

On motion by Senator Garcia, by two-thirds vote **CS for HB 357** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Gibson	Ring
Bogdanoff	Hays	Sachs
Braynon	Jones	Simmons
Bullard	Joyner	Siplin
Dean	Latvala	Smith
Detert	Lynn	Sobel
Diaz de la Portilla	Margolis	Storms
Dockery	Montford	Thrasher
Fasano	Negron	Wise

Nays—None

RECESS

On motion by President Haridopolos, the Senate recessed at 7:13 p.m. to reconvene at 7:28 p.m..

CALL TO ORDER

The Senate was called to order by the President at 7:42 p.m. A quorum present.

SPECIAL ORDER CALENDAR

RECONSIDERATION OF BILL

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

CS for HB 7099—A bill to be entitled An act relating to tax administration; amending s. 212.03, F.S.; providing that charges for the storage of towed vehicles that are impounded by a local, state, or federal law enforcement agency are not taxable; amending s. 212.07, F.S.; conforming a cross-reference to changes made by the act; subjecting a dealer to monetary and criminal penalties for the willful failure to collect certain taxes or fees after notice of the duty to collect the taxes or fees by the Department of Revenue; amending s. 212.12, F.S.; deleting provisions relating to the imposition of criminal penalties after notice by the Department of Revenue of requirements to register as a dealer or to collect taxes; making technical and grammatical changes to provisions specifying penalties for making a false or fraudulent return with the intent to evade payment of a tax or fee; amending s. 212.14, F.S.; defining the term “person”; authorizing the Department of Revenue to adopt rules relating to requirements for a person to deposit cash, a bond, or other security with the department in order to ensure compliance with sales tax laws; making technical and grammatical changes; amending s. 212.18, F.S.; subjecting a person to criminal penalties for willfully failing to register as a dealer after notice of the duty to register by the Department of Revenue; making technical and grammatical changes; amending s. 212.20, F.S.; providing for the distribution of certain taxes generated by visitor activity at the Kennedy Space Center and Cape Canaveral Air Force Station to the Florida Institute of Technology; amending s. 213.13, F.S.; revising the due date for funds collected by the clerks of court to be transmitted to the Department of Revenue; providing retroactive application; creating s. 213.295, F.S.; providing definitions; subjecting a person to criminal penalties and monetary penalties for knowingly selling or engaging in certain other actions involving an automated sales suppression device, zapper, or phantom-ware; defining sales suppression devices and phantom-ware as contraband articles under the Florida Contraband Forfeiture Act; amending s. 213.756, F.S.; providing an absolute defense by a retailer, dealer, or vendor against a purchaser’s claim for a refund; amending s. 220.153, F.S.; redefining the term “qualified capital expenditures” for purposes of apportionment by sales factor; amending s. 322.142, F.S.; authorizing the Department of

Highway Safety and Motor Vehicles to release photographs or digital images to the Department of Revenue in order to identify individuals for purposes of tax administration; amending s. 336.021, F.S.; revising the date when imposition of the ninth-cent fuel tax will be levied; amending s. 336.025, F.S.; revising the date when impositions and rate changes of the local option fuel tax shall be levied; amending s. 443.131, F.S.; imposing a requirement on employers to produce records for the Department of Economic Opportunity or its tax collection service provider as a prerequisite for a reduction in the rate of unemployment tax; amending s. 443.141, F.S.; providing a method to calculate the interest rate for past due contributions and reimbursements, and delinquent, erroneous, incomplete, or insufficient reports; providing effective dates.

—as amended passed this day.

On motion by Senator Negron, further consideration of **CS for HB 7099** was deferred.

REPORTS OF COMMITTEE RELATING TO EXECUTIVE BUSINESS

The Honorable Mike Haridopolos
President, The Florida Senate
March 9, 2012

Dear President Haridopolos:

The following executive appointments were referred to the Senate Rules Subcommittee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate:

Office and Appointment *For Term Ending*

Governor’s Mansion Commission
Appointee: Rooney, Kathleen C. 09/30/2014

Board of Medicine
Appointee: Zachariah, Zachariah P. 10/31/2014

The following executive appointment was referred to the Senate Committee on Criminal Justice and the Senate Rules Subcommittee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate:

Office and Appointment *For Term Ending*

Parole Commission
Appointee: Pate, Tena M. 06/30/2016

The following executive appointments were referred to the Senate Committee on Higher Education and the Senate Rules Subcommittee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate:

Office and Appointment *For Term Ending*

Board of Trustees, University of Central Florida
Appointee: Sprouls, John R. 01/06/2016

Board of Trustees, Florida International University
Appointees: Armas, Jose 01/06/2016
de la Vega, Mayi 01/06/2016

Board of Trustees, University of North Florida
Appointee: Newton, Joan W. 01/06/2016

The following executive appointment was referred to the Senate Committee on Transportation and the Senate Rules Subcommittee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate:

Office and Appointment *For Term Ending*

Secretary of Transportation
Appointee: Prasad, Ananth Pleasure of Governor

As required by Rule 12.7(1), 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 Rules Subcommittee 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 2012 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,
Miguel Diaz de la Portilla, Chair

On motion by Senator Diaz de la Portilla, 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—40

Mr. President	Flores	Oelrich
Alexander	Gaetz	Rich
Altman	Garcia	Richter
Benacquisto	Gardiner	Ring
Bennett	Gibson	Sachs
Bogdanoff	Hays	Simmons
Braynon	Jones	Siplin
Bullard	Joyner	Smith
Dean	Latvala	Sobel
Detert	Lynn	Storms
Diaz de la Portilla	Margolis	Thrasher
Dockery	Montford	Wise
Evers	Negron	
Fasano	Norman	

Nays—None

SPECIAL ORDER CALENDAR

The Senate resumed consideration of—

CS for CS for HB 787—A bill to be entitled An act relating to nursing home facilities; amending s. 400.021, F.S.; revising definitions of the terms “geriatric outpatient clinic” and “resident care plan” and defining the term “therapeutic spa services”; amending s. 400.141, F.S.; revising provisions relating to other needed services provided by licensed nursing home facilities, including respite care, adult day, and therapeutic spa services; revising provisions relating to facilities eligible to share programming and staff; deleting requirements for the submission of certain reports to the Agency for Health Care Administration; creating s. 400.172, F.S.; providing requirements for a nursing home facility operated by a licensee that provides respite care services; providing for rights of persons receiving respite care in nursing home facilities; requiring a prospective respite care recipient to provide certain information to the nursing home facility; amending s. 408.036, F.S.; providing an exemption from certain certificate-of-need requirements to provide for the creation of a pilot project in any of specified Agency for Health Care Administration subdistricts; requiring the nursing home to be affiliated with an accredited nursing school that offers certain degree programs; providing requirements for affiliation with a private accredited university and for location and staffing of the nursing home; providing for the pilot project to proceed notwithstanding any moratorium under certain conditions; providing for expiration of the exemption; amending s. 429.905, F.S.; defining the term “day” for purposes of day care services provided to adults who are not residents; amending s. 651.118, F.S.; providing a funding limitation on sheltered nursing home beds used to provide assisted living, rather than extended congregate care services; authorizing certain sharing of areas, services, and staff between such

sheltered beds and nursing home beds in those facilities; providing an effective date.

—which was previously considered this day with pending **Amendment 1 (109490)** by Senator Garcia.

MOTION

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

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

Amendment 1A (445626) (with title amendment)—Between lines 4 and 5 insert:

Section 1. Subsection (30) of section 395.002, Florida Statutes, is amended to read:

395.002 Definitions.—As used in this chapter:

(30) “Urgent care center” means a facility or clinic that provides immediate but not emergent ambulatory medical care to patients ~~with or without an appointment. The term includes an offsite~~ ~~It does not include the emergency department of a hospital that is presented to the general public in any manner as a department where immediate and not only emergent medical care is provided. The term also includes:~~

(a) An offsite facility of a facility licensed under chapter 395, or a joint venture between a facility licensed under chapter 395 and a provider licensed under chapter 458 or chapter 459, that does not require a patient to make an appointment and is presented to the general public in any manner as a facility where immediate but not emergent medical care is provided.

(b) A clinic organization that is licensed under part X of chapter 400, maintains three or more locations using the same or a similar name, does not require a patient to make an appointment, and holds itself out to the general public in any manner as a facility or clinic where immediate but not emergent medical care is provided.

Section 2. Section 395.107, Florida Statutes, is amended to read:

395.107 Urgent care centers; publishing and posting schedule of charges; penalties.—

(1) An urgent care center must publish and post a schedule of charges for the medical services offered to patients.

(2) The schedule of charges must describe the medical services in language comprehensible to a layperson. The schedule must include the prices charged to an uninsured person paying for such services by cash, check, credit card, or debit card. The schedule must be posted in a conspicuous place in the reception area of the ~~urgent care center~~ and must include, but is not limited to, the 50 services most frequently provided ~~by the urgent care center~~. The schedule may group services by three price levels, listing services in each price level. The posting may be a sign, which must be at least 15 square feet in size, or may be through an electronic messaging board. If an urgent care center is affiliated with a facility licensed under this chapter, the schedule must include text that notifies the insured patients whether the charges for medical services received at the center will be the same as, or more than, charges for medical services received at the affiliated hospital. The text notifying the patient of the schedule of charges shall be in a font size equal to or greater than the font size used for prices and must be in a contrasting color. The text that notifies the insured patients whether the charges for medical services received at the center will be the same as, or more than, charges for medical services received at the affiliated hospital shall be included in all media and Internet advertisements for the center and in language comprehensible to a layperson.

(3) The posted text describing the medical services must fill at least 12 square feet of the posting. A center may use an electronic device or messaging board to post the schedule of charges. Such a device must be at least 3 square feet and patients must be able to access the schedule during all hours of operation of the urgent care center.