering into, negotiating, brokering, or otherwise dealing in a viatical settlement contract, the subject of which is a life insurance policy that was obtained based on information that was falsified or concealed for the purpose of defrauding the policy's issuer, viatical settlement provider, or viator.

(h) Facilitating the viator's change of residency state to avoid the provisions of this act.

(i) Facilitating or causing the creation of a trust with a non-Florida or other nonresident entity for the purpose of owning a life insurance policy covering a Florida resident to avoid the provisions of this act.

(j) Facilitating or causing the transfer of the ownership of an insurance policy covering a Florida resident to a trust with a situs outside this state or to another nonresident entity to avoid the provisions of this act.

(k) Applying for or obtaining a loan that is secured directly or indirectly by an interest in a life insurance policy with intent to defraud, for the purpose of depriving another of property or for pecuniary gain.

(l) Attempting to commit, assisting, aiding, or abetting in the commission of, or conspiring to commit, an act or omission specified in this subsection.

(9) "Stranger-originated life insurance practice" means an act, practice, arrangement, or agreement to initiate a life insurance policy for the benefit of a third-party investor who, at the time of policy origination, has no insurable interest in the insured. Stranger-originated life insurance practices include, but are not limited to:

(a) The purchase of a life insurance policy with resources or guarantees from or through a person who, at the time of such policy's inception, could not lawfully initiate the policy and the execution of a verbal or written arrangement or agreement to directly or indirectly transfer the ownership of such policy or policy benefits to a third party.

(b) The creation of a trust or other entity that has the appearance of an insurable interest in order to initiate policies for investors, in violation of insurable interest laws and the prohibition against wagering on life.

Section 7. Subsection (7) of section 626.9924, Florida Statutes, is amended to read:

626.9924 Viatical settlement contracts; procedures; rescission.—

(7) At any time during the contestable period, within 20 days after a viator executes documents necessary to transfer rights under an insurance policy or within 20 days of any agreement, option, promise, or any other form of understanding, express or implied, to viaticate the policy, the provider must give notice to the insurer of the policy that the policy has or will become a viaticated policy. The notice must be accompanied by the documents required by s. *626.99287* ~~626.99287(5)(a) in their entirety~~.

Section 8. Subsection (2) of section 626.99245, Florida Statutes, is amended to read:

626.99245 Conflict of regulation of viaticals.—

(2) This section does not affect the requirement of ss.-*626.9911(14)* ~~626.9911(12)~~ and 626.9912(1) that a viatical settlement provider doing business from this state must obtain a viatical settlement license from the office. As used in this subsection, the term "doing business from this state" includes effectuating viatical settlement contracts from offices in this state, regardless of the state of residence of the viator.

Section 9. Subsection (1) of section 626.99275, Florida Statutes, is amended to read:

626.99275 Prohibited practices; penalties.—

(1) It is unlawful for *a* ~~any~~ person *to*:

(a) ~~To~~ Knowingly enter into, broker, or otherwise deal in a viatical settlement contract the subject of which is a life insurance policy, knowing that the policy was obtained by presenting materially false information concerning any fact material to the policy or by concealing, for the purpose of misleading another, information concerning any fact material to the policy, where the viator or the viator's agent intended to defraud the policy's issuer.

(b) ~~To~~ Knowingly or with the intent to defraud, for the purpose of depriving another of property or for pecuniary gain, issue or use a pattern of false, misleading, or deceptive life expectancies.

(c) ~~To~~ Knowingly engage in any transaction, practice, or course of business intending thereby to avoid the notice requirements of s. 626.9924(7).

(d) ~~To~~ Knowingly or intentionally facilitate the change of state of residency of a viator to avoid the provisions of this chapter.

(e) Knowingly enter into a viatical settlement contract before the application for or issuance of a life insurance policy that is the subject of a viatical settlement contract or during an applicable period specified in s. 626.99287(1) or (2), unless the viator provides a sworn affidavit and accompanying independent evidentiary documentation in accordance with s. 626.99287.

(f) Engage in a fraudulent viatical settlement act, as defined in s. 626.9911.

(g) Knowingly issue, solicit, market, or otherwise promote the purchase of a life insurance policy for the purpose of or with an emphasis on selling the policy to a third party.

(h) Engage in a stranger-originated life insurance practice, as defined in s. 626.9911.

Section 10. Section 626.99287, Florida Statutes, is amended to read:

626.99287 Contestability of viaticated policies.—

(1) Except as hereinafter provided, if a viatical settlement contract is entered into within the 2-year period commencing with the date of issuance of the insurance policy or certificate to be acquired, the viatical settlement contract is void and unenforceable by either party.

(2) Except as hereinafter provided, if a viatical settlement policy is subject to a loan secured directly or indirectly by an interest in the policy within a 5-year period commencing on the date of issuance of the policy or certificate, the viatical settlement contract is void and unenforceable by either party.

(3) Notwithstanding *the limitations in subsections (1) and (2)* ~~this limitation~~, such a viatical settlement contract is not void and unenforceable if *the viator provides a sworn affidavit and accompanying independent evidentiary documentation certifying to the viatical settlement provider that one or more of the following conditions were met during the periods applicable to the viaticated policy as stated in subsections (1) or (2)*:

(a)~~(1)~~ The policy was issued upon the owner's exercise of conversion rights arising out of a group or term policy, *if the total time covered under the prior policy is at least 60 months. The time covered under a group policy must be calculated without regard to any change in insurance carriers, provided the coverage has been continuous and under the same group sponsorship.*~~;~~

(b)~~(2)~~ The owner of the policy is a charitable organization exempt from taxation under 26 U.S.C. s. 501(c)(3).~~;~~

~~(3) The owner of the policy is not a natural person;~~

~~(4) The viatical settlement contract was entered into before July 1, 2000;~~

(c)~~(5)~~ The viator certifies by producing independent evidence to the viatical settlement provider that one or more of the following conditions *were* ~~have been~~ met ~~within the 2-year period~~:

~~(a)~~1. The viator or insured is *terminally or chronically ill* ~~diagnosed with an illness or condition that is either:~~

~~a. Catastrophic or life threatening; or~~

~~b. Requires a course of treatment for a period of at least 3 years of long-term care or home health care;~~ and

~~2.~~ the condition was not known to the insured at the time the life insurance contract was entered into;~~.~~

2.~~(b)~~ The viator's spouse dies;

3.~~(c)~~ The viator divorces his or her spouse;

4.~~(d)~~ The viator retires from full-time employment;

5.~~(e)~~ The viator becomes physically or mentally disabled and a physician determines that the disability prevents the viator from maintaining full-time employment;

6.~~(f)~~ The owner of the policy was the insured's employer at the time the policy or certificate was issued and the employment relationship terminated;

7.~~(g)~~ A final order, judgment, or decree is entered by a court of competent jurisdiction, on the application of a creditor of the viator, adjudicating the viator bankrupt or insolvent, or approving a petition

seeking reorganization of the viator or appointing a receiver, trustee, or liquidator to all or a substantial part of the viator's assets; or

8.~~(h)~~ The viator experiences a significant decrease in income which is unexpected by the viator and which impairs his or her reasonable ability to pay the policy premium.

(d) The viator entered into a viatical settlement contract more than 2 years after the policy's issuance date and, with respect to the policy, at all times before the date that is 2 years after policy issuance, each of the following conditions is met:

1. Policy premiums have been funded exclusively with unencumbered assets, including an interest in the life insurance policy being financed only to the extent of its net cash surrender value, provided by, or fully recourse liability incurred by, the insured;

2. There is no agreement or understanding with any other person to guarantee any such liability or to purchase, or stand ready to purchase, the policy, including through an assumption or forgiveness of the loan; and

3. Neither the insured or the policy has been evaluated for settlement.

~~If the viatical settlement provider submits to the insurer a copy of the viator's or owner's certification described above, then the provider submits a request to the insurer to effect the transfer of the policy or certificate to the viatical settlement provider, the viatical settlement agreement shall not be void or unenforceable by operation of this section. The insurer shall timely respond to such request. Nothing in this section shall prohibit an insurer from exercising its right during the contestability period to contest the validity of any policy on grounds of fraud.~~

Section 11. Section 626.99289, Florida Statutes, is created to read:

626.99289 Void and unenforceable contracts, agreements, arrangements, and transactions.—Notwithstanding s. 627.455, a contract, agreement, arrangement, or transaction, including, but not limited to, a financing agreement or any other arrangement or understanding entered into, whether written or verbal, for the furtherance or aid of a stranger-originated life insurance practice is void and unenforceable.

Section 12. Section 626.99291, Florida Statutes, is created to read:

626.99291 Contestability of life insurance policies.—Notwithstanding s. 627.455, a life insurer may contest a life insurance policy if the policy was obtained by a stranger-originated life insurance practice, as defined in s. 626.9911.

Section 13. Section 626.99292, Florida Statutes, is created to read:

626.99292 Notice to insureds.—

(1) A life insurer shall provide an individual life insurance policyholder with a statement informing him or her that if he or she is considering making changes in the status of his or her policy, he or she should consult with a licensed insurance or financial advisor. The statement may accompany or be included in notices or mailings otherwise provided to the policyholder.

(2) The statement must also advise the policyholder that he or she may contact the office for more information and include a website address or other location or manner by which the policyholder may contact the office.

Section 14. Effective January 1, 2019, section 627.744, Florida Statutes, is amended to read:

627.744 ~~Required~~ Preinsurance inspection of private passenger motor vehicles.—

(1) A private passenger motor vehicle insurance policy providing physical damage coverage, including collision or comprehensive coverage, may not be issued in this state unless the insurer has inspected the motor vehicle in accordance with this section.

(2) This section does not apply:

(a) To a policy for a policyholder who has been insured for 2 years or longer, without interruption, under a private passenger motor vehicle policy that provides physical damage coverage for any vehicle if the agent of the insurer verifies the previous coverage.

(b) To a new, unused motor vehicle purchased or leased from a licensed motor vehicle dealer or leasing company. The insurer may require:

1. A bill of sale, buyer's order, or lease agreement that contains a full description of the motor vehicle; or

2. A copy of the title or registration that establishes transfer of ownership from the dealer or leasing company to the customer and a copy of the window sticker.

For the purposes of this paragraph, the physical damage coverage on the motor vehicle may not be suspended during the term of the policy due to the applicant's failure to provide or the insurer's option not to require the documents. However, if the insurer requires a document under this paragraph at the time the policy is issued, payment of a claim may be conditioned upon the receipt by the insurer of the required documents, and no physical damage loss occurring after the effective date of the coverage may be payable until the documents are provided to the insurer.

(c) To a temporary substitute motor vehicle.

(d) To a motor vehicle which is leased for less than 6 months, if the insurer receives the lease or rental agreement containing a description of the leased motor vehicle, including its condition. Payment of a physical damage claim is conditioned upon receipt of the lease or rental agreement.

(e) To a vehicle that is 10 years old or older, as determined by reference to the model year.

(f) To any renewal policy.

(g) To a motor vehicle policy issued in a county with a 1988 estimated population of less than 500,000.

(h) To any other vehicle or policy exempted by rule of the commission. The commission may base a rule under this paragraph only on a determination that the likelihood of a fraudulent physical damage claim is remote or that the inspection would cause a serious hardship to the insurer or the applicant.

(i) When the insurer's authorized inspection service has no inspection facility either in the municipality in which the automobile is principally garaged or within 10 miles of such municipality.

(j) When the insured vehicle is insured under a commercially rated policy that insures five or more vehicles.

(k) When an insurance producer is transferring a book of business from one insurer to another.

(l) When an individual insured's coverage is being transferred and initiated by a producer to a new insurer.

~~(3) This subsection does not prohibit an insurer from requiring a preinsurance inspection of any motor vehicle as a condition of issuance of physical damage coverage.~~

(3)~~(4)~~ The inspection required by this section shall be provided by the insurer or by a person or organization authorized by the insurer. The applicant may be required to pay the cost of the inspection, not to exceed $5. The inspection shall be recorded on a form prescribed by the commission, and the form or a copy shall be retained by the insurer with its policy records for the insured. The insurer shall provide a copy of the form to the insured upon request. Any inspection fee paid directly by the applicant may not be considered part of the premium. However, an insurer that provides the inspection at no cost to the applicant may include the expense of the inspection within a rate filing.

(4)~~(5)~~ The inspection shall include at least the following:

(a) Taking a physical imprint of the vehicle identification number of the vehicle or otherwise recording the vehicle identification number in a manner prescribed by the commission.

(b) Recording the presence of accessories required by the commission to be recorded.

(c) Recording the locations of and a description of existing damage to the vehicle.

(5)~~(6)~~ An insurer may defer an inspection for 30 calendar days following the effective date of coverage for a new policy, but not for a renewal policy, and for additional or replacement vehicles to an existing policy, if an inspection at the time of the request for coverage would create a serious inconvenience for the applicant and such hardship is documented in the insured's policy record.

(6)~~(7)~~ The commission may, by rule, establish such procedures and notice requirements that it finds necessary to implement this section.

(7) Notwithstanding any other provision of this section, an insurer may opt out of the inspection requirements of this section. An insurer opting out of the inspection must file a manual rule with the office indicating that the insurer will not participate in the inspection program under this section. An insurer that files such a manual rule with the office may establish its own preinsurance inspection requirements as a condition to issuing a private passenger motor vehicle insurance policy. The insurer's preinsurance inspection requirements must be included in the manual rule filed with the office. An insurer opting out of the inspection requirements of this section may not require an applicant to pay for the cost of an inspection.

~~(8) The Division of Insurance Fraud of the Department of Financial Services shall provide a report of data from the required preinsurance inspection of motor vehicles to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2016.~~

~~(a) The data must include, but need not be limited to:~~

~~1. A written estimate of the total cost incurred by insurers and policyholders in order to comply with the inspections.~~

~~2. A written estimate of the total cost incurred by insurers to have their motor vehicles inspected.~~

~~3. Documentation regarding the total premium savings for policyholders as a result of the inspections.~~

~~4. Documentation of the total number of inspected motor vehicles that had a preexisting condition.~~

~~5. Documentation regarding the potential fraud in motor vehicle claims incurred within the first 125 days after issuance of a new policy.~~

~~6. Documentation of the total number of referrals of fraudulent acts to the National Insurance Crime Bureau by preinsurance inspectors during the past 5 years.~~

~~(b) The Legislature may use the report data in determining the future public necessity for this section.~~

Section 15. Effective September 1, 2017, section 641.3915, Florida Statutes, is amended to read:

641.3915 Health maintenance organization anti-fraud plans and investigative units.—Each authorized health maintenance organization and applicant for a certificate of authority shall comply with the provisions of ss. 626.989 and 626.9891 as though such organization or applicant were an authorized insurer. ~~For purposes of this section, the reference to the year 1996 in s. 626.9891 means the year 2000 and the reference to the year 1995 means the year 1999.~~

Section 16. 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 prohibited insurance acts; reordering and amending s. 626.9891, F.S.; defining and revising definitions; requiring every insurer to designate at least one primary anti-fraud employee for certain purposes; requiring insurers to adopt an anti-fraud plan; revising insurer requirements in providing anti-fraud information to the Department of Financial Services; requiring specified information to be filed annually with the department; revising the information to be provided by insurers who write workers' compensation insurance; requiring each insurer to provide annual anti-fraud education and training; requiring insurers who submit an application for a certificate of authority after a specified date to comply with the section; providing penalties for the failure to comply with requirements of the section; requiring the Division of Investigative and Forensic Services of the department to create, by a specified date, a report detailing best practices for the detection, investigation, prevention, and reporting of insurance fraud and other fraudulent insurance acts; requiring such report to be updated at certain intervals; specifying required information in the report; requiring the department to adopt rules relating to insurers' annual reporting of certain data; creating s. 626.9896, F.S.; requiring the department to collect specified data from certain state attorney offices; requiring such state attorneys to submit such data at specified intervals; requiring the Division of Investigative and Forensic Services to provide an annual report to the Executive Office of the Governor, the Speaker of the House of Representatives, and the President of the Senate; amending s. 641.221, F.S.; requiring a health maintenance organization authorized to exclusively market, sell, or offer to sell Medicare Advantage plans in this state to meet certain criteria to maintain eligibility for a certificate of authority; authorizing the Office of Insurance Regulation to extend the period of eligibility; amending s. 626.9541, F.S.; revising a limitation on licensed insurers and their agents relating to advertising and promotional gifts given to insureds, prospective insureds, and others; authorizing such insurers and agents to make specified charitable contributions on behalf of insureds or prospective insureds; specifying a limitation on the value of merchandise that may be given by title insurance agents or title insurance agencies to insureds, prospective insureds, and others; providing applicability; amending s. 641.3915, F.S.; deleting an obsolete provision; amending s. 626.9911, F.S.; defining the terms "fraudulent viatical settlement act" and "stranger-originated life insurance practice" for purposes of provisions relating to the Viatical Settlement Act; amending ss. 626.9924 and 626.99245, F.S.; conforming cross-references; amending s. 626.99275, F.S.; providing additional prohibited acts related to viatical settlement contracts; amending s. 626.99287, F.S.; providing that a viatical settlement contract is void and unenforceable by either party if the viatical settlement policy is subject, within a specified timeframe, to a loan secured by an interest in the policy; revising conditions and requirements in which viatical settlement contracts entered into within specified timeframes are valid and enforceable; deleting provisions related to the transfer of insurance policies or certificates to viatical settlement providers; creating s. 626.99289, F.S.; providing that certain contracts, agreements, arrangements, or transactions relating to stranger-originated life insurance practices are void and unenforceable; creating s. 626.99291, F.S.; authorizing a life insurer to contest policies obtained through such practices; creating s. 626.99292, F.S.; requiring life insurers to provide a specified statement to individual life insurance policyholders; authorizing such statements to accompany or be included in notices or mailings provided to the policyholders; requiring such statements to include contact information; amending s. 627.744, F.S.; deleting a provision that provides construction; authorizing insurers to opt out of the preinsurance inspection requirements for private passenger motor vehicles; requiring insurers opting out to file a certain manual rule with the Office of Insurance Regulation; authorizing such insurers to establish their own preinsurance inspection requirements, which must be included in the filed manual rule; prohibiting such insurers from requiring applicants to pay for the cost of inspections; deleting an obsolete provision; amending s. 641.3915, F.S.; deleting obsolete provisions; providing effective dates.

Senator Brandes moved the following amendment to **Amendment 1 (888862)** which was adopted:

Amendment 1A (533134) (with title amendment)—Delete lines 573-575 and insert: *or she may contact the department for more information and include a website address or other location or manner by which the policyholder may contact the department.*

And the title is amended as follows:

Delete line 802 and insert: statements to include contact information of the department; amending s.

Amendment 1 (888862), as amended, was adopted.

On motion by Senator Brandes, by two-thirds vote, **CS for CS for CS for HB 1007** was read the third time by title. Further consideration of **CS for CS for CS for HB 1007**, as amended, was deferred.

RECESS

On motion by Senator Benacquisto, the Senate recessed at 3:42 p.m. to reconvene at 4:45 p.m., or upon call of the President.

EVENING SESSION

The Senate was called to order by the President at 5:34 p.m. A quorum present—31:

Mr. President	Flores	Rader
Baxley	Galvano	Rodriguez
Bean	Garcia	Simmons
Benacquisto	Gibson	Simpson
Book	Grimsley	Stargel
Bracy	Lee	Steube
Bradley	Mayfield	Stewart
Brandes	Montford	Torres
Broxson	Passidomo	Young
Campbell	Perry	
Farmer	Powell	

SPECIAL ORDER CALENDAR, continued

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

CS for CS for CS for HB 1007—A bill to be entitled An act relating to insurer anti-fraud efforts; reordering and amending s. 626.9891, F.S.; providing and revising definitions; requiring every insurer to designate at least one primary anti-fraud employee for certain purposes; requiring insurers to adopt an anti-fraud plan; revising insurer requirements in providing anti-fraud information to the Department of Financial Services; requiring specified information to be filed annually with the department; revising the information to be provided by insurers who write workers' compensation insurance; requiring each insurer to provide annual anti-fraud education and training; requiring insurers who submit an application for a certificate of authority after a specified date to comply with the section; providing penalties for failure to comply with requirements of the section; requiring rulemaking in certain cases; creating s. 626.9896, F.S.; requiring certain state attorneys to submit data; requiring the Division of Investigative and Forensic Services to provide an annual report to the Executive Office of the Governor, the Speaker of the House of Representatives, and the President of the Senate; amending s. 641.221, F.S.; requiring a health maintenance organization authorized to exclusively market, sell, or offer to sell Medicare Advantage plans in this state to meet certain criteria to maintain eligibility for a certificate of authority; authorizing the Office of Insurance Regulation to extend the period of eligibility; amending s. 641.3915, F.S.; deleting obsolete provisions; providing effective dates.

—which was previously considered and amended this day.

RECONSIDERATION OF AMENDMENT

On motion by Senator Brandes, the Senate reconsidered the vote by which **Amendment 1 (888862)**, as amended, was adopted.

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

Senator Brandes moved the following amendment to **Amendment 1 (888862)** which was adopted by two-thirds vote:

Amendment 1B (564446) (with title amendment)—Delete lines 257-285.

And the title is amended as follows:

Delete lines 761-771 and insert: extend the period of eligibility; amending s. 641.3915,

Amendment 1 (888862), as amended, was adopted by two-thirds vote.

On motion by Senator Brandes, by two-thirds vote, **CS for CS for CS for HB 1007**, as amended, was passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Gainer, Hutson, Thurston

MOTION

On motion by Senator Benacquisto, the rules were waived and time of adjournment was extended until 8:00 p.m.

On motion by Senator Passidomo, the rules were waived and the Senate reverted to—

REPORTS OF COMMITTEE RELATING TO EXECUTIVE BUSINESS

The Honorable Joe Negron
President, The Florida Senate
Suite 409, The Capitol
404 South Monroe Street
Tallahassee, FL 32399-1100

May 5, 2017

Dear President Negron:

The following executive appointments were referred to the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Florida Building Commission		
Appointee:	Burk, Kelley Smith	10/31/2018
Hillsborough County Civil Service Board		
Appointees:	Canasi, Simon M.	07/02/2019
	Carbaugh, Neal R.	07/02/2019
	Trichler, Ernie E., II	07/02/2019
Florida Commission on Community Service		
Appointee:	Martinez, Natalia	09/14/2018
Board of Trustees of Daytona State College		
Appointees:	Freckleton, Lloyd J.	05/31/2019
	Holness, Betty Jean	05/31/2019
	Hosseini, Forough B.	05/31/2019

Office and Appointment		*For Term Ending*
Board of Trustees of Indian River State College		
Appointees:	Caron, Susan	05/31/2019
	Conrado, Jose L.	05/31/2019
Board of Trustees of Florida Gateway College		
Appointees:	Allen, Carolyn Renae	05/31/2019
	Brannan, Robert C., III	05/31/2019
Board of Trustees of State College of Florida, Manatee-Sarasota		
Appointee:	Thomson, Rodney Philip	05/31/2018
Board of Trustees of Northwest Florida State College		
Appointee:	Abbott, Shane G.	05/31/2017
Board of Trustees of Palm Beach State College		
Appointee:	Miedema, Barbara J.	05/31/2019
Florida Development Finance Corporation		
Appointee:	Bradshaw, James Nelson	05/02/2019
Education Practices Commission		
Appointees:	Bland, Ana Armbrister	09/30/2018
	Budnick, Judie S.	09/30/2019
	Gold, Christie R.	09/30/2019
	Hardie, Douglas V.	08/17/2020
	Hollis-Cole, Tiffany	09/30/2020
	Maynard, Stephen K.	08/17/2020
	McCray, Katrina E.	09/30/2018
	Mellin, Fredric I.	09/30/2019
	Wilson, Celita	02/17/2020
Florida Elections Commission		
Appointees:	Kelly, James (J.) Alexander (Alex)	12/31/2019
	Stern, Barbra A.	12/31/2019
Florida Housing Finance Corporation		
Appointee:	Lieberman, Ronald	11/13/2020
Florida Commission on Human Relations		
Appointees:	Peterson, Latanya E.	09/30/2018
	Steele, Rebecca E.	09/30/2019
Commission for Independent Education		
Appointees:	Crocitto, Peter F., Jr.	06/30/2019
	Kinchen, Thomas A.	06/30/2018
Governor's Mansion Commission		
Appointee:	Mullican, Susan H.	09/30/2019
North Central Florida Regional Planning Council, Region 3		
Appointee:	Thomas, Lorene J.	10/01/2018
Northeast Florida Regional Planning Council, Region 4		
Appointees:	Drew, John M.	10/01/2018
	Johns, James Kenneth	10/01/2018
	van Eckert, Helga E.	10/01/2018
Central Florida Regional Planning Council, Region 7		
Appointee:	Howerton, Donna	10/01/2018
Workers' Compensation Panel		
Appointee:	Perdue, Tamela I.	Pleasure of Governor

The following executive appointments were referred to the Senate Committee on Commerce and Tourism and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Board of Directors, Enterprise Florida, Inc.		
Appointees:	Deen Hartley, Sonya	09/30/2019
	Keiser, Belinda	09/30/2019
	Rood, John Darrell	09/30/2019

The following executive appointments were referred to the Senate Committee on Criminal Justice and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Criminal Conflict and Civil Regional Counsel - First District Court of Appeal		
Appointee:	Brower, Candice K.	09/30/2019
Criminal Conflict and Civil Regional Counsel - Second District Court of Appeal		
Appointee:	Neymotin, Ita M.	09/30/2019
Criminal Conflict and Civil Regional Counsel - Third District Court of Appeal		
Appointee:	Zenobi, Eugene F.	09/30/2019
Criminal Conflict and Civil Regional Counsel - Fourth District Court of Appeal		
Appointee:	Ryan, Antony Parker	09/30/2019
Criminal Conflict and Civil Regional Counsel - Fifth District Court of Appeal		
Appointee:	Deen, Jeffrey D.	09/30/2019
Florida Commission on Offender Review		
Appointee:	Wyant, David A.	06/30/2022

The following executive appointments were referred to the Senate Committee on Environmental Preservation and Conservation and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Environmental Regulation Commission		
Appointees:	Gummey, Frank B., III	07/01/2017
	McCarthy, James W.	07/01/2019
	Varn, Craig D.	07/01/2019
Executive Director of Southwest Florida Water Management District		
Appointee:	Armstrong, Brian J.	Pleasure of the Board

The following executive appointment was referred to the Senate Committee on Transportation and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Tampa-Hillsborough County Expressway Authority		
Appointee:	Barrow, Bennett H.	07/01/2019

The following executive appointment was referred to the Senate Committee on Governmental Oversight and Accountability and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Investment Advisory Council		
Appointee:	Collins, Peter H.	12/31/2021

As required by Rule 12.7, the committees caused to be conducted an inquiry into the qualifications, experience, and general suitability of the above-named appointees for appointment to the office indicated. In aid of such inquiry, the committees held public hearings at which members of the public were invited to attend and offer evidence concerning the qualifications, experience, and general suitability of the appointees. After due consideration of the findings of such inquiry and the evidence adduced at the public hearings, the Committee on Ethics and Elections and other referenced committees respectfully advise and recommend that in accordance with s. 114.05(1)(c), Florida Statutes:

(1) the executive appointments of the above-named appointees, to the office and for the term indicated, be confirmed by the Senate;

(2) Senate action on said appointments be taken prior to the adjournment of the 2017 Regular Session; and

(3) there is no necessity known to the committees for the deliberations on said appointments to be held in executive session.

Respectfully submitted,
Kathleen Passidomo, Chair

On motion by Senator Passidomo, the report was adopted and the Senate confirmed the appointments identified in the foregoing report of the committee to the offices and for the terms indicated in accordance with the recommendation of the committee.

The vote was:

Yeas—35

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

Nays—None

The Honorable Joe Negron May 5, 2017
President, The Florida Senate
Suite 409, The Capitol
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear President Negron:

The following executive appointments were referred to the Senate Appropriations Subcommittee on Health and Human Services, the Senate Committee on Health Policy, and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 of the Rules of the Florida Senate:

Office and Appointment	*For Term Ending*
Secretary of Health Care Administration	
Appointee: Senior, Justin M.	Pleasure of Governor
State Surgeon General	
Appointee: Philip, Celeste	Pleasure of Governor

The following executive appointment was referred to the Senate Committee on Children, Families, and Elder Affairs and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 of the Rules of the Florida Senate:

Office and Appointment	*For Term Ending*
Secretary of Elderly Affairs	
Appointee: Bragg, Jeffrey S.	Pleasure of Governor

The following executive appointment was referred to the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 of the Rules of the Florida Senate:

Office and Appointment	*For Term Ending*
Executive Director of Department of Veterans' Affairs	
Appointee: Sutphin, Glenn W., Jr.	Pleasure of Governor and Cabinet

As required by Rule 12.7, the committees caused to be conducted an inquiry into the qualifications, experience, and general suitability of the above-named appointees for appointment to the office indicated. In aid of such inquiry, the committees held a public hearing at which members of the public were invited to attend and offer evidence concerning the qualifications, experience, and general suitability of the appointees. After due consideration of the findings of such inquiry and the evidence adduced at the public hearings, the Committee on Ethics and Elections and other referenced committees respectfully advise and recommend that in accordance with s. 114.05(1)(c), Florida Statutes:

(1) the executive appointments of the above-named appointees, to the office and for the term indicated, be confirmed by the Senate;

(2) Senate action on said appointments be taken prior to the adjournment of the 2017 Regular Session; and

(3) there is no necessity known to the committees for the deliberations on said appointments to be held in executive session.

Respectfully submitted,
Kathleen Passidomo, Chair

On motion by Senator Passidomo, the report was adopted and the Senate confirmed the appointments identified in the foregoing report of the committee to the offices and for the terms indicated in accordance with the recommendation of the committee.

The vote was:

Yeas—36

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

Nays—None

The Honorable Joe Negron May 5, 2017
President, The Florida Senate
Suite 409, The Capitol
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear President Negron:

The following executive appointments were referred to the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 of the Rules of the Florida Senate:

Office and Appointment	*For Term Ending*
Hillsborough County Civil Service Board	
Appointee: Hosler, Chandra D.	07/02/2017

Office and Appointment		*For Term Ending*
Florida Communities Trust		
Appointee:	Bell, Lynda	01/31/2019
Board of Trustees of Daytona State College		
Appointee:	Escudero, Stanley T.	05/31/2019
Education Practices Commission		
Appointee:	Johnson, Jeffrey L., Sr.	09/30/2020
Big Cypress Basin Board of the South Florida Water Management District		
Appointee:	Williams, James E.	03/01/2019

The following executive appointment was referred to the Senate Committee on Communications, Energy, and Public Utilities and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Florida Public Service Commission		
Appointee:	Polmann, Donald J.	01/01/2021

The following executive appointments were referred to the Senate Committee on Environmental Preservation and Conservation and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Governing Board of the Suwannee River Water Management District		
Appointees:	Jones, Gary F.	03/01/2020
	Keith, Charles G.	03/01/2018
	Quincey, Donald "Don"	03/01/2020

As required by Rule 12.7, the committees caused to be conducted an inquiry into the qualifications, experience, and general suitability of the above-named appointees for appointment to the office indicated. In aid of such inquiry, the committees held public hearings at which members of the public were invited to attend and offer evidence concerning the qualifications, experience, and general suitability of the appointees. After due consideration of the findings of such inquiry and the evidence adduced at the public hearings, the Committee on Ethics and Elections and other referenced committees respectfully advise and recommend that in accordance with s. 114.05(1)(c), Florida Statutes:

(1) the executive appointments of the above-named appointees, to the office and for the term indicated, be confirmed by the Senate;

(2) Senate action on said appointments be taken prior to the adjournment of the 2017 Regular Session; and

(3) there is no necessity known to the committees for the deliberations on said appointments to be held in executive session.

Respectfully submitted,
Kathleen Passidomo, Chair

On motion by Senator Passidomo, the report was adopted and the Senate confirmed the appointments identified in the foregoing report of the committee to the offices and for the terms indicated in accordance with the recommendation of the committee.

The vote was:

Yeas—36

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

Nays—None

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment 1 and concurred in the same as amended, and passed CS/CS/HB 277 as amended, and requests the concurrence of the Senate.

Portia Palmer, Clerk

By Judiciary Committee, Civil Justice & Claims Subcommittee and Representative(s) Grant, J., White, Burgess, Duran, Fischer—

CS for CS for HB 277—A bill to be entitled An act relating to electronic wills; amending s. 731.201, F.S.; revising the definition of the term "will" to include electronic wills; amending s. 732.506, F.S.; specifying the manner in which an electronic will is revoked; creating s. 732.521, F.S.; providing a short title; creating s. 732.522, F.S.; providing definitions; creating s. 732.523, F.S.; specifying requirements that must be satisfied in the execution of electronic wills; creating s. 732.524, F.S.; providing requirements for self-proof of electronic wills; creating s. 732.525, F.S.; providing that an electronic signature satisfies the requirement that a document be signed; providing requirements for certain documents to be deemed executed in this state; creating s. 732.526, F.S.; authorizing an electronic will that is properly executed in this or another state to be offered for and admitted to probate in this state; providing the venue for the probate of such electronic will; creating s. 732.527, F.S.; specifying requirements for service as a qualified custodian; requiring qualified custodians to provide access to or information concerning the electronic will, or the electronic record containing the electronic will, only to specified persons; authorizing a qualified custodian to destroy the electronic record of an electronic will after a certain date; requiring a qualified custodian to cancel, delete, destroy, mark as revoked, or obliterate an electronic will under certain circumstances; providing conditions under which a qualified custodian may cease service as a qualified custodian; requiring a qualified custodian to cease serving in such capacity upon the written request of the testator; requiring that a successor qualified custodian agree in writing to serve in that capacity for an electronic will before succeeding to office; specifying what constitutes an affidavit of a qualified custodian; requiring a qualified custodian to deliver certain documents upon request from the testator; prohibiting a qualified custodian from charging the testator a fee for such documents under certain circumstances; providing that a qualified custodian is liable for certain damages under certain circumstances; prohibiting a qualified custodian from terminating or suspending access to, or downloads of, an electronic will by the testator; prohibiting a qualified custodian from charging a fee for certain actions taken upon the death of the testator; requiring a qualified custodian to keep certain information confidential; creating s. 732.528, F.S.; providing indemnity requirements for qualified custodians; providing the Attorney General standing to petition a court for the appointment of a receiver to manage electronic records of a qualified custodian under certain conditions; amending s. 733.201, F.S.; providing for the proof of electronic wills; providing requirements for admitting an electronic will that is not self-proved into probate; providing that a paper copy of an electronic will constitutes an "original" of the electronic will subject to certain conditions; providing applicability ; providing an effective date.

House Amendment 1A (432393) (with directory amendment) to **Senate Amendment 1 (742124)**—Remove line 94 of the amendment and insert:

Section 7. Effective April 1, 2018, section 732.525, Florida Statutes, is created to

Remove line 209 of the amendment and insert:

Section 8. Effective April 1, 2018, section 732.526, Florida Statutes, is created to

Remove line 627 of the amendment and insert:

Section 17. Effective April 1, 2018, paragraph (b) of subsection (2) of section

House Amendment 1B (763047) (with title amendment) to **Senate Amendment 1 (742124)**—Between lines 340 and 341 of the amendment, insert:

(13) A contractual venue provision between a qualified custodian and a testator is not valid or enforceable to the extent that it requires a specific jurisdiction or venue for any proceeding relating to the probate of an estate or the contest of a will.

And the title is amended as follows:

Remove line 1127 of the amendment and insert: to keep certain information confidential; prohibiting certain requirements regarding venue; amending s.

On motion by Senator Passidomo, the Senate concurred in **House Amendment 1A (432393)** and **House Amendment 1B (763047)** to **Senate Amendment 1 (742124)**.

CS for CS for HB 277 passed, as amended, and the action of the Senate was certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Hutson, Thurston

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment 1 (655868) and concurred in the same as amended, and passed HB 7117 as further amended, and requests the concurrence of the Senate.

Portia Palmer, Clerk

By Health & Human Services Committee and Representative(s) Cummings—

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.

House Amendment 1 (081821) to **Senate Amendment 1 (655868) (with title amendment)**—Remove everything after the enacting clause of the amendment and insert:

Section 1. 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. The agency shall apply for and implement state plan amendments or waivers of applicable federal laws and regulations necessary to implement the program. 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 2. 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 comparison 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 3. 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 4. 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 5. 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 6. 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 7. 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 8. This act shall take effect July 1, 2017.

And the title is amended as follows:

Remove everything before the enacting clause of the amendment and insert: 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; deleting provisions relating to capitation rate and fee-for-service payment calculations; 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. 409.974, 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; providing an effective date.

Senator Grimsley moved the following Senate Amendment to **House Amendment 1 (081821)** which was adopted:

Senate Amendment 1 (280566) (with title amendment) to **House Amendment 1 (081821)** to **Senate Amendment 1 (655868)**—Delete lines 6-395 and insert:

Section 1. 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. 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 2. 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 comparison to the Medicaid rates that the agency paid on a fee for service basis for the same services in the prior year.~~

(d)~~(e)~~ 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 3. 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 4. 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 5. 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 6. 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 7. 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 8. This act shall take effect July 1, 2017.

And the title is amended as follows:

Delete lines 403-436 and insert: An act relating to the statewide Medicaid managed care program; amending s. 409.964, 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. 409.966, 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; deleting a provision for certain additional benefits to receive particular consideration; deleting provisions relating to capitation rate and fee-for-service payment calculations; 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. 409.974, 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; providing an effective date.

On motion by Senator Grimsley, the Senate concurred in **House Amendment (081821)** to **Senate Amendment (655868)**, as amended, and requested the House to concur in the Senate Amendment to the House Amendment.

HB 7117 passed, as amended, and the action of the Senate was certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Hutson

RECESS

On motion by Senator Benacquisto, the Senate recessed at 6:00 p.m. to reconvene at 6:30 p.m., or upon call of the President.

EVENING SESSION

The Senate was called to order by the President at 7:40 p.m. A quorum present—27:

Mr. President	Clemens	Rodriguez
Baxley	Galvano	Rouson
Benacquisto	Gibson	Simmons
Book	Grimsley	Simpson
Bracy	Hutson	Stargel
Bradley	Lee	Stewart
Brandes	Mayfield	Thurston
Braynon	Passidomo	Torres
Campbell	Perry	Young

SPECIAL ORDER CALENDAR, continued

CS for SB 202—A bill to be entitled An act relating to court records; amending s. 119.0714, F.S.; providing an exemption from liability for the release of certain information by the clerk of court under certain circumstances; deleting obsolete language; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 202**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 441** was withdrawn from the Committees on Judiciary; Governmental Oversight and Accountability; and Rules.

On motion by Senator Brandes—

CS for HB 441—A bill to be entitled An act relating to court records; amending s. 119.0714, F.S.; providing an exemption from liability for the release of certain information by the clerk of court; deleting obsolete language; providing an effective date.

—a companion measure, was substituted for **CS for SB 202** and read the second time by title.

On motion by Senator Brandes, by two-thirds vote, **CS for HB 441** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Garcia

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has refused to recede from House Amendment 1 to CS/SB 128 and insist the Senate to concur.

Portia Palmer, Clerk

On motion by Senator Bradley, the Senate concurred in **House Amendment 1 (833391)**.

CS for SB 128 passed, as amended, was ordered engrossed, and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—22

Mr. President	Gainer	Perry
Baxley	Galvano	Simmons
Bean	Grimsley	Simpson
Benacquisto	Hutson	Stargel
Bradley	Lee	Steube
Brandes	Mayfield	Young
Broxson	Montford	
Flores	Passidomo	

Nays—14

Book	Farmer	Rouson
Bracy	Gibson	Stewart
Braynon	Powell	Thurston
Campbell	Rader	Torres
Clemens	Rodriguez	

Vote after roll call:

Yea—Garcia

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendment 2 to CS/HB 1379 and requests the Senate to recede.

Portia Palmer, Clerk

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.

On motion by Senator Bradley, the Senate receded from engrossed **Senate Amendment 2 (744562)**.

CS for HB 1379 passed and the action of the Senate was certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

MOTION

On motion by Senator Benacquisto, the rules were waived and the time of adjournment was extended until 9:00 p.m.

RECESS

On motion by Senator Benacquisto, the Senate recessed at 7:52 p.m. to reconvene at 8:30 p.m., or upon call of the President.

EVENING SESSION

The Senate was called to order by the President at 8:49 p.m. A quorum present—33:

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

MOTION

On motion by Senator Benacquisto, the rules were waived and time of adjournment was extended until 10:00 p.m.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendments 1, 1a, 1b, 1c, 1d, 1e, and 1f to CS/CS/CS/HB 865 and requests the Senate to recede.

Portia Palmer, Clerk

CS for CS for CS for HB 865—A bill to be entitled An act relating to the Department of Transportation; creating s. 316.0898, F.S.; requiring the department, in consultation with the Department of Highway Safety and Motor Vehicles, to develop the Florida Smart City Challenge Grant Program; providing requirements for grant applicants; establishing goals for the grant program; requiring the Department of Transportation to develop specified criteria for receipt of grants and a plan for promotion of the grant program; authorizing the department to contract with a third party for certain purposes; requiring the department to submit certain information to the Governor and Legislature; providing for future repeal; amending s. 316.545, F.S.; providing for assessment and calculation of a fine for unlawful weight and load of a vehicle fueled by natural gas; requiring written certification of certain weight information; providing gross vehicle weight requirements; providing an exception; amending s. 335.074, F.S.; requiring inspection of certain bridges at intervals required by the Federal Highway Administration; amending s. 337.11, F.S.; revising the amount for which the department may enter into certain construction and maintenance contracts; amending s. 337.401, F.S.; authorizing the department and certain local governmental entities to prescribe and enforce rules or regulations regarding the placing and maintaining of certain voice or data communications services lines or wireless facilities on certain rights-of-way; amending s. 338.227, F.S.; providing requirements for the validation of turnpike revenue bonds and related complaints; requiring the department to undertake an economic feasibility study relating to the acquisition of the Garcon Point Bridge; requiring a report to the Governor and Legislature; amending s. 339.135, F.S.; waiving requirements for approval of certain work program amendments by the Legislative Budget Commission under certain conditions; amending s. 339.2405, F.S.; deleting provisions relating to the Florida Highway Beautification Council; transferring certain powers and duties of the council to the department; 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 certain contracts or agreements without department approval of the authority's expenditures; amending s. 343.58, F.S.; providing that certain funds provided to the authority constitute state financial assistance; requiring a written agreement for provision of such funds; authorizing the department to advance a certain amount of funds under certain circumstances; requiring the department to submit to the Governor and Legislature a review of the boundaries and headquarters of department districts and a study on the expenses associated with creating an additional district; authorizing the Secretary of Transportation to enroll the state in federal pilot programs or projects for the collection and study of certain data; amending s. 215.82, F.S.; conforming provisions to changes made by the act; providing an effective date.

On motion by Senator Gainer, the Senate receded from **Senate Amendment 1 (102880)**, unengrossed, as amended.

CS for CS for CS for HB 865 passed and the action of the Senate was certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Galvano, Hutson, Steube, Young

INTRODUCTION OF RESOLUTION

FIRST READING

On motion by Senator Benacquisto, by unanimous consent—

By Senator Benacquisto—

SCR 1850—A concurrent resolution extending the 2017 Regular Session of the Florida Legislature under the authority of Section 3(d), Article III of the State Constitution.

WHEREAS, the 60 days of the 2017 Regular Session of the Florida Legislature will expire on Friday, May 5, 2017, and the necessary tasks of the session have not been completed, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring:

That, notwithstanding Senate Concurrent Resolution 1530, the 2017 Regular Session of the Florida Legislature is extended until 11:59 p.m., Monday, May 8, 2017, under the authority of Section 3(d), Article III of the State Constitution.

BE IT FURTHER RESOLVED that, in the regular session so extended, the Legislature shall consider only the following matters:

(1) Senate Bill 2500, the General Appropriations bill, or any Senate and House Conference Committee Report thereon.

(2) Senate Bill 2502, the Appropriations Implementing bill, or any Senate and House Conference Committee Report thereon.

(3) The following bills:

(a) Senate Bill 7022, or any Senate and House Conference Committee Report thereon;

(b) Senate Bill 2504, or any Senate and House Conference Committee Report thereon;

(c) Senate Bill 2506, or any Senate and House Conference Committee Report thereon;

(d) Senate Bill 2508, or any Senate and House Conference Committee Report thereon;

(e) Senate Bill 2510, or any Senate and House Conference Committee Report thereon;

(f) Senate Bill 2512, or any Senate and House Conference Committee Report thereon;

(g) Senate Bill 2514, or any Senate and House Conference Committee Report thereon;

(h) Committee Substitute for Committee Substitute for Senate Bill 374, or any Senate and House Conference Committee Report thereon;

(i) House Bill 5203, or any Senate and House Conference Committee Report thereon;

(j) House Bill 5205, or any Senate and House Conference Committee Report thereon;

(k) House Bill 5301, or any Senate and House Conference Committee Report thereon;

(l) House Bill 5401, or any Senate and House Conference Committee Report thereon;

(m) House Bill 5403, or any Senate and House Conference Committee Report thereon;

(n) House Bill 5501, or any Senate and House Conference Committee Report thereon;

(o) Committee Substitute for House Bill 7069, or any Senate and House Conference Committee Report thereon; and

(p) House Bill 7109.

BE IT FURTHER RESOLVED that all other measures in both houses are indefinitely postponed and withdrawn from consideration of the respective house as of 11:59 p.m., Friday, May 5, 2017.

BE IT FURTHER RESOLVED that upon recess or adjournment Friday, May 5, 2017, either house may reconvene upon the call of its presiding officer.

BE IT FURTHER RESOLVED that both houses shall sine die concurrently upon completion of the necessary tasks of the extended regular session.

—was introduced out of order and read by title. On motion by Senator Benacquisto, by two-thirds vote, **SCR 1850** was read the second time by title, adopted by the required constitutional three-fifths vote of the members present and voting, and certified to the House.

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 CS/CS/SB 590.

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 adopted SCR 1850.

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 1 and passed CS/CS/CS/HB 15, 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 307, 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 335, 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 (476744) and passed CS/HB 359, 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 543, 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 937, 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 1021, 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 1027, 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 1049, 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 1121, 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 7059, 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 7073, as amended.

Portia Palmer, Clerk

ENROLLING REPORTS

SCR 1850 has been enrolled, signed by the required constitutional officers, and filed with the Secretary of State on May 5, 2017.

Debbie Brown, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 4 was corrected and approved.

CO-INTRODUCERS

Senator Campbell—CS for CS for SB 1312, CS for SB 1348

ADJOURNMENT

On motion by Senator Benacquisto, the Senate adjourned at 9:17 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 1:00 p.m., Monday, May 8 or upon call of the President.

Daily Numeric Index for
May 5, 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