Journal of the Senate

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CALL TO ORDER

The Senate was called to order by President Gaetz at 9:00 a.m. A quorum present—32:

Mr. President	Galvano	Richter
Abruzzo	Gardiner	Sachs
Altman	Gibson	Simmons
Bean	Grimsley	Simpson
Benacquisto	Hays	Smith
Bradley	Joyner	Sobel
Brandes	Latvala	Soto
Braynon	Legg	Stargel
Bullard	Margolis	Thompson
Clemens	Montford	Thrasher
Detert	Negron	

Excused: Senator Hukill

PRAYER

The following prayer was offered by Mr. Wallace Brown, a long-time employee of the Senate Sergeant's Office, Tallahassee:

Heavenly Father, we come to say thank you. We know you are the Maker and Creator of the beginning and the end of the earth. We thank you for our gathering today. We thank you for all your wonderful blessings. We thank you for giving us sharp minds, so that we can think and make decisions that shape our state and world. Thank you for your guidance and keeping your loving arms around us.

We pray this prayer in your name. Amen.

PLEDGE

Senate Pages, Ben Sundook of Wellington; Hope Greenier of New Port Richey; and Imani Thomas of Tallahassee, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Dennis F. Saver of Vero Beach, sponsored by Senator Negron, as the doctor of the day. Dr. Saver specializes in family medicine.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Don Gaetz, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 86, with 3 amendments, and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

CS for SB 86—A bill to be entitled An act relating to dentists; amending s. 627.6474, F.S.; prohibiting a contract between a health insurer and a dentist from requiring the dentist to provide services at a fee set by the insurer under certain circumstances; defining the term "covered services" as it relates to contracts between a health insurer and a dentist; prohibiting a health insurer from requiring as a condition of a contract that a dentist participate in a discount medical plan; amending s. 636.035, F.S.; prohibiting a contract between a prepaid limited health service organization and a dentist from requiring the dentist to provide services at a fee set by the organization under certain circumstances; defining the term "covered services" as it relates to contracts between a prepaid limited health service organization and a dentist; prohibiting the prepaid limited health service organization from requiring as a condition of a contract that a dentist participate in a discount medical plan; amending s. 641.315, F.S.; prohibiting a contract between a health maintenance organization and a dentist from requiring the dentist to provide services at a fee set by the organization under certain circumstances; defining the term "covered services" as it relates to contracts between a health maintenance organization and a dentist; prohibiting the health maintenance organization from requiring as a condition of a contract that a dentist participate in a discount medical plan; providing for application of the act; providing an effective date.

House Amendment 1 (429117) (with title amendment)—Remove lines 52-67 and insert:

(2) A contract between a health insurer and a dentist licensed under chapter 466 for the provision of services to an insured may not contain a provision that requires the dentist to provide services to the insured under such contract at a fee set by the health insurer unless such services are covered services under the applicable contract. As used in this paragraph, the term "covered services" means dental care services for which a reimbursement is available under the insured's contract, or for which a reimbursement would be available but for the application of contractual limitations such as deductibles, coinsurance, waiting periods, annual or lifetime maximums, frequency limitations, alternative benefit payments, or any other limitation.

And the title is amended as follows:

Remove lines 8-10 and insert: dentist; amending s.

House Amendment 2 (414241) (with title amendment)—Remove lines 71-89 and insert:

(13) A contract between a prepaid limited health service organization and a dentist licensed under chapter 466 for the provision of services to a subscriber of the prepaid limited health service organization may not

contain a provision that requires the dentist to provide services to the subscriber of the prepaid limited health service organization at a fee set by the prepaid limited health service organization unless such services are covered services under the applicable contract. As used in this paragraph, the term "covered services" means dental care services for which a reimbursement is available under the subscriber's contract, or for which a reimbursement would be available but for the application of contractual limitations such as deductibles, coinsurance, waiting periods, annual or lifetime maximums, frequency limitations, alternative benefit payments, or any other limitation.

And the title is amended as follows:

Remove lines 17-20 and insert: health service organization and a dentist; amending s.

House Amendment 3 (487991) (with title amendment)—Remove lines 93-110 and insert:

(11) A contract between a health maintenance organization and a dentist licensed under chapter 466 for the provision of services to a subscriber of the health maintenance organization may not contain a provision that requires the dentist to provide services to the subscriber of the health maintenance organization at a fee set by the health maintenance organization unless such services are covered services under the applicable contract. As used in this paragraph, the term "covered services" means dental care services for which a reimbursement is available under the subscriber's contract, or for which a reimbursement would be available but for the application of contractual limitations such as deductibles, coinsurance, waiting periods, annual or lifetime maximums, frequency limitations, alternative benefit payments, or any other limitation.

And the title is amended as follows:

Remove lines 27-30 and insert: dentist; providing applicability;

On motion by Senator Latvala, the Senate concurred in the House amendments.

CS for SB 86 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—27

Mr. President	Detert	Sachs
Abruzzo	Galvano	Simmons
Altman	Gibson	Simpson
Benacquisto	Hays	Smith
Bradley	Joyner	Sobel
Brandes	Latvala	Soto
Braynon	Margolis	Stargel
Bullard	Montford	Thompson
Clemens	Richter	Thrasher

Nays—None

Vote after roll call:

Yea—Bean, Dean, Diaz de la Portilla, Evers, Garcia, Lee, Legg, Negron

Vote preference:

May 2, 2014: Yea—Grimsley, Hukill

The Honorable Don Gaetz, President

I am directed to inform the Senate that the House of Representatives has passed SB 356, with 1 amendment, and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

SB 356—A bill to be entitled An act relating to the regulation of public lodging establishments and public food service establishments; amending s. 509.032, F.S.; prohibiting a local law, ordinance, or regulation from limiting the frequency of rentals or setting a minimum stay requirement for a vacation rental of greater than 7 days; providing an exception for certain laws, ordinances, or regulations; removing the preemption preventing local laws, ordinances, or regulations from regulating the use of vacation rentals based solely on their classification, use, or occupancy; providing an effective date.

House Amendment 1 (486775) (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Subsection (7) of section 509.032, Florida Statutes, is amended to read:

509.032 Duties.—

(7) PREEMPTION AUTHORITY.—

(a) The regulation of public lodging establishments and public food service establishments, including, but not limited to, sanitation standards, inspections, training and testing of personnel, and matters related to the nutritional content and marketing of foods offered in such establishments, is preempted to the state. This paragraph does not preempt the authority of a local government or local enforcement district to conduct inspections of public lodging and public food service establishments for compliance with the Florida Building Code and the Florida Fire Prevention Code, pursuant to ss. 553.80 and 633.206.

(b) A local law, ordinance, or regulation may not ~~restrict the use of vacation rentals,~~ prohibit vacation rentals~~,~~ or regulate *the duration or frequency of rental of* vacation rentals ~~based solely on their classification, use, or occupancy~~. This paragraph does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011.

(c) Paragraph (b) does not apply to any local law, ordinance, or regulation exclusively relating to property valuation as a criterion for vacation rental if the local law, ordinance, or regulation is required to be approved by the state land planning agency pursuant to an area of critical state concern designation.

Section 2. This act shall take effect July 1, 2014.

And the title is amended as follows:

Remove everything before the enacting clause and insert: A bill to be entitled An act relating to the regulation of public lodging establishments and public food service establishments; amending s. 509.032, F.S.; revising the permitted scope of local laws, ordinances, and regulations regarding vacation rentals; providing an effective date.

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

SB 356 passed as amended and 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	Ring
Abruzzo	Gardiner	Sachs
Altman	Gibson	Simmons
Bean	Grimsley	Simpson
Benacquisto	Hays	Smith
Bradley	Joyner	Sobel
Braynon	Latvala	Soto
Bullard	Legg	Stargel
Clemens	Margolis	Thompson
Dean	Montford	Thrasher
Detert	Richter	

Nays—2

Brandes	Galvano

Vote after roll call:

Yea—Diaz de la Portilla, Evers, Garcia, Lee

The Honorable Don Gaetz, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for CS for SB 542, with 1 amendment, and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

CS for CS for CS for SB 542—A bill to be entitled An act relating to flood insurance; amending s. 627.062, F.S.; adding projected flood losses to the factors that must be considered by the Office of Insurance Regulation in reviewing certain rate filings; amending s. 627.0628, F.S.; requiring the commission to adopt standards and guidelines relating to flood loss by a certain date; creating s. 627.715, F.S.; authorizing insurers to offer flood insurance on residential property in this state; requiring the insurer to also offer coverage equivalent to that provided by the National Flood Insurance Program (NFIP); defining the term "flood"; establishing the minimum coverage requirements for a flood insurance policy; providing coverage limitations that an insurer may include in such policies; requiring that certain limitations and notices be noted on the policy declarations or face page; requiring the insurer to obtain a signed acknowledgement from the applicant which provides certain specified information; providing the insurer with rate options; authorizing the office to conduct an examination with respect to any rate change; authorizing an insurer to export a contract or endorsement to a surplus lines insurer without meeting certain requirements; requiring prior notice for cancellation or nonrenewal of a policy; providing additional requirements with respect to notifying the Office of Insurance Regulation before writing flood insurance, filing a plan of operation with the office, using forms that have been approved by the office, and filing reinsurance contracts before a certain date; prohibiting Citizens Property Insurance Corporation from writing flood insurance; prohibiting the Florida Hurricane Catastrophe Fund from reimbursing losses caused by flooding; providing certain exemptions; preempting any conflicts with other provisions of the Florida Insurance Code; providing that the Commissioner of the Office of Insurance Regulation may provide certification that a condition qualifies for flood insurance or disaster assistance; providing that such certification is not subject to ch. 120, F.S.; providing an effective date.

House Amendment 1 (256221) (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Paragraph (b) of subsection (2) of section 627.062, Florida Statutes, is amended to read:

627.062 Rate standards.—

(2) As to all such classes of insurance:

(b) Upon receiving a rate filing, the office shall review the filing to determine if a rate is excessive, inadequate, or unfairly discriminatory. In making that determination, the office shall, in accordance with generally accepted and reasonable actuarial techniques, consider the following factors:

1. Past and prospective loss experience within and without this state.

2. Past and prospective expenses.

3. The degree of competition among insurers for the risk insured.

4. Investment income reasonably expected by the insurer, consistent with the insurer's investment practices, from investable premiums anticipated in the filing, plus any other expected income from currently invested assets representing the amount expected on unearned premium reserves and loss reserves. The commission may adopt rules using reasonable techniques of actuarial science and economics to specify the manner in which insurers calculate investment income attributable to classes of insurance written in this state and the manner in which investment income is used to calculate insurance rates. Such manner must contemplate allowances for an underwriting profit factor and full consideration of investment income *that produces* ~~which produce~~ a reasonable rate of return; however, investment income from invested surplus may not be considered.

5. The reasonableness of the judgment reflected in the filing.

6. Dividends, savings, or unabsorbed premium deposits allowed or returned to ~~Florida~~ policyholders, members, or subscribers *in this state*.

7. The adequacy of loss reserves.

8. The cost of reinsurance. The office may not disapprove a rate as excessive solely due to the insurer having obtained catastrophic reinsurance to cover the insurer's estimated 250-year probable maximum loss or any lower level of loss.

9. Trend factors, including trends in actual losses per insured unit for the insurer making the filing.

10. Conflagration and catastrophe hazards, if applicable.

11. Projected hurricane losses, if applicable, which must be estimated using a model or method found to be acceptable or reliable by the Florida Commission on Hurricane Loss Projection Methodology, and as further provided in s. 627.0628.

12. Projected flood losses for personal residential property insurance, if applicable, which may be estimated using a model or method, or a straight average of model results or output ranges, independently found to be acceptable or reliable by the Florida Commission on Hurricane Loss Projection Methodology and as further provided in s. 627.0628.

13.~~12.~~ A reasonable margin for underwriting profit and contingencies.

14.~~13.~~ The cost of medical services, if applicable.

15.~~14.~~ Other relevant factors that affect the frequency or severity of claims or expenses.

The provisions of this subsection do not apply to workers' compensation, employer's liability insurance, and motor vehicle insurance.

Section 2. Subsection (3) of section 627.0628, Florida Statutes, is amended to read:

627.0628 Florida Commission on Hurricane Loss Projection Methodology; public records exemption; public meetings exemption.—

(3) ADOPTION AND EFFECT OF STANDARDS AND GUIDELINES.—

(a) The commission shall consider any actuarial methods, principles, standards, models, or output ranges that have the potential for improving the accuracy of or reliability of the hurricane loss projections used in residential property insurance rate filings *and flood loss projections used in rate filings for personal lines residential flood insurance coverage*. The commission shall, from time to time, adopt findings as to the accuracy or reliability of particular methods, principles, standards, models, or output ranges.

(b) The commission shall consider any actuarial methods, principles, standards, or models that have the potential for improving the accuracy of or reliability of projecting probable maximum loss levels. The commission shall adopt findings as to the accuracy or reliability of particular methods, principles, standards, or models related to probable maximum loss calculations.

(c) In establishing reimbursement premiums for the Florida Hurricane Catastrophe Fund, the State Board of Administration must, to the extent feasible, employ actuarial methods, principles, standards, models, or output ranges found by the commission to be accurate or reliable.

(d) With respect to a rate filing under s. 627.062, an insurer shall employ and may not modify or adjust actuarial methods, principles, standards, models, or output ranges found by the commission to be accurate or reliable in determining hurricane loss factors for use in a rate filing under s. 627.062. An insurer shall employ and may not modify or adjust models found by the commission to be accurate or reliable in determining probable maximum loss levels pursuant to paragraph (b)

with respect to a rate filing under s. 627.062 made more than 60 days after the commission has made such findings. *This paragraph does not prohibit an insurer from using a straight average of model results or output ranges for the purposes of a rate filing for personal lines residential flood insurance coverage under s. 627.062.*

(e) The commission shall adopt actuarial methods, principles, standards, models, or output ranges for personal lines residential flood loss no later than July 1, 2017.

(f)~~(e)~~ The commission shall *revise* ~~adopt revisions to~~ previously adopted actuarial methods, principles, standards, models, or output ranges every *odd-numbered* ~~odd~~ year.

(g)~~(f)~~1. A trade secret, as defined in s. 688.002, that is used in designing and constructing a hurricane loss model and that is provided pursuant to this section, by a private company, to the commission, office, or consumer advocate appointed pursuant to s. 627.0613, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

2.a. That portion of a meeting of the commission or of a rate proceeding on an insurer's rate filing at which a trade secret made confidential and exempt by this paragraph is discussed is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution. The closed meeting must be recorded, and no portion of the closed meeting may be off the record.

b. The recording of a closed portion of a meeting is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

Section 3. Section 627.715, Florida Statutes, is created to read:

627.715 Flood insurance.—An authorized insurer may issue an insurance policy, contract, or endorsement providing personal lines residential coverage for the peril of flood on any structure or the contents of personal property contained therein, subject to this section. This section does not apply to commercial lines residential or commercial lines nonresidential coverage for the peril of flood. This section also does not apply to coverage for the peril of flood that is excess coverage over any other insurance covering the peril of flood. An insurer may issue flood insurance policies, contracts, or endorsements on a standard, preferred, customized, or supplemental basis.

(1)(a)1. Standard flood insurance must cover only losses from the peril of flood, as defined in paragraph (b), equivalent to that provided under a standard flood insurance policy under the National Flood Insurance Program. Standard flood insurance issued under this section must provide the same coverage, including deductibles and adjustment of losses, as that provided under a standard flood insurance policy under the National Flood Insurance Program.

2. Preferred flood insurance must include the same coverage as standard flood insurance but:

a. Include, within the definition of "flood," losses from water intrusion originating from outside the structure that are not otherwise covered under the definition of "flood" provided in paragraph (b).

b. Include coverage for additional living expenses.

c. Require that any loss under personal property or contents coverage that is repaired or replaced be adjusted only on the basis of replacement costs up to the policy limits.

3. Customized flood insurance must include coverage that is broader than the coverage provided under standard flood insurance.

4. Supplemental flood insurance may provide coverage designed to supplement a flood policy obtained from the National Flood Insurance Program or from an insurer issuing standard or preferred flood insurance pursuant to this section. Supplemental flood insurance may provide, but need not be limited to, coverage for jewelry, art, deductibles, and additional living expenses. Supplemental flood insurance does not include coverage for the peril of flood that is excess coverage over any other insurance covering the peril of flood.

(b) "Flood" means a general and temporary condition of partial or complete inundation of two or more acres of normally dry land area or of two or more properties, at least one of which is the policyholder's property, from:

1. Overflow of inland or tidal waters;

2. Unusual and rapid accumulation or runoff of surface waters from any source;

3. Mudflow; or

4. Collapse or subsidence of land along the shore of a lake or similar body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels that result in a flood as defined in this paragraph.

(2) Any limitations on flood coverage or policy limits pursuant to this section, including, but not limited to, deductibles, must be prominently noted on the policy declarations page or face page.

(3)(a) An insurer may establish and use flood coverage rates in accordance with the rate standards provided in s. 627.062.

(b) For flood coverage rates filed with the office before October 1, 2019, the insurer may also establish and use such rates in accordance with the rates, rating schedules, or rating manuals filed by the insurer with the office which allow the insurer a reasonable rate of return on flood coverage written in this state. Flood coverage rates established pursuant to this paragraph are not subject to s. 627.062(2)(a) and (f). An insurer shall notify the office of any change to such rates within 30 days after the effective date of the change. The notice must include the name of the insurer and the average statewide percentage change in rates. Actuarial data with regard to such rates for flood coverage must be maintained by the insurer for 2 years after the effective date of such rate change and is subject to examination by the office. The office may require the insurer to incur the costs associated with an examination. Upon examination, the office, in accordance with generally accepted and reasonable actuarial techniques, shall consider the rate factors in s. 627.062(2)(b), (c), and (d), and the standards in s. 627.062(2)(e), to determine if the rate is excessive, inadequate, or unfairly discriminatory.

(4) A surplus lines agent may export a contract or endorsement providing flood coverage to an eligible surplus lines insurer without making a diligent effort to seek such coverage from three or more authorized insurers under s. 626.916(1)(a). This subsection expires July 1, 2017.

(5) In addition to any other applicable requirements, an insurer providing flood coverage in this state must:

(a) Notify the office at least 30 days before writing flood insurance in this state; and

(b) File a plan of operation and financial projections or revisions to such plan, as applicable, with the office.

(6) Citizens Property Insurance Corporation may not provide insurance for the peril of flood.

(7) The Florida Hurricane Catastrophe Fund may not provide reimbursement for losses proximately caused by the peril of flood, including losses that occur during a covered event as defined in s. 215.555(2)(b).

(8) An agent obtaining an application for flood coverage from an authorized or surplus lines insurer for a property receiving flood insurance under the National Flood Insurance Program must obtain an acknowledgment signed by the applicant before placing the coverage with the authorized or surplus lines insurer. The acknowledgment must notify the applicant that the full risk rate for flood insurance may apply to the property if such insurance is later obtained under the National Flood Insurance Program.

(9) With respect to the regulation of flood coverage written in this state by authorized insurers, this section supersedes any other provision in the Florida Insurance Code in the event of a conflict.

Section 4. *If federal law or rule requires a certification by a state insurance regulatory official as a condition of qualifying for private flood insurance or disaster assistance, the Commissioner of Insurance Regulation may provide the certification, and such certification is not subject to review under chapter 120, Florida Statutes.*

Section 5. 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 flood insurance; amending s. 627.062, F.S.; adding projected flood losses to the factors that must be considered by the Office of Insurance Regulation in reviewing certain rate filings; amending s. 627.0628, F.S.; requiring the Florida Commission on Hurricane Loss Projection Methodology to adopt standards and guidelines relating to personal lines residential flood loss by a certain date; creating s. 627.715, F.S.; authorizing certain insurers to offer flood insurance in this state; providing standard, preferred, and customized coverage requirements; authorizing supplemental flood insurance; providing supplemental flood insurance requirements; defining the term "flood"; requiring that certain limitations be noted on the policy declarations or face page; providing the insurer with rate options; authorizing a surplus lines agent to export a contract or endorsement for flood coverage to a surplus lines insurer without meeting certain requirements; requiring the insurer to notify the office before writing flood insurance and to file a plan of operation with the office; prohibiting Citizens Property Insurance Corporation from providing flood insurance; prohibiting the Florida Hurricane Catastrophe Fund from reimbursing losses caused by flooding; requiring certain agents to obtain an acknowledgment of certain disclosures signed by the applicant; providing construction; providing that the Commissioner of Insurance Regulation may provide certification if required to qualify for flood insurance or disaster assistance; providing that the certification is not subject to review under the Administrative Procedure Act; providing an effective date.

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

CS for CS for CS for SB 542 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—30

Mr. President	Evers	Margolis
Abruzzo	Flores	Montford
Altman	Galvano	Richter
Bean	Garcia	Ring
Benacquisto	Gardiner	Simmons
Bradley	Gibson	Simpson
Brandes	Grimsley	Smith
Bullard	Hays	Soto
Clemens	Latvala	Stargel
Dean	Legg	Thrasher

Nays—3

Detert	Joyner	Sobel

Vote after roll call:

Yea—Diaz de la Portilla, Lee, Negron, Sachs, Thompson

The Honorable Don Gaetz, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 674, with 1 amendment, and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

CS for CS for SB 674—A bill to be entitled An act relating to background screening; amending s. 322.142, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to share reproductions of driver license images with the Department of Health and the Agency for Health Care Administration for specified purposes; amending s. 402.301, F.S.; revising provisions relating to the exemption of certain membership organizations affiliated with national organizations from certain child care facility licensing requirements; amending s. 408.806, F.S.; revising the requirements for health care licensure; revising a provision requiring an affidavit; amending s. 408.809, F.S.; exempting a person whose fingerprints are already enrolled in a specified Federal Bureau of Investigation program from the requirement that such fingerprints be forwarded to the bureau; requiring certain persons to submit their fingerprints electronically; requiring the Department of Law Enforcement to retain fingerprints when the department begins participation in a certain program; revising requirements for proof of compliance with level 2 screening standards; revising terminology; adding additional disqualifying offenses to background screening requirements; adding an exemption clause from disqualification for new offenses; amending s. 413.208, F.S.; providing applicability for background screening requirements for certain registrants; repealing s. 7 of chapter 2012-73, Laws of Florida, relating to background screening requirements; amending s. 435.04, F.S.; revising information required for vendors submitting employee fingerprints; adding an additional disqualifying offense to background screening requirements; amending s. 435.05, F.S.; revising a provision requiring the annual submission of an affidavit; amending s. 435.07, F.S.; revising criteria for an exemption from disqualification for an employee under certain conditions; amending s. 435.12, F.S.; requiring the fingerprints of an employee required to be screened by a specified agency and included in the clearinghouse also to be retained in the national retained print arrest notification program at a specified time; requiring simultaneous submission of a photographic image and electronic fingerprints to the Care Provider Background Screening Clearinghouse; requiring an employer to follow certain criminal history check procedures and include specified information regarding referral and registration of an employee for electronic fingerprinting with the clearinghouse; providing an effective date.

House Amendment 1 (288775) (with title amendment)—Remove lines 114-136

And the title is amended as follows:

Remove lines 7-11 and insert: specified purposes; amending s. 408.806,

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

The vote was:

Yeas—28

Mr. President	Dean	Margolis
Abruzzo	Detert	Negron
Altman	Evers	Richter
Bean	Galvano	Ring
Benacquisto	Gardiner	Simmons
Bradley	Grimsley	Simpson
Brandes	Hays	Stargel
Braynon	Latvala	Thrasher
Bullard	Lee	
Clemens	Legg	

Nays—7

Gibson	Smith	Thompson
Montford	Sobel	
Sachs	Soto	

CS for CS for SB 674 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—27

Mr. President	Bradley	Clemens
Abruzzo	Brandes	Dean
Bean	Braynon	Detert
Benacquisto	Bullard	Evers

Flores	Latvala	Simpson
Galvano	Legg	Smith
Garcia	Margolis	Sobel
Grimsley	Ring	Soto
Hays	Sachs	Thompson

Nays—None

Vote after roll call:

Yea—Altman, Diaz de la Portilla, Gibson, Joyner, Lee, Negron, Richter, Simmons, Stargel, Thrasher

Vote preference:

May 2, 2014: Yea—Hukill

The Honorable Don Gaetz, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 864, with 1 amendment, and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

CS for SB 864—A bill to be entitled An act relating to instructional materials for K-12 public education; amending s. 1006.28, F.S.; providing that the district school board has the constitutional duty and responsibility to select and provide adequate instructional materials for all students; redefining the term "adequate instructional materials"; amending s. 1006.283, F.S.; requiring a district school board or consortium of school districts to implement an instructional materials program; including criteria for the review and recommendation of instructional materials, the process by which instructional materials are adopted, and the process by which a school district will notify parents of their ability to access their children's instructional materials in the list of the subjects that must be addressed by rule of the district school board; requiring adopted instructional materials to be provided in digital format; defining the term "digital format"; requiring the Department of Education to publish minimum, recommended technology requirements; requiring the Department of Education to publish annually a 5-year schedule of subject areas to be reviewed by local school districts, to begin by a specified date; requiring the district to make available, upon request, sample copies of its adopted instructional materials; repealing s. 1006.29, F.S., relating to state instructional materials reviewers; amending s. 1006.30, F.S.; requiring each district instructional materials reviewer to file an affidavit with the district school board, rather than the department; amending s. 1006.31, F.S.; deleting references to the Department of Education regarding the duties of instructional materials reviewers; revising the evaluation procedure for instructional materials; amending s. 1006.32, F.S.; conforming provisions to changes made by the act; deleting references to the Commissioner of Education regarding a pilot program and the adoption of instructional materials; repealing s. 1006.33, F.S., relating to bids, proposals, and advertisement regarding the adoption of instructional materials; repealing s. 1006.34, F.S., relating to powers and duties of the Commissioner of Education and the department in selecting and adopting instructional materials; amending s. 1006.35, F.S.; requiring the district school board, rather than the commissioner, to conduct an independent investigation to determine the accuracy of district-adopted instructional materials; authorizing the district school board, rather than the commissioner, to remove materials from the list of district-adopted materials under certain circumstances; repealing s. 1006.36, F.S., relating to the term of adoption for instructional materials; amending s. 1006.37, F.S.; authorizing, rather than requiring, the district school superintendent to requisition adopted instructional materials from the depository of a publisher with whom a contract has been made or any other vendor selling the adopted instructional materials; deleting provisions regarding the superintendent's requisition of instructional materials; conforming provisions to changes made by the act; authorizing a district school board or a consortium of school districts to requisition instructional materials from the publisher's depository or any other vendor selling adopted instructional materials; amending s. 1006.38, F.S.; conforming provisions to changes made by the act; revising the duties, responsibilities, and requirements of instructional materials publishers and manufacturers; amending s. 1006.40, F.S.; deleting provisions regarding the adoption of instructional materials for certain core courses in the subject area of mathematics; allowing each district school board to use all of the annual allocation for the purchase of digital, rather than electronic, instructional materials that meet certain goals, objectives, and requirements; deleting provisions regarding the use of the district's annual allocation for the purchase of instructional materials; amending s. 1006.41, F.S.; conforming provisions to changes made by the act; amending ss. 1003.621, 1006.282, and 1010.82, F.S.; conforming cross-references; providing an effective date.

House Amendment 1 (291729) (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Subsection (1) of section 1006.28, Florida Statutes, is amended to read:

1006.28 Duties of district school board, district school superintendent; and school principal regarding K-12 instructional materials.—

(1) DISTRICT SCHOOL BOARD.—The district school board has the *constitutional* duty *and responsibility* to *select and* provide adequate instructional materials for all students in accordance with the requirements of this part. The term "adequate instructional materials" means a sufficient number of student or site licenses or sets of materials that are available in bound, unbound, kit, or package form and may consist of hardbacked or softbacked textbooks, electronic content, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software that serve as the basis for instruction for each student in the core courses of mathematics, language arts, social studies, science, reading, and literature. The district school board has the following specific duties *and responsibilities*:

(a) Courses of study; adoption.—Adopt courses of study*, including instructional materials,* for use in the schools of the district.

1. Each district school board is responsible for the content of all instructional materials used in a classroom, whether adopted and purchased from the state-adopted instructional materials list, adopted and purchased through a district instructional materials program under s. 1006.283, or otherwise purchased or made available in the classroom.

2. Each district school board must adopt a policy regarding a parent's objection to his or her child's use of a specific instructional material, which clearly describes a process to handle all objections and provides for resolution.

3. Each district school board must establish a process by which the parent of a public school student may contest the district school board's adoption of a specific instructional material. The parent must file a petition, on a form provided by the school board, within 30 calendar days after the adoption of the material by the school board. The school board must make the form available to the public and publish the form on the school district's website. The form must be signed by the parent, include the required contact information, and state the objection to the instructional material. Within 30 days after the 30-day period has expired, the school board must conduct at least one open public hearing on all petitions timely received and provide the petitioner written notification of the date and time of the hearing at least 7 days before the hearing. All instructional materials contested must be made accessible online to the public at least 7 days before a public hearing. The school board's decision after convening a hearing is final and not subject to further petition or review.

(b) Instructional materials.—Provide for proper requisitioning, distribution, accounting, storage, care, and use of all instructional materials and furnish such other instructional materials as may be needed. The district school board shall ensure that instructional materials used in the district are consistent with the district goals and objectives and the course descriptions established in rule of the State Board of Education, as well as with the state ~~and district performance~~ standards provided for in s. *1003.41* ~~1001.03(1)~~.

(c) Other instructional materials.—Provide such other teaching accessories and aids as are needed for the school district's educational program.

(d) School library media services; establishment and maintenance.—Establish and maintain a program of school library media services for all

public schools in the district, including school library media centers, or school library media centers open to the public, and, in addition such traveling or circulating libraries as may be needed for the proper operation of the district school system.

Section 2. Section 1006.283, Florida Statutes, is amended to read:

1006.283 District school board instructional materials review process.—

(1) A *district* school board or consortium of school districts may implement an instructional materials program that includes the review, *recommendation* ~~approval~~, adoption, and purchase of instructional materials. ~~Beginning in the 2013-2014 school year,~~ The district school superintendent shall certify to the department by March 31 of each year that all instructional materials for core courses used by the district are aligned with applicable state standards. ~~Included in the certification shall be~~ A list of the core instructional materials that will be used or purchased for use by the school district *shall be included in the certification*.

(2)*(a) If a district* ~~The~~ school board *chooses to implement its own instructional materials program, the school board* shall adopt rules implementing the district's instructional materials program which must include *its processes, criteria, and requirements for the following*~~, but need not be limited to~~:

1. Selection of reviewers, one or more of whom must be parents with children in public schools.

2. Review of instructional materials.

3. Selection of instructional materials, including a thorough review of curriculum content.

4. Reviewer recommendations.

5. District school board adoption.

6. Purchase of instructional materials.

(b) District school board rules must also:

~~(a) Its review and purchase process.~~

1.~~(b)~~ *Identify, by subject area,* ~~Identification of~~ a review cycle for instructional materials.

2.~~(c)~~ *Specify* the ~~duties and~~ qualifications *for an* ~~of the~~ instructional materials *reviewer and the process for selecting* reviewers*; list a reviewer's duties and responsibilities, including compliance with the requirements of s. 1006.31; and provide that all instructional materials recommended by a reviewer be accompanied by the reviewer's statement that the materials align with the state standards pursuant to s. 1003.41 and the requirements of s. 1006.31.*

3.~~(d)~~ *State* the requirements for an affidavit *to be* made by *each* ~~a~~ district instructional materials reviewer which substantially *meet* ~~includes~~ the requirements of s. 1006.30.

4.~~(e)~~ *Comply* ~~Compliance~~ with s. 1006.32, relating to prohibited acts.

5.~~(f)~~ *Establish* a process that certifies the accuracy of instructional materials.

6.~~(g)~~ *Incorporate* ~~The incorporation of~~ applicable requirements of s. 1006.31, which relates to the duties of instructional materials reviewers.

7.~~(h)~~ *Incorporate* ~~The incorporation of~~ applicable requirements of s. 1006.38, relating to the duties, responsibilities, and requirements of publishers of instructional materials.

8. Establish the process by which instructional materials are adopted by the district school board, which must include:

a. A process to allow student editions of recommended instructional materials to be accessed and viewed online by the public at least 20 calendar days before the school board hearing and public meeting as specified in this subparagraph. This process must include reasonable safeguards against the unauthorized use, reproduction, and distribution of instructional materials considered for adoption.

b. An open, noticed school board hearing to receive public comment on the recommended instructional materials.

c. An open, noticed public meeting to approve an annual instructional materials plan to identify any instructional materials that will be purchased through the district school board instructional materials review process pursuant to this section. This public meeting must be held on a different date than the school board hearing.

d. Notice requirements for the school board hearing and the public meeting that must specifically state which instructional materials are being reviewed and the manner in which the instructional materials can be accessed for public review.

9. Establish the process by which the district school board shall receive public comment on, and review, the recommended instructional materials.

10.~~(i)~~ *Establish* the process by which instructional materials will be purchased, including advertising, bidding, and purchasing requirements.

11. Establish the process by which the school district will notify parents of their ability to access their children's instructional materials through the district's local instructional improvement system and by which the school district will encourage parents to access the system. This notification must be displayed prominently on the school district's website and provided annually in written format to all parents of enrolled students.

(3)(a) The school board may assess and collect fees from publishers participating in the instructional materials approval process. The amount assessed and collected must be posted on the school district's website and reported to the department. The fees may not exceed the actual cost of the review process, and the fees may not exceed $3,500 per submission by a publisher. Any fees collected for this process shall be allocated for the support of the review process and maintained in a separate line item for auditing purposes.

(b) The fees shall be used to cover the actual cost of substitute teachers for each workday that a member of a school district's instructional staff is absent from his or her assigned duties for the purpose of rendering service as an instructional materials reviewer. In addition, each reviewer may be paid a stipend and is entitled to reimbursement for travel expenses and per diem in accordance with s. 112.061 for actual service in meetings.

(4) Instructional materials that have been reviewed by the district instructional materials reviewers and approved must have been determined to align with all applicable state standards pursuant to s. 1003.41 and the requirements in s. 1006.31. The district school superintendent shall annually certify to the department that all instructional materials for core courses used by the district are aligned with all applicable state standards *and have been reviewed, selected, and adopted by the district school board in accordance with the school board hearing and public meeting requirements of this section*.

(5) A publisher that offers instructional materials to a district school board must provide such materials at a price that, including all costs of electronic transmission, does not exceed the lowest price at which the publisher offers such instructional materials for approval or sale to any state or school district in the United States.

(6) A publisher shall reduce automatically the price of the instructional materials to the district school board to the extent that reductions in price are made elsewhere in the United States.

(7) The school district shall make available, upon request for public inspection, sample copies of all instructional materials that have been purchased by the district school board.

Section 3. Paragraph (d) is added to subsection (1) of section 1006.29, Florida Statutes, to read:

1006.29 State instructional materials reviewers.—

(1)

(d) The department may assess and collect fees from publishers participating in the instructional materials approval process. The amount assessed and collected must be posted on the department's website. The fees may not exceed the actual cost of the review process and may not exceed $1,000 per submission by a publisher. Fees collected for this process shall be deposited into the department's Operating Trust Fund so that each instructional materials reviewer under paragraph (b) may be paid a stipend.

Section 4. Subsection (2) of section 1006.31, Florida Statutes, is amended to read:

1006.31 Duties of the Department of Education and school district instructional materials reviewer.—The duties of the instructional materials reviewer are:

(2) EVALUATION OF INSTRUCTIONAL MATERIALS.— To *use* ~~evaluate carefully all instructional materials submitted, in order to ascertain which instructional materials, if any, submitted for consideration implement~~ the selection criteria *listed in s. 1006.34(2)(b)* ~~developed by the department~~ and *recommend for adoption only those instructional materials aligned with the state* ~~those curricular objectives included within applicable performance~~ standards provided for in s. *1003.41* ~~1001.03(1)~~. *Instructional materials recommended by each reviewer shall be, to the satisfaction of each reviewer, accurate, objective, balanced, noninflammatory, current, and suited to student needs and their ability to comprehend the material presented. Reviewers shall consider for recommendation materials developed for academically talented students, such as students enrolled in advanced placement courses. When recommending instructional materials, each reviewer shall:*

(a) ~~When recommending instructional materials for use in the schools, each reviewer shall~~ Include only instructional materials that accurately portray the ethnic, socioeconomic, cultural, *religious, physical,* and racial diversity of our society, including men and women in professional, career, and executive roles, and the role and contributions of the entrepreneur and labor in the total development of this state and the United States.

(b) ~~When recommending instructional materials for use in the schools, each reviewer shall~~ Include only materials that accurately portray, whenever appropriate, humankind's place in ecological systems, including the necessity for the protection of our environment and conservation of our natural resources and the effects on the human system of the use of tobacco, alcohol, controlled substances, and other dangerous substances.

(c) *Include* ~~When recommending instructional materials for use in the schools, each reviewer shall require such~~ materials *that* ~~as he or she deems necessary and proper to~~ encourage thrift, fire prevention, and humane treatment of people and animals.

(d) ~~When recommending instructional materials for use in the schools, each reviewer shall~~ Require, when appropriate to the comprehension of students, that materials for social science, history, or civics classes contain the Declaration of Independence and the Constitution of the United States. A reviewer may not recommend any instructional materials *that* ~~for use in the schools which~~ contain any matter reflecting unfairly upon persons because of their race, color, creed, national origin, ancestry, gender, *religion, disability, socioeconomic status,* or occupation.

~~(e) Any instructional material recommended by each reviewer for use in the schools shall be, to the satisfaction of each reviewer, accurate, objective, and current and suited to the needs and comprehension of students at their respective grade levels. Reviewers shall consider for adoption materials developed for academically talented students such as those enrolled in advanced placement courses.~~

Section 5. Subsection (2), paragraph (a) of subsection (3), and subsection (5) of section 1006.40, Florida Statutes, are amended to read:

1006.40 Use of instructional materials allocation; instructional materials, library books, and reference books; repair of books.—

(2) Each district school board must purchase current instructional materials to provide each student *in kindergarten through grade 12* with a major tool of instruction in core courses of the subject areas of mathematics, language arts, science, social studies, reading, and literature ~~for kindergarten through grade 12~~. Such purchase must be made within the first 3 years after the effective date of the adoption cycle. ~~For the 2012-2013 mathematics adoption, a district using a comprehensive mathematics instructional materials program adopted in the 2009-2010 adoption shall be deemed in compliance with this subsection if it provides each student with such additional state-adopted materials as may be necessary to align the previously adopted comprehensive program to common core standards and the other criteria of the 2012-2013 mathematics adoption.~~

(3)(a) *Beginning in* ~~By~~ the *2014-2015* ~~2015-2016~~ fiscal year, each district school board shall use at least 50 percent of the annual allocation*, and may use all of the allocation,* for the purchase of digital or electronic instructional materials that *are consistent with district goals and objectives and the course descriptions adopted in rule by the State Board of Education, align with the state standards provided for in s. 1003.41, and meet the requirements in s. 1006.31* ~~align with state standards included on the state-adopted list, except as otherwise authorized in paragraphs (b) and (c)~~. This section does not apply to a district school board or a consortium of school districts which implements an instructional materials program pursuant to s. 1006.283, except that by the 2015-2016 fiscal year, each district school board shall use at least 50 percent of the annual allocation for the purchase of digital or electronic instructional materials that align with state standards.

(5) *Each district school board is responsible for the content of all instructional materials used in a classroom, whether purchased through an adoption process or otherwise purchased or made available in the classroom.* Each district school board shall adopt rules, and each district school superintendent shall implement procedures, that*:*

(a) Maximize student ~~will assure the maximum~~ use ~~by the students~~ of the *district-approved* ~~authorized~~ instructional materials.

(b) Provide a process for public review of, public comment on, and the adoption of instructional materials that satisfies the requirements of s. 1006.283(2)(b)8., 9., and 11.

Section 6. *This act does not limit or remove the responsibility of each school district to include in its curriculum the required instruction specified in s. 1003.42, Florida Statutes, including, but not limited to, the following: the history of the United States; the history of the Holocaust; the history of African Americans; the study of Hispanic contributions to the United States; the study of women's contributions to the United States; the nature and importance of free enterprise to the United States economy; patriotism; the events surrounding the terrorist attacks occurring on September 11, 2001, and the impact of those events on the nation; the elementary principles of agriculture; and kindness to animals.*

Section 7. This act shall take effect July 1, 2014.

And the title is amended as follows:

Remove everything before the enacting clause and insert: A bill to be entitled An act relating to instructional materials for K-12 public education; amending s. 1006.28, F.S.; providing that the district school board has the constitutional duty and responsibility to select and provide adequate instructional materials for all students; providing that the district school board is responsible for the content of all instructional materials; requiring a policy for parental objection of instructional materials and a process by which a parent may contest the district school board's adoption of a specific instructional material; amending s. 1006.283, F.S.; providing requirements for a district instructional materials program and district school board rules relating thereto; including criteria for the review, recommendation, and adoption of instructional materials and the process by which a school district will notify parents of their ability to access their children's instructional materials; providing for inspection of purchased instructional materials; amending s. 1006.29, F.S.; authorizing the Department of Education to assess and collect fees from publishers; providing for the payment of a stipend to instructional materials reviewers; amending s. 1006.31, F.S.; providing duties for instructional materials reviewers; amending s. 1006.40, F.S.; deleting provisions regarding the adoption of certain instructional materials for mathematics; authorizing each district school board to use all of the instructional materials annual allocation for the purchase of digital or electronic instructional materials that meet certain requirements; providing that each district school board is responsible for the

content of all instructional materials used in a classroom; requiring district school boards to provide a process for public review of, and comment on, instructional materials; providing that the act does not limit or remove the responsibility of each school district to include certain instruction in its curriculum; providing an effective date.

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

CS for SB 864 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—31

Mr. President	Galvano	Negron
Altman	Gardiner	Richter
Bean	Gibson	Ring
Bradley	Grimsley	Sachs
Brandes	Hays	Simmons
Braynon	Joyner	Simpson
Bullard	Latvala	Sobel
Clemens	Lee	Stargel
Dean	Legg	Thrasher
Detert	Margolis	
Evers	Montford	

Nays—4

Garcia	Smith	Soto
Thompson		

Vote after roll call:

Yea—Abruzzo, Benacquisto, Diaz de la Portilla

Vote preference:

May 2, 2014: Yea—Hukill

The Honorable Don Gaetz, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 820, with 1 amendment, and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

CS for CS for SB 820—A bill to be entitled An act relating to transportation facility designations; providing honorary designations of certain transportation facilities in specified counties; directing the Department of Transportation to erect suitable markers; providing an effective date.

House Amendment 1 (586113) (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. *Larcenia Bullard Way designated; Department of Transportation to erect suitable markers.—*

(1) That portion of S.R. 992/152nd Street between U.S. 1 and 117th Avenue in Miami-Dade County is designated as "Larcenia Bullard Way."

(2) The Department of Transportation is directed to erect suitable markers designating Larcenia Bullard Way as described in subsection (1).

Section 2. *Governor Mixson Highway designated; Department of Transportation to erect suitable markers.—*

(1) That portion of S.R. 73 between the Calhoun County line and U.S. 231 in Jackson County is designated as "Governor Mixson Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Governor Mixson Highway as described in subsection (1).

Section 3. *KMI Kentucky Military Institute Bridge designated; Department of Transportation to erect suitable markers.—*

(1) Bascule bridges, numbers 170169 and 170170, on U.S. Business 41/S.R. 45/Tamiami Trail in Sarasota County are designated as "KMI Kentucky Military Institute Bridge."

(2) The Department of Transportation is directed to erect suitable markers designating KMI Kentucky Military Institute Bridge as described in subsection (1).

Section 4. *Tomas-Minerva Vinuela Way designated; Department of Transportation to erect suitable markers.—*

(1) That portion of 25th Street between East 8th Avenue and East 9th Avenue in Miami-Dade County is designated as "Tomas-Minerva Vinuela Way."

(2) The Department of Transportation is directed to erect suitable markers designating Tomas-Minerva Vinuela Way as described in subsection (1).

Section 5. *Trooper Kimberly Ann Hurd Memorial Highway designated; Department of Transportation to erect suitable markers.—*

(1) That portion of I-95/S.R. 9 between S.R. 834/Sample Road and the Palm Beach County line in Broward County is designated as "Trooper Kimberly Ann Hurd Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Trooper Kimberly Ann Hurd Memorial Highway as described in subsection (1).

Section 6. *Warren E. "Charlie" Brown Memorial Highway designated; Department of Transportation to erect suitable markers.—*

(1) That portion of U.S. 98/S.R. 30 between Rosewood Drive and Sunrise Drive in Santa Rosa County is designated as "Warren E. 'Charlie' Brown Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Warren E. "Charlie" Brown Memorial Highway as described in subsection (1).

Section 7. *Colonel Bud Day Overpass designated; Department of Transportation to erect suitable markers.—*

(1) The Hurlburt Field Air Force Base overpass on U.S. 98 in Okaloosa County is designated as "Colonel Bud Day Overpass."

(2) The Department of Transportation is directed to erect suitable markers designating Colonel Bud Day Overpass as described in subsection (1).

Section 8. *Robert L. Clark Memorial Highway designated; Department of Transportation to erect suitable markers.—*

(1) That portion of U.S. 1/S.R. 5/N.E. 6th Avenue between Ponce de Leon Drive and S.R. 84/S.E. 24th Street in Broward County is designated as "Robert L. Clark Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Robert L. Clark Memorial Highway as described in subsection (1).

Section 9. *Nelson Mandela Boulevard designated; Department of Transportation to erect suitable markers.—*

(1) That portion of U.S. 441/S.R. 7/N.W. 2nd Avenue between S.R. 860/N.W. 183rd Street and S.R. 852/N.W. 215th/County Line Road in Miami-Dade County is designated as "Nelson Mandela Boulevard."

(2) The Department of Transportation is directed to erect suitable markers designating Nelson Mandela Boulevard as described in subsection (1).

Section 10. *CPT Tecarie "CZ" Czarnecki and TSgt David A. Stone Memorial Highway designated; Department of Transportation to erect suitable markers.—*

(1) That portion of I-10/S.R. 8 between mile marker 234 and the Madison County line in Jefferson County is designated as "CPT Tecarie 'CZ' Czarnecki and TSgt David A. Stone Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating CPT Tecarie "CZ" Czarnecki and TSgt David A. Stone Memorial Highway as described in subsection (1).

Section 11. *Ronald A. Silver Drive designated; Department of Transportation to erect suitable markers.—*

(1) That portion of S.R. 60/Miami Gardens Drive between S.R. 915/N.E. 6th Avenue and U.S. 1/S.R. 5 in Miami-Dade County is designated as "Ronald A. Silver Drive."

(2) The Department of Transportation is directed to erect suitable markers designating Ronald A. Silver Drive as described in subsection (1).

Section 12. *Elias "Rico" Piccard Memorial Highway designated; Department of Transportation to erect suitable markers.—*

(1) That portion of S.R. 436 between S.R. 528 and S.R. 408 in Orange County is designated as "Elias 'Rico' Piccard Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Elias "Rico" Piccard Memorial Highway as described in subsection (1).

Section 13. *C. Wayne Ansley Highway designated; Department of Transportation to erect suitable markers.—*

(1) That portion of S.R. 85/N. Ferdon Boulevard between S.R. 10/U.S. 90 and C.R. 188/Airport Road/Old Bethel Road in Okaloosa County is designated as "C. Wayne Ansley Highway."

(2) The Department of Transportation is directed to erect suitable markers designating C. Wayne Ansley Highway as described in subsection (1).

Section 14. *Rene Ledesma Way designated; Department of Transportation to erect suitable markers.—*

(1) That portion of S.R. 973/S.W. 87th Avenue between S.W. 68th Street and S.W. 70th Street in Miami-Dade County is designated as "Rene Ledesma Way."

(2) The Department of Transportation is directed to erect suitable markers designating Rene Ledesma Way as described in subsection (1).

Section 15. *Reverend John A. Ferguson Street designated; Department of Transportation to erect suitable markers.—*

(1) That portion of S.R. 992/S.W. 152nd Street/Coral Reef Drive between S.R. 821/Homestead Extension of the Florida Turnpike and S.W. 99th Court in Miami-Dade County is designated as "Reverend John A. Ferguson Street."

(2) The Department of Transportation is directed to erect suitable markers designating Reverend John A. Ferguson Street as described in subsection (1).

Section 16. *Lieutenant Colonel Carl John Luksic, USAF, Memorial Highway designated; Department of Transportation to erect suitable markers.—*

(1) That portion of U.S. 98/S.R. 30A/Tyndall Parkway between C.R. 2327/Transmitter Road and S.R. 22 in Bay County is designated as "Lieutenant Colonel Carl John Luksic, USAF, Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Lieutenant Colonel Carl John Luksic, USAF, Memorial Highway as described in subsection (1).

Section 17. *C. Blythe Andrews Road designated; Department of Transportation to erect suitable markers.—*

(1) That portion of 21st Avenue between 26th Street and S.R. 585/22nd Street in Hillsborough County is designated as "C. Blythe Andrews Road."

(2) The Department of Transportation is directed to erect suitable markers designating C. Blythe Andrews Road as described in subsection (1).

Section 18. *Roland Manteiga Road designated; Department of Transportation to erect suitable markers.—*

(1) That portion of E. Palm Avenue between N. 15th Street and S.R. 45/N. Nebraska Avenue in Hillsborough County is designated as "Roland Manteiga Road."

(2) The Department of Transportation is directed to erect suitable markers designating Roland Manteiga Road as described in subsection (1).

Section 19. *Sergeant Carl Mertes Street designated; Department of Transportation to erect suitable markers.—*

(1) That portion of S.R. 922/N.E. 125th Street between N.E. 8th Avenue and N.E. 9th Avenue in Miami-Dade County is designated as "Sergeant Carl Mertes Street."

(2) The Department of Transportation is directed to erect suitable markers designating Sergeant Carl Mertes Street as described in subsection (1).

Section 20. *Detective Sergeant Steven E. Bauer Street designated; Department of Transportation to erect suitable markers.—*

(1) That portion of N.E. 126th Street between N.E. 8th Avenue and N.E. 9th Avenue in Miami-Dade County is designated as "Detective Sergeant Steven E. Bauer Street."

(2) The Department of Transportation is directed to erect suitable markers designating Detective Sergeant Steven E. Bauer Street as described in subsection (1).

Section 21. *Sergeant Lynette Hodge Street designated; Department of Transportation to erect suitable markers.—*

(1) That portion of N.E. 127th Street between N.E. 8th Avenue and N.E. 9th Avenue in Miami-Dade County is designated as "Sergeant Lynette Hodge Street."

(2) The Department of Transportation is directed to erect suitable markers designating Sergeant Lynette Hodge Street as described in subsection (1).

Section 22. *Full Gospel Assembly Street designated; Department of Transportation to erect suitable markers.—*

(1) That portion of N.W. 40th Street between N.W. 2nd Avenue and N.W. 5th Avenue in Miami-Dade County is designated as "Full Gospel Assembly Street."

(2) The Department of Transportation is directed to erect suitable markers designating Full Gospel Assembly Street as described in subsection (1).

Section 23. *Ebenezer Christian Academy Street designated; Department of Transportation to erect suitable markers.—*

(1) That portion of N.W. 39th Street between N.W. 2nd Avenue and N.W. 3rd Avenue in Miami-Dade County is designated as "Ebenezer Christian Academy Street."

(2) The Department of Transportation is directed to erect suitable markers designating Ebenezer Christian Academy Street as described in subsection (1).

Section 24. *Bishop Abe Randall Boulevard designated; Department of Transportation to erect suitable markers.—*

(1) That portion of N.W. 67th Street between N.W. 2nd Avenue and N.W. 4th Avenue in Miami-Dade County is designated as "Bishop Abe Randall Boulevard."

(2) The Department of Transportation is directed to erect suitable markers designating Bishop Abe Randall Boulevard as described in subsection (1).

Section 25. *Jacob Fleishman Street designated; Department of Transportation to erect suitable markers.—*

(1) That portion of S.R. 934/N.W. 81st Street between U.S. 441/S.R. 7/N.W. 7th Avenue and N.W. 12th Avenue in Miami-Dade County is designated as "Jacob Fleishman Street."

(2) The Department of Transportation is directed to erect suitable markers designating Jacob Fleishman Street as described in subsection (1).

Section 26. *Bishop Isaiah S. Williams, Jr., Street designated; Department of Transportation to erect suitable markers.—*

(1) That portion of S.R. 860/Miami Gardens Drive/N.W. 183rd Street between S.R. 817/N.W. 27th Avenue and N.W. 42nd Avenue in Miami-Dade County is designated as "Bishop Isaiah S. Williams, Jr., Street."

(2) The Department of Transportation is directed to erect suitable markers designating Bishop Isaiah S. Williams, Jr., Street as described in subsection (1).

Section 27. *The Honorable Dale G. Bennett Boat Ramp designated; Department of Transportation to erect suitable markers.—*

(1) Boat ramp number 8 located at mile marker 40.7 on I-75/S.R. 93/Alligator Alley in Broward County is designated as "The Honorable Dale G. Bennett Boat Ramp."

(2) The Department of Transportation is directed to erect suitable markers designating The Honorable Dale G. Bennett Boat Ramp as described in subsection (1).

Section 28. *Reverend Wilner Maxi Street designated; Department of Transportation to erect suitable markers.—*

(1) That portion of N.E. 73rd Street between N.E. 2nd Avenue and N.E. 3rd Court in Miami-Dade County is designated as "Reverend Wilner Maxi Street."

(2) The Department of Transportation is directed to erect suitable markers designating Reverend Wilner Maxi Street as described in subsection (1).

Section 29. *James Harold Thompson Highway designated; Department of Transportation to erect suitable markers.—*

(1) That portion of U.S. 90/S.R. 10 between Gretna and Chattahoochee in Gadsden County is designated as "James Harold Thompson Highway."

(2) The Department of Transportation is directed to erect suitable markers designating James Harold Thompson Highway as described in subsection (1).

Section 30. *Trooper James Herbert Fulford, Jr., Memorial Highway designated; Department of Transportation to erect suitable markers.—*

(1) That portion of I-10/S.R. 8 between mile post 232 and mile post 233 in Jefferson County is designated as "Trooper James Herbert Fulford, Jr., Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Trooper James Herbert Fulford, Jr., Memorial Highway as described in subsection (1).

Section 31. *SP4 Billy Jacob Hartsfield Bridge designated; Department of Transportation to erect suitable markers.—*

(1) Bridge number 380047 on U.S. 98/S.R. 30 over the Aucilla River in Taylor County is designated as "SP4 Billy Jacob Hartsfield Bridge."

(2) The Department of Transportation is directed to erect suitable markers designating SP4 Billy Jacob Hartsfield Bridge as described in subsection (1).

Section 32. *Belen Presidents Way designated; Department of Transportation to erect suitable markers.—*

(1) That portion of U.S. 41/S.R. 90/Tamiami Trail/S.W. 8th Street between S.W. 127th Avenue and S.W. 132nd Avenue in Miami-Dade County is designated as "Belen Presidents Way."

(2) The Department of Transportation is directed to erect suitable markers designating Belen Presidents Way as described in subsection (1).

Section 33. *Dr. Martin Luther King, Jr., Avenue designated; Department of Transportation to erect suitable markers.—*

(1) That portion of U.S. 90/S.R. 10 between N. 5th Street and N. Norwood Road in Walton County is designated as "Dr. Martin Luther King, Jr., Avenue."

(2) The Department of Transportation is directed to erect suitable markers designating Dr. Martin Luther King, Jr., Avenue as described in subsection (1).

Section 34. *Ponce de Leon Bridge designated; Department of Transportation to erect suitable markers.—*

(1) Bridge number 780075 on U.S. 1/S.R. 5/Ponce de Leon Boulevard over the San Sebastian River in St. Johns County is designated as "Ponce de Leon Bridge."

(2) The Department of Transportation is directed to erect suitable markers designating Ponce de Leon Bridge as described in subsection (1).

Section 35. *RADM LeRoy Collins, Jr., Veterans Expressway designated; Department of Transportation to erect suitable markers.—*

(1) That portion of S.R. 589 and S.R. 568/Veterans Expressway between S.R. 60/Courtney Campbell Causeway and S.R. 597/Dale Mabry Highway in Hillsborough County is designated as "RADM LeRoy Collins, Jr., Veterans Expressway."

(2) The Department of Transportation is directed to erect suitable markers designating RADM LeRoy Collins, Jr., Veterans Expressway as described in subsection (1).

Section 36. *Arthur & Polly Mays Memorial Highway designated; Department of Transportation to erect suitable markers.—*

(1) That portion of U.S. 1/S.R. 5/S. Dixie Highway between S.W. 220th Street and S.W. 216th Street in Miami-Dade County is designated as "Arthur & Polly Mays Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Arthur & Polly Mays Memorial Highway as described in subsection (1).

Section 37. *Lourdes Guzman-DeJesus Street designated; Department of Transportation to erect suitable markers.—*

(1) That portion of U.S. 1/S.R. 5/S. Dixie Highway between S.W. 296th Street and S.W. 288th Street in Miami-Dade County is designated as "Lourdes Guzman-DeJesus Street."

(2) The Department of Transportation is directed to erect suitable markers designating Lourdes Guzman-DeJesus Street as described in subsection (1).

Section 38. *Fred Karl Memorial Highway designated; Department of Transportation to erect suitable markers.—*

(1) That portion of S.R. 40 between the City of Ormond Beach and the Lake County line in Volusia County is designated as "Fred Karl Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Fred Karl Memorial Highway as described in subsection (1).

Section 39. *Julia Munroe Woodward Highway designated; Department of Transportation to erect suitable markers.—*

(1) Upon completion of construction, that portion of S.R. 269 between U.S. 90/S.R. 10 and S.R. 12 in Gadsden County is designated as "Julia Munroe Woodward Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Julia Munroe Woodward Highway as described in subsection (1).

Section 40. *Walter Francis Spence Parkway designated; Department of Transportation to erect suitable markers.—*

(1) That portion of S.R. 293/Mid-Bay Bridge Extension between the Mid-Bay Bridge Toll Plaza and S.R. 20 in Okaloosa County is designated as "Walter Francis Spence Parkway."

(2) The Department of Transportation is directed to erect suitable markers designating Walter Francis Spence Parkway as described in subsection (1).

Section 41. *Specialist Alexander Miller Memorial Highway designated; Department of Transportation to erect suitable markers.—*

(1) That portion of S.R. 50 between U.S. 27/S.R. 25 and Hancock Road in Lake County is designated as "Specialist Alexander Miller Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Specialist Alexander Miller Memorial Highway as described in subsection (1).

Section 42. *Wellness Way designated; Department of Transportation to erect suitable markers.—*

(1) That portion of N.W. 77th Avenue between Miami Lakes Drive/N.W. 154th Street and N.W. 146th Street in Miami-Dade County is designated as "Wellness Way."

(2) The Department of Transportation is directed to erect suitable markers designating Wellness Way as described in subsection (1).

Section 43. *Sergeant Jess Thomas Memorial Highway designated; Department of Transportation to erect suitable markers.—*

(1) That portion of S.R. 50 between the Sumter County line and Lee Road in Lake County is designated as "Sergeant Jess Thomas Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Sergeant Jess Thomas Memorial Highway as described in subsection (1).

Section 44. *Staff Sergeant Michael A. Bock Memorial Highway designated; Department of Transportation to erect suitable markers.—*

(1) That portion of S.R. 44/South Street between C.R. 44/Main Street and U.S. 27/S.R. 25/14th Street in Lake County is designated as "Staff Sergeant Michael A. Bock Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Staff Sergeant Michael A. Bock Memorial Highway as described in subsection (1).

Section 45. *Specialist Ronald Gaffney Memorial Highway designated; Department of Transportation to erect suitable markers.—*

(1) That portion of S.R. 50 between S.R. 33 and C.R. 565A in Lake County is designated as "Specialist Ronald Gaffney Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Specialist Ronald Gaffney Memorial Highway as described in subsection (1).

Section 46. *Purple Heart Trail designated; Department of Transportation to erect suitable markers.—*

(1) That portion of U.S. 1/S.R. 5 between Card Sound Road in Miami-Dade County and C.R. 905 in Monroe County is designated as "Purple Heart Trail."

(2) The Department of Transportation is directed to erect suitable markers designating Purple Heart Trail as described in subsection (1).

Section 47. *Betty Pino Way designated; Department of Transportation to erect suitable markers.—*

(1) That portion of U.S. 41/S.R. 90/Tamiami Trail/S.W. 8th Street between S.W. 37th Avenue and Ponce de Leon Boulevard in Miami-Dade County is designated as "Betty Pino Way."

(2) The Department of Transportation is directed to erect suitable markers designating Betty Pino Way as described in subsection (1).

Section 48. *Sabre Way designated; Department of Transportation to erect suitable markers.—*

(1) That portion of S.R. 973/S.W. 87th Avenue between S.W. 24th Street/Coral Way and S.W. 32nd Street in Miami-Dade County is designated as "Sabre Way."

(2) The Department of Transportation is directed to erect suitable markers designating Sabre Way as described in subsection (1).

Section 49. *Henry Ford Bridge designated; Department of Transportation to erect suitable markers.—*

(1) Bridge number 120002 over the Caloosahatchee River on U.S. 41/S.R. 45/Cleveland Avenue in Lee County is designated as "Henry Ford Bridge."

(2) The Department of Transportation is directed to erect suitable markers designating Henry Ford Bridge as described in subsection (1).

Section 50. *Bessie Coleman Street designated; Department of Transportation to erect suitable markers.—*

(1) That portion of S.R. 526/Washington Street/Robinson Street between S.R. 423/John Young Parkway and C.R. 526/Crystal Lake Drive in Orange County is designated as "Bessie Coleman Street."

(2) The Department of Transportation is directed to erect suitable markers designating Bessie Coleman Street as described in subsection (1).

Section 51. *Robert Pittman, Jr., Road designated; Department of Transportation to erect suitable markers.—*

(1) That portion of S.R. 436 between Sheeler Avenue and the Seminole County line in Orange County is designated as "Robert Pittman, Jr., Road."

(2) The Department of Transportation is directed to erect suitable markers designating Robert Pittman, Jr., Road as described in subsection (1).

Section 52. *Historic Pine Castle Station designated; Department of Transportation to erect suitable markers.—*

(1) Upon completion of construction, the SunRail stop near S.R. 428/Sand Lake Road and S.R. 527/Orange Avenue in Orange County is designated as "Historic Pine Castle Station."

(2) The Department of Transportation is directed to erect suitable markers designating Historic Pine Castle Station as described in subsection (1).

Section 53. *Pastor Jocelyne Bouchette Street designated; Department of Transportation to erect suitable markers.—*

(1) That portion of N.W. 112th Street between U.S. 441/S.R. 7/N.W. 7th Avenue and N.W. 8th Avenue in Miami-Dade County is designated as "Pastor Jocelyne Bouchette Street."

(2) The Department of Transportation is directed to erect suitable markers designating Pastor Jocelyne Bouchette Street as described in subsection (1).

Section 54. *Gerbuns Augustin Avenue designated; Department of Transportation to erect suitable markers.—*

(1) That portion of N.E. 8th Avenue between S.R. 916/N.E. 135th Street and N.E. 131st Street in Miami-Dade County is designated as "Gerbuns Augustin Avenue."

(2) The Department of Transportation is directed to erect suitable markers designating Gerbuns Augustin Avenue as described in subsection (1).

Section 55. *Indian Key Irving R. Eyster Bridge designated; Department of Transportation to erect suitable markers.—*

(1) Bridge number 900095 over Indian Key Channel on U.S. 1/S.R. 5 in Monroe County is designated as "Indian Key Irving R. Eyster Bridge."

(2) The Department of Transportation is directed to erect suitable markers designating Indian Key Irving R. Eyster Bridge as described in subsection (1).

Section 56. *Gulf County Veterans Memorial Highway designated; Department of Transportation to erect suitable markers.—*

(1) That portion of S.R. 71 between Knowles Avenue and the Calhoun County line in Gulf County is designated as "Gulf County Veterans Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Gulf County Veterans Memorial Highway as described in subsection (1).

Section 57. *Dr. Martin Luther King, Jr., Memorial Highway designated; Department of Transportation to erect suitable markers.—*

(1) That portion of S.R. 519/Fiske Boulevard located within the corporate limits of the City of Cocoa in Brevard County is designated as "Dr. Martin Luther King, Jr., Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Dr. Martin Luther King, Jr., Memorial Highway as described in subsection (1).

Section 58. *Sergeant Paul Smith Memorial Highway designated; Department of Transportation to erect suitable markers.—*

(1) That portion of U.S. 301/S.R. 43 between S.R. 574/Martin Luther King, Jr., Boulevard and S.R. 60/E. Adamo Drive in Hillsborough County is designated as "Sergeant Paul Smith Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Sergeant Paul Smith Memorial Highway as described in subsection (1).

Section 59. *U.S. Army Sergeant Amaru Aguilar-Borgen Memorial Highway designated; Department of Transportation to erect suitable markers.—*

(1) That portion of S.R. 973/S.W. 87th Avenue between S.R. 836/Dolphin Expressway and S.W. 24th Street in Miami-Dade County is designated as "U.S. Army Sergeant Amaru Aguilar-Borgen Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating U.S. Army Sergeant Amaru Aguilar-Borgen Memorial Highway as described in subsection (1).

Section 60. *David W. Moss Memorial Highway designated; Department of Transportation to erect suitable markers.—*

(1) That portion of U.S. 27A/U.S. 41/S.R. 45/S.R. 121/S.R. 500/W. Noble Avenue between U.S. 27/U.S. 41/S.R. 45/S.R. 121/N. Main Street and U.S. 41/S.R. 45/S.R. 121/S.W. 7th Street in Levy County is designated as "David W. Moss Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating David W. Moss Memorial Highway as described in subsection (1).

Section 61. *Deputy Sheriff David Anthony Abella Memorial Highway designated; Department of Transportation to erect suitable markers.—*

(1) That portion of U.S. 41/S.R. 599/S. 50th Street between Palm River Road and S.R. 676/Causeway Boulevard in Hillsborough County is designated as "Deputy Sheriff David Anthony Abella Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Deputy Sheriff David Anthony Abella Memorial Highway as described in subsection (1).

Section 62. *Ralph Sanchez Way designated; Department of Transportation to erect suitable markers.—*

(1) That portion of U.S. 1/U.S. 41/S.R. 5/Biscayne Boulevard between U.S. 1/U.S. 41/S.R. 5/S.E. 2nd Street and N.E. 3rd Street in Miami-Dade County is designated as "Ralph Sanchez Way."

(2) The Department of Transportation is directed to erect suitable markers designating Ralph Sanchez Way as described in subsection (1).

Section 63. *C. W. "Bill" Young Memorial Highway designated; Department of Transportation to erect suitable markers.—*

(1) That portion of S.R. 694/C.R. 694/Park Boulevard between U.S. 19/S.R. 55 and S.R. 699/Gulf Boulevard in Pinellas County is designated as "C. W. 'Bill' Young Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating C. W. "Bill" Young Memorial Highway as described in subsection (1).

Section 64. *Miami Springs Boulevard designated; Department of Transportation to erect suitable markers.—*

(1) That portion of S.R. 948/N.W. 36th Street between N.W. South River Drive and Curtiss Parkway/N.W. 57th Avenue in Miami-Dade County is designated as "Miami Springs Boulevard."

(2) The Department of Transportation is directed to erect suitable markers designating Miami Springs Boulevard as described in subsection (1).

Section 65. *Guillermo Zamora Boulevard designated; Department of Transportation to erect suitable markers.—*

(1) That portion of S.R. 968/W. Flagler Street/S.W. 1st Street between S.W. 6th Avenue and S.W. 17th Avenue in Miami-Dade County is designated as "Guillermo Zamora Boulevard."

(2) The Department of Transportation is directed to erect suitable markers designating Guillermo Zamora Boulevard as described in subsection (1).

Section 66. *Detective Stephen L. Vinson, Sr., Way designated; Department of Transportation to erect suitable markers.—*

(1) That portion of S.W. 31st Street between S.W. 117th Court and S.W. 122nd Avenue in Miami-Dade County is designated as "Detective Stephen L. Vinson, Sr., Way."

(2) The Department of Transportation is directed to erect suitable markers designating Detective Stephen L. Vinson, Sr., Way as described in subsection (1).

Section 67. *Allan Bense Highway designated; Department of Transportation to erect suitable markers.—*

(1) That portion of U.S. 231/S.R. 75 between the Jackson County line and U.S. 98B/S.R. 30 in Bay County is designated as "Allan Bense Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Allan Bense Highway as described in subsection (1).

Section 68. *POW/MIA Memorial Highway designated; Department of Transportation to erect suitable markers.—*

(1) That portion of S.R. 574 between I-75/S.R. 93A and I-4/S.R. 400 in Hillsborough County is designated as "POW/MIA Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating POW/MIA Memorial Highway as described in subsection (1).

Section 69. *Nassau County Deputy Sheriffs Memorial Highway designated; Department of Transportation to erect suitable markers.—*

(1) That portion of S.R. A1A/S.R. 200 between I-95/S.R. 9 and Stratton Road in Nassau County is designated as "Nassau County Deputy Sheriffs Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Nassau County Deputy Sheriffs Memorial Highway as described in subsection (1).

Section 70. *Dr. Von Mizell Drive designated; Department of Transportation to erect suitable markers.—*

(1) That portion of S.R. A1A/Ocean Drive between S.R. 822/Sheridan Street and Cambridge Street in Broward County is designated as "Dr. Von Mizell Drive."

(2) The Department of Transportation is directed to erect suitable markers designating Dr. Von Mizell Drive as described in subsection (1).

Section 71. *Francis Gibbs Memorial Highway designated; Department of Transportation to erect suitable markers.—*

(1) That portion of S.R. A1A/S.R. 105/S. Fletcher Avenue between S.R. A1A/S.R. 200/Atlantic Avenue and C.R. 105B/Simmons Road in Nassau County is designated as "Francis Gibbs Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Francis Gibbs Memorial Highway as described in subsection (1).

Section 72. *Sheriff Charles Simeon Dean Highway designated; Department of Transportation to erect suitable markers.—*

(1) That portion of S.R. 44 between the Sumter County line and U.S. 41/S.R. 44/S.R. 45 in Citrus County is designated as "Sheriff Charles Simeon Dean Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Sheriff Charles Simeon Dean Highway as described in subsection (1).

Section 73. *The Department of Transportation may permit the erection by a private entity of a suitable marker in the wayside park on the north end of bridge numbers 150215 and 150212/Sunshine Skyway Bridge in memory of those who died on May 9, 1980, when the MV Summit Venture collided with the bridge. The type of marker and its location are subject to the approval of the department. The private entity is responsible for all costs of the marker and its installation and maintenance. The private entity shall also provide an annual renewable bond, an irrevocable letter of credit, or another form of security as approved by the department's comptroller for the purpose of securing the cost of removal of the marker and any modifications made to the site as part of the placement of the marker should the department determine it necessary to remove or relocate the marker.*

Section 74. This act shall take effect July 1, 2014.

And the title is amended as follows:

Remove everything before the enacting clause and insert: A bill to be entitled An act relating to transportation facility designations; providing honorary designations of various transportation facilities in specified counties; directing the Department of Transportation to erect suitable markers; authorizing the department to permit the erection of a specified marker under certain conditions; providing an effective date.

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

CS for CS for SB 820 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Mr. President	Bradley	Dean
Abruzzo	Brandes	Detert
Altman	Braynon	Evers
Bean	Bullard	Flores
Benacquisto	Clemens	Galvano
Garcia	Legg	Simpson
Gardiner	Margolis	Smith
Gibson	Montford	Sobel
Grimsley	Negron	Soto
Hays	Richter	Stargel
Joyner	Ring	Thompson
Latvala	Sachs	Thrasher
Lee	Simmons	

Nays—None

Vote after roll call:

Yea—Diaz de la Portilla

Vote preference:

May 2, 2014: Yea—Hukill

The Honorable Don Gaetz, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 1036, with 1 amendment, and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

CS for CS for SB 1036—A bill to be entitled An act relating to nursing education programs; amending s. 464.003, F.S.; revising definitions; amending s. 464.008, F.S.; requiring certain applicants for licensure to take a preparatory course; amending ss. 464.015 and 464.022, F.S.; conforming cross-references; amending s. 464.013, F.S.; exempting nurses who are certified by an accredited program from continuing education requirements; amending s. 464.019, F.S.; specifying the location of clinical training; revising the limitation on the percentage of clinical training that consists of clinical simulation; deleting obsolete requirements; providing for the recalculation of pass rates when students have been transferred from a terminated program; authorizing the Board of Nursing to adopt certain rules relating to documenting the accreditation of nursing education programs; deleting the requirement that the Office of Program Policy Analysis and Government Accountability participate in an implementation study and revising the terms of the study; requiring nursing education programs that prepare students for the practice of professional nursing to be accredited; providing an exception; amending s. 456.014, F.S.; conforming a cross-reference; providing an effective date.

House Amendment 1 (788685) (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Subsections (10), (19), and (23) of section 464.003, Florida Statutes, are amended to read:

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

(10) "Clinical training" means direct nursing care experiences with patients or clients*, or clinical simulation of such experiences,* which offer the student the opportunity to integrate, apply, and refine specific skills and abilities based on theoretical concepts and scientific principles.

(19) "Practice of practical nursing" means the performance of selected acts, including the administration of treatments and medications, in the care of the ill, injured, or infirm*;* ~~and~~ the promotion of wellness, maintenance of health, and prevention of illness of others under the direction of a registered nurse, a licensed physician, a licensed osteopathic physician, a licensed podiatric physician, or a licensed dentist*; and the teaching of general principles of health and wellness to the public and to students other than nursing students*. A practical nurse is responsible and accountable for making decisions that are based upon the individual's educational preparation and experience in nursing.

(23) "Required passage rate" means the graduate passage rate required for an approved program pursuant to s. *464.019(5)(a)* ~~464.019(6)(a)1~~.

Section 2. Subsection (4) is added to section 464.008, Florida Statutes, to read:

464.008 Licensure by examination.—

(4) If an applicant who graduates from an approved program does not take the licensure examination within 6 months after graduation, he or she must enroll in and successfully complete a board-approved licensure examination preparatory course. The applicant is responsible for all costs associated with the course and may not use state or federal financial aid for such costs. The board shall by rule establish guidelines for licensure examination preparatory courses.

Section 3. Subsection (3) of section 464.013, Florida Statutes, is amended to read:

464.013 Renewal of license or certificate.—

(3) The board shall by rule prescribe *up to 30 hours of* continuing education ~~not to exceed 30 hours~~ biennially as a condition for renewal of a license or certificate. *A nurse who is certified by a health care specialty program accredited by the National Commission for Certifying Agencies or the Accreditation Board for Specialty Nursing Certification is exempt from continuing education requirements.* The criteria for programs shall be approved by the board.

Section 4. Section 464.019, Florida Statutes, is amended to read:

464.019 Approval of nursing education programs.—

(1) PROGRAM *APPLICATION* ~~APPLICATIONS~~.—An educational institution that wishes to conduct a program in this state for the prelicensure education of professional or practical nurses must submit to the department a program application and review fee of $1,000 for each prelicensure nursing education program to be offered at the institution's main campus, branch campus, or other instructional site. *The* ~~Each~~ program application must include the legal name of the educational institution, the legal name of the nursing education program, and, if such *institution* ~~program~~ is accredited ~~by an accrediting agency other than an accrediting agency described in s. 464.003(1)~~, the name of the accrediting agency. The application must also document that:

(a)1. For a professional nursing education program, the program director and at least 50 percent of the program's faculty members are registered nurses who have a master's or higher degree in nursing or a bachelor's degree in nursing and a master's or higher degree in a field related to nursing.

2. For a practical nursing education program, the program director and at least 50 percent of the program's faculty members are registered nurses who have a bachelor's or higher degree in nursing.

The educational degree requirements of this paragraph may be documented by an official transcript or by a written statement from the educational institution verifying that the institution conferred the degree.

(b) The program's nursing major curriculum consists of at least:

1. Fifty percent clinical training *in the United States, the District of Columbia, or a possession or territory of the United States* for a practical nursing education program, an associate degree professional nursing education program, or a professional diploma nursing education program.

2. Forty percent clinical training *in the United States, the District of Columbia, or a possession or territory of the United States* for a bachelor's degree professional nursing education program.

(c) No more than *50* ~~25~~ percent of the program's clinical training consists of clinical simulation.

(d) The program has signed agreements with each agency, facility, and organization included in the curriculum plan as clinical training sites and community-based clinical experience sites.

(e) The program has written policies for faculty which include provisions for direct or indirect supervision by program faculty or clinical preceptors for students in clinical training consistent with the following standards:

1. The number of program faculty members equals at least one faculty member directly supervising every 12 students unless the written agreement between the program and the agency, facility, or organization providing clinical training sites allows more students, not to exceed 18 students, to be directly supervised by one program faculty member.

2. For a hospital setting, indirect supervision may occur only if there is direct supervision by an assigned clinical preceptor, a supervising program faculty member is available by telephone, and such arrangement is approved by the clinical facility.

3. For community-based clinical experiences that involve student participation in invasive or complex nursing activities, students must be directly supervised by a program faculty member or clinical preceptor and such arrangement must be approved by the community-based clinical facility.

4. For community-based clinical experiences not subject to subparagraph 3., indirect supervision may occur only when a supervising program faculty member is available to the student by telephone.

A program's policies established under this paragraph must require *that* a clinical preceptor *who is*~~, if~~ supervising students in a professional nursing education program~~, to~~ be a registered nurse or, if supervising students in a practical nursing education program, ~~to~~ be a registered nurse or licensed practical nurse.

(f) The professional or practical nursing curriculum plan documents clinical experience and theoretical instruction in medical, surgical, obstetric, pediatric, and geriatric nursing. A professional nursing curriculum plan shall also document clinical experience and theoretical instruction in psychiatric nursing. Each curriculum plan must document clinical training experience in appropriate settings that include, but are not limited to, acute care, long-term care, and community settings.

(g) The professional or practical nursing education program provides theoretical instruction and clinical application in personal, family, and community health concepts; nutrition; human growth and development throughout the life span; body structure and function; interpersonal relationship skills; mental health concepts; pharmacology and administration of medications; and legal aspects of practice. A professional nursing education program *must* ~~shall~~ also provide theoretical instruction and clinical application in interpersonal relationships and leadership skills; professional role and function; and health teaching and counseling skills.

(2) PROGRAM APPROVAL.—

(a) Upon receipt of a program application and review fee, the department shall examine the application to determine *if* ~~whether~~ it is complete. If *the* ~~a program~~ application is not complete, the department shall notify the educational institution in writing of any errors or omissions within 30 days after the department's receipt of the application. A program application is deemed complete upon the department's receipt of:

1. The initial application, if the department does not notify the educational institution of any errors or omissions within the 30-day period; or

2. A revised application that corrects each error and omission of which the department notifies the educational institution within the 30-day period.

(b) Within 90 days after the department's receipt of a complete program application, the board shall:

1. Approve the application if it documents compliance with *subsection (1)* ~~paragraphs (1)(a)-(g)~~; or

2. Provide the educational institution with a notice of intent to deny the application if it does not document compliance with *subsection (1)* ~~paragraphs (1)(a)-(g)~~. The notice must *specify* ~~set forth~~ written reasons for the board's denial of the application. The board may not deny a program application because of an educational institution's failure to correct *an* ~~any~~ error or omission *that* ~~of which~~ the department *failed to provide notice of to* ~~does not notify~~ the institution within the 30-day notice period under paragraph (a). The educational institution may re-

quest a hearing on the notice of intent to deny the program application pursuant to chapter 120.

(c) A program application is deemed approved if the board does not act within the 90-day review period provided under paragraph (b).

(d) Upon the board's approval of a program application, the program becomes an approved program.

~~(3) STATUS OF CERTAIN PROGRAMS. A professional or practical nursing education program becomes an approved program if, as of June 30, 2009, the program:~~

~~(a) Has full or provisional approval from the board or, except as provided in paragraph (b), is on probationary status.~~

~~(b) Is on probationary status because the program did not meet the board's requirement for graduate passage rates. Such program shall remain on probationary status until it achieves a graduate passage rate for calendar year 2009 or 2010 that equals or exceeds the required passage rate for the respective calendar year and must disclose its probationary status in writing to the program's students and applicants. If the program does not achieve the required passage rate, the board shall terminate the program pursuant to chapter 120.~~

(3)~~(4)~~ ANNUAL REPORT.—By November 1 of each year, each approved program shall submit to the board an annual report comprised of an affidavit certifying continued compliance with *subsection (1)* ~~paragraphs (1)(a)-(g)~~, a summary description of the program's compliance with *subsection (1)* ~~paragraphs (1)(a)-(g)~~, and documentation for the previous academic year that, to the extent applicable, *describes* ~~sets forth~~:

(a) The number of student applications received, qualified applicants, applicants accepted, accepted applicants who enroll in the program, students enrolled in the program, and program graduates.

(b) The program's retention rates for students tracked from program entry to graduation.

(c) The program's accreditation status, including identification of the accrediting agency ~~if such agency is not an accrediting agency described in s. 464.003(1)~~.

(4)~~(5)~~ INTERNET WEBSITE.~~ By October 1, 2010,~~ The board shall publish the following information on its Internet website:

(a) A list of each accredited program conducted in the state and the program's graduate passage rates for the most recent 2 calendar years, which the department shall determine through the following sources:

1. For a program's accreditation status, the specialized accrediting agencies that are nationally recognized by the United States Secretary of Education to accredit nursing education programs.

2. For a program's graduate passage rates, the contract testing service of the National Council of State Boards of Nursing.

(b) The following data for each approved program, which *includes* ~~shall include~~, to the extent applicable:

1. All documentation provided by the program in its program application if submitted on or after July 1, 2009.

2. The summary description of the program's compliance submitted under subsection *(3)* ~~(4)~~.

3. The program's accreditation status, including identification of the accrediting agency ~~if such agency is not an accrediting agency described in s. 464.003(1)~~.

4. The program's probationary status.

5. The program's graduate passage rates for the most recent 2 calendar years.

6. Each program's retention rates for students tracked from program entry to graduation.

(c) The average passage rates for United States educated first-time test takers on the National Council of State Boards of Nursing Licensing Examination for the most recent 2 calendar years, as calculated by the contract testing service of the National Council of State Boards of Nursing. The average passage rates shall be published separately for each type of comparable degree program listed in *subparagraph (5)(a)1.* ~~sub-subparagraphs (6)(a)1.a.-d.~~

The information required to be published under this subsection shall be made available in a manner that allows interactive searches and comparisons of individual programs selected by the website user. The board shall update the Internet website at least quarterly with the available information.

(5)~~(6)~~ ACCOUNTABILITY.—

(a)1. An approved program must achieve a graduate passage rate *for first-time test takers who take the licensure examination within 6 months after graduation from the program* that is not *more* ~~lower~~ than 10 percentage points *lower* ~~less~~ than the average passage rate *during the same calendar year* for graduates of comparable degree programs who are United States educated*,* first-time test takers on the National Council of State Boards of Nursing Licensing Examination ~~during a calendar year~~, as calculated by the contract testing service of the National Council of State Boards of Nursing. *An approved program shall require a graduate from the program who does not take the licensure examination within 6 months after graduation to enroll in and successfully complete a licensure examination preparatory course pursuant to s. 464.008.* For purposes of this subparagraph, an approved program is comparable to all degree programs of the same program type from among the following program types:

a. Professional nursing education programs that terminate in a bachelor's degree.

b. Professional nursing education programs that terminate in an associate degree.

c. Professional nursing education programs that terminate in a diploma.

d. Practical nursing education programs.

2. Beginning with graduate passage rates for calendar year 2010, if an approved program's graduate passage rates do not equal or exceed the required passage rates for 2 consecutive calendar years, the board shall place the program on probationary status pursuant to chapter 120 and the program director *shall* ~~must~~ appear before the board to present a plan for remediation*, which shall include specific benchmarks to identify progress toward a graduate passage rate goal*. The program *must* ~~shall~~ remain on probationary status until it achieves a graduate passage rate that equals or exceeds the required passage rate for any 1 calendar year. The board shall deny a program application for a new prelicensure nursing education program submitted by an educational institution if the institution has an existing program that is already on probationary status.

3. Upon the program's achievement of a graduate passage rate that equals or exceeds the required passage rate, the board, at its next regularly scheduled meeting following release of the program's graduate passage rate by the National Council of State Boards of Nursing, shall remove the program's probationary status. ~~However,~~ If the program, during the 2 calendar years following its placement on probationary status, does not achieve the required passage rate for any 1 calendar year, the board shall terminate the program pursuant to chapter 120. *However, the board may extend the program's probationary status for 1 additional year if the program demonstrates adequate progress toward the graduate passage rate goal by meeting a majority of the benchmarks established in the remediation plan.*

(b) If an approved program fails to submit the annual report required in subsection *(3)* ~~(4)~~, the board shall notify the program director and president or chief executive officer of the educational institution in writing within 15 days after the due date of the annual report. The program director *shall* ~~must~~ appear before the board at the board's next regularly scheduled meeting to explain the reason for the delay. The board shall terminate the program pursuant to chapter 120 if it does not submit the annual report within 6 months after the due date.

(c) An approved program on probationary status shall disclose its probationary status in writing to the program's students and applicants.

(d) If students from a program that is terminated pursuant to this subsection transfer to an approved or an accredited program under the direction of the Commission for Independent Education, the board shall recalculate the passage rates of the programs receiving the transferring students, excluding the test scores of those students transferring more than 12 credits.

(6)~~(7)~~ DISCLOSURE OF GRADUATE PASSAGE RATE DATA.—

(a) For each *graduate* of *the program* ~~an approved program's or accredited program's graduates~~ included in the calculation of the program's graduate passage rate, the department shall disclose to the program director, upon his or her written request, the name, examination date, and determination of whether each graduate passed or failed the National Council *of* ~~for~~ State Boards of Nursing Licensing Examination, *if* ~~to the extent that~~ such information is provided to the department by the contract testing service of the National Council *of* ~~for~~ State Boards of Nursing. The written request must specify the calendar years for which the information is requested.

(b) A program director to whom confidential information exempt from public disclosure pursuant to s. 456.014 is disclosed under this subsection must maintain the confidentiality of the information and is subject to the same penalties provided in s. 456.082 for department employees who unlawfully disclose confidential information.

(7)~~(8)~~ PROGRAM CLOSURE.—

(a) An educational institution conducting an approved program or accredited program in this state, at least 30 days before voluntarily closing the program, shall notify the board in writing of the institution's reason for closing the program, the intended closure date, the institution's plan to provide for or assist in the completion of training by the program's students, and the arrangements for storage of the program's permanent records.

(b) An educational institution conducting a nursing education program that is terminated under subsection *(5)* ~~(6)~~ or closed under subparagraph *(9)(b)3.* ~~(10)(b)3.~~:

1. May not accept or enroll new students.

2. *Shall* ~~Must~~ submit to the board within 30 days after the program is terminated or closed a written description of how the institution will assist in *completing* the ~~completion of~~ training *of* ~~by~~ the program's students and the institution's arrangements for storage of the program's permanent records.

(c) If an educational institution does not comply with paragraph (a) or paragraph (b), the board shall provide a written notice explaining the institution's noncompliance to the following persons and entities:

1. The president or chief executive officer of the educational institution.

2. The Board of Governors, if the program is conducted by a state university.

3. The district school board, if the program is conducted by an educational institution operated by a school district.

4. The Commission for Independent Education, if the program is conducted by an educational institution licensed under chapter 1005.

5. The State Board of Education, if the program is conducted by an educational institution in the Florida College System or by an educational institution that is not subject to subparagraphs 2.-4.

(8)~~(9)~~ RULEMAKING.—The board does not have ~~any~~ rulemaking authority to administer this section, except that the board shall adopt *rules* ~~a rule~~ that *prescribe* ~~prescribes~~ the format for submitting program applications under subsection (1) and annual reports under subsection *(3), and to administer the documentation of the accreditation of nursing education programs under subsection (11)* ~~(4)~~. The board may not impose any condition or requirement on an educational institution submitting a program application, an approved program, or an accredited program, except as expressly provided in this section. ~~The board shall repeal all rules, or portions thereof, in existence on July 1, 2009, that are inconsistent with this subsection.~~

(9)~~(10)~~ APPLICABILITY TO ACCREDITED PROGRAMS.—

(a) Subsections *(1)-(3)* ~~(1)-(4)~~, paragraph *(4)(b)* ~~(5)(b)~~, and subsection *(5)* ~~(6)~~ do not apply to an accredited program. ~~An accredited program on probationary status before July 1, 2010, ceases to be subject to the probationary status.~~

(b) If an accredited program ceases to be accredited, the educational institution conducting the program:

1. Within 10 business days after the program ceases to be accredited, must provide written notice of the date that the program ceased to be accredited to the board, the program's students and applicants, and each entity providing clinical training sites or community-based clinical experience sites for the program. The educational institution must continue to provide the written notice to new students, applicants, and entities providing clinical training sites or community-based clinical experience sites for the program until the program becomes an approved program or is closed under subparagraph 3.

2. Within 30 days after the program ceases to be accredited, must submit an affidavit to the board, signed by the educational institution's president or chief executive officer *which*~~, that~~ certifies the institution's compliance with subparagraph 1. The board shall notify the persons *and applicable entities* listed in *paragraph (7)(c)* ~~subparagraph (8)(c)1. and the applicable entities listed in subparagraphs (8)(c)2. 5.~~ if an educational institution does not submit the affidavit required by this subparagraph.

3. May apply to become an approved program under this section. If the educational institution:

a. Within 30 days after the program ceases to be accredited, submits a program application and review fee to the department under subsection (1) and the affidavit required under subparagraph 2., the program shall be deemed an approved program from the date that the program ceased to be accredited until the date that the board approves or denies the program application. The program application must be denied by the board pursuant to chapter 120 if it does not contain the affidavit. If the board denies the program application under subsection (2) or *if* ~~because~~ the program application does not contain the affidavit, the program shall be closed and the educational institution conducting the program must comply with paragraph *(7)(b)* ~~(8)(b)~~.

b. Does not apply to become an approved program pursuant to sub-subparagraph a., the program shall be deemed an approved program from the date ~~that~~ the program ceased to be accredited until the 31st day after that date. On the 31st day after the program ceased to be accredited, the program shall be closed and the educational institution conducting the program must comply with paragraph *(7)(b)* ~~(8)(b)~~.

(10)~~(11)~~ IMPLEMENTATION STUDY.—The Florida Center for Nursing and the education policy area of the Office of Program Policy Analysis and Government Accountability shall study the ~~5-year~~ administration of this section and submit reports to the Governor, the President of the Senate, and the Speaker of the House of Representatives *annually* by January 30, ~~2011, and annually thereafter~~ through January 30, *2020* ~~2015~~. The annual reports shall address the previous academic year; *provide* ~~set forth~~ data on the measures specified in paragraphs (a) and (b), as such data becomes available; and include an evaluation of such data for purposes of determining whether this section is increasing the availability of nursing education programs and the production of quality nurses. The department and each approved program or accredited program shall comply with requests for data from the Florida Center for Nursing and the education policy area of the Office of Program Policy Analysis and Government Accountability.

(a) The education policy area of the Office of Program Policy Analysis and Government Accountability shall evaluate program-specific data for each approved program and accredited program conducted in the state, including, but not limited to:

1. The number of programs and student slots available.

2. The number of student applications submitted, the number of qualified applicants, and the number of students accepted.

3. The number of program graduates.

4. Program retention rates of students tracked from program entry to graduation.

5. Graduate passage rates on the National Council of State Boards of Nursing Licensing Examination.

6. The number of graduates who become employed as practical or professional nurses in the state.

(b) The Florida Center for Nursing shall evaluate the board's implementation of the:

1. Program application approval process, including, but not limited to, the number of program applications submitted under subsection (1); the number of program applications approved and denied by the board under subsection (2); the number of denials of program applications reviewed under chapter 120; and a description of the outcomes of those reviews.

2. Accountability processes, including, but not limited to, the number of programs on probationary status, the number of approved programs for which the program director is required to appear before the board under subsection *(5)* ~~(6)~~, the number of approved programs terminated by the board, the number of terminations reviewed under chapter 120, and a description of the outcomes of those reviews.

(c) For any state fiscal year in which the Florida Center for Nursing does not receive legislative appropriations, the education policy area of the Office of Program Policy Analysis and Government Accountability shall perform the duties assigned by this subsection to the Florida Center for Nursing.

(11) ACCREDITATION REQUIRED.—

(a) A nursing education program that prepares students for the practice of professional nursing, that was approved under this section before July 1, 2014, and that enrolled students before July 1, 2014, must become an accredited program by July 1, 2019.

(b) A nursing education program that prepares students for the practice of professional nursing and that was approved under this section before July 1, 2014, but did not enroll students before that date, must become an accredited program within 5 years after the date of enrolling the program's first students.

(c) A nursing education program that prepares students for the practice of professional nursing and that is approved under this section after June 30, 2014, must become an accredited program within 5 years after the date of enrolling the program's first students.

(d) This subsection does not apply to a nursing education program provided by an institution that is exempt from licensure by the Commission for Independent Education under s. 1005.06(1)(e).

Section 5. Subsection (1) of section 456.014, Florida Statutes, is amended to read:

456.014 Public inspection of information required from applicants; exceptions; examination hearing.—

(1) All information required by the department of any applicant shall be a public record and shall be open to public inspection pursuant to s. 119.07, except financial information, medical information, school transcripts, examination questions, answers, papers, grades, and grading keys, which are confidential and exempt from s. 119.07(1) and shall not be discussed with or made accessible to anyone except the program director of an approved program or accredited program as provided in s. *464.019(6)* ~~464.019(7)~~, members of the board, the department, and staff thereof, who have a bona fide need to know such information. Any information supplied to the department by any other agency which is exempt from the provisions of chapter 119 or is confidential shall remain exempt or confidential pursuant to applicable law while in the custody of the department or the agency.

Section 6. This act shall take effect July 1, 2014.

And the title is amended as follows:

Remove everything before the enacting clause and insert: A bill to be entitled An act relating to nursing education programs; amending s. 464.003, F.S.; revising definitions; conforming a cross-reference; amending s. 464.008, F.S.; requiring graduates of approved prelicensure nursing education programs who do not take the licensure examination within a specified period after graduation to complete a specified course; authorizing the board to adopt rules; amending s. 464.013, F.S.; exempting nurses who are certified by an accredited program from continuing education requirements; amending s. 464.019, F.S.; specifying the location of clinical training; revising the limitation on the percentage of clinical training that may consist of clinical simulation; revising calculation of the required graduate passage rate for approved programs; requiring an approved program to require graduates who do not take the licensure examination within a specified period after graduation to complete a specified course; providing additional requirements for a remediation plan; authorizing the board to extend probationary status for a program that has demonstrated adequate progress toward its graduate passage rate goal; providing for the recalculation of passage rates when students are transferred from a terminated program; deleting obsolete requirements; authorizing the Board of Nursing to adopt certain rules relating to documenting the accreditation of nursing education programs; revising the terms of an implementation study; requiring nursing education programs that prepare students for the practice of professional nursing to be accredited; providing an exception; amending s. 456.014, F.S.; conforming a cross-reference; providing an effective date.

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

CS for CS for SB 1036 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—37

Mr. President	Galvano	Richter
Abruzzo	Garcia	Ring
Bean	Gardiner	Sachs
Benacquisto	Gibson	Simmons
Bradley	Grimsley	Simpson
Brandes	Hays	Smith
Braynon	Joyner	Sobel
Bullard	Latvala	Soto
Clemens	Lee	Stargel
Dean	Legg	Thompson
Detert	Margolis	Thrasher
Evers	Montford	
Flores	Negron	

Nays—None

Vote after roll call:

Yea—Altman, Diaz de la Portilla

The Honorable Don Gaetz, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 224, with 1 amendment, and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

CS for CS for SB 224—A bill to be entitled An act relating to nicotine dispensing devices; amending s. 569.002, F.S.; providing a definition; amending s. 569.0075, F.S.; prohibiting the gift of sample nicotine dispensing devices to persons under 18 years of age; amending s. 569.101, F.S.; prohibiting the selling, delivering, bartering, furnishing, or giving of nicotine dispensing devices to persons under 18 years of age, to which penalties apply; amending s. 569.11, F.S.; prohibiting persons under 18 years of age from possessing, purchasing, or misrepresenting their age or

military service to purchase nicotine dispensing devices; providing civil penalties; amending s. 569.14, F.S.; requiring certain signage where a dealer sells nicotine dispensing devices; amending s. 569.19, F.S.; requiring the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to submit the number of violations for selling nicotine dispensing devices in its annual report; reenacting and amending s. 322.056(2) and (3), F.S., relating to mandatory driver license revocation or suspension for persons younger than 18 years of age who commit certain offenses, to incorporate the amendments to s. 569.11, F.S., in a reference thereto; making editorial changes; providing an effective date.

House Amendment 1 (626167) (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Section 569.14, Florida Statutes, is amended to read:

569.14 Posting of a sign stating that the sale of tobacco products to persons under 18 years of age is unlawful; enforcement; penalty.—

(1) *A* ~~Any~~ dealer that sells tobacco products shall post a clear and conspicuous sign in each place of business where such products are sold which substantially states the following:

THE SALE OF TOBACCO PRODUCTS TO PERSONS UNDER THE AGE OF 18 IS AGAINST FLORIDA LAW. PROOF OF AGE IS REQUIRED FOR PURCHASE.

(2) A dealer that sells tobacco products and nicotine products or nicotine dispensing devices, as defined in s. 877.112, may use a sign that substantially states the following:

THE SALE OF TOBACCO PRODUCTS, NICOTINE PRODUCTS, OR NICOTINE DISPENSING DEVICES TO PERSONS UNDER THE AGE OF 18 IS AGAINST FLORIDA LAW. PROOF OF AGE IS REQUIRED FOR PURCHASE.

A dealer that uses a sign as described in this subsection meets the signage requirements of ss. 569.14(1) and 877.112.

(3)~~(2)~~ The division shall make available to dealers of tobacco products signs that meet the requirements of subsection (1) *or subsection (2)*.

(4)~~(3)~~ Any dealer that sells tobacco products shall provide at the checkout counter in a location clearly visible to the dealer, the dealer's agent or employee, instructional material in a calendar format or similar format to assist in determining whether a person is of legal age to purchase tobacco products. This point of sale material must contain substantially the following language:

IF YOU WERE NOT BORN BEFORE THIS DATE

(insert date and applicable year)

YOU CANNOT BUY TOBACCO PRODUCTS.

Upon approval by the division, in lieu of a calendar a dealer may use card readers, scanners, or other electronic or automated systems that can verify whether a person is of legal age to purchase tobacco products. Failure to comply with the provisions contained in this subsection shall result in imposition of administrative penalties as provided in s. 569.006.

(5)~~(4)~~ The division, through its agents and inspectors, shall enforce this section.

(6)~~(5)~~ Any person who fails to comply with subsection (1) is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 2. Section 877.112, Florida Statutes, is created to read:

877.112 Nicotine products and nicotine dispensing devices; prohibitions for minors; penalties; civil fines; signage requirements; preemption.-

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

(a) "Nicotine dispensing device" means any product that employs an electronic, chemical or mechanical means to produce vapor from a nicotine product, including, but not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device or product, any replacement cartridge for such device, and any other container of nicotine in a solution or other form intended to be used with or within an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device or product.

(b) "Nicotine product" means any product that contains nicotine, including liquid nicotine, that is intended for human consumption, whether inhaled, chewed, absorbed, dissolved, or ingested by any means, but does not include a:

1. Tobacco product, as defined in s. 569.002;

2. Product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the federal Food, Drug, and Cosmetic Act; or

3. Product that contains incidental nicotine.

(c) "Self-service merchandising" means the open display of nicotine products or nicotine dispensing devices, whether packaged or otherwise, for direct retail customer access and handling before purchase without the intervention or assistance of the retailer or the retailer's owner, employee, or agent. An open display of such products and devices includes the use of an open display unit.

(2) PROHIBITIONS ON SALE TO MINORS.—It is unlawful to sell, deliver, barter, furnish, or give, directly or indirectly, to any person who is under 18 years of age, any nicotine product or a nicotine dispensing device.

(3) PROHIBITIONS ON GIFTING SAMPLES TO MINORS.—The gift of a sample nicotine product or nicotine dispensing device to any person under the age of 18 by a retailer of nicotine products or nicotine dispensing devices, or by an employee of such retailer, is prohibited.

(4) PENALTIES.—Any person who violates subsection (2) or subsection (3) commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. However, any person who violates subsection (2) or subsection (3) for a second or subsequent time within 1 year of the first violation, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(5) AFFIRMATIVE DEFENSES.—A person charged with a violation of subsection (2) or subsection (3) has a complete defense if, at the time the nicotine product or nicotine dispensing device was sold, delivered, bartered, furnished, or given:

(a) The buyer or recipient falsely evidenced that she or he was 18 years of age or older;

(b) The appearance of the buyer or recipient was such that a prudent person would believe the buyer or recipient to be 18 years of age or older; and

(c) Such person carefully checked a driver license or an identification card issued by this state or another state of the United States, a passport, or a United States armed services identification card presented by the buyer or recipient and acted in good faith and in reliance upon the representation and appearance of the buyer or recipient in the belief that the buyer or recipient was 18 years of age or older.

(6) PROHIBITIONS ON POSSESSION OF NICOTINE PRODUCTS OR NICOTINE DISPENSING DEVICES BY MINORS.—It is unlawful for any person under 18 years of age to knowingly possess any nicotine product or a nicotine dispensing device. Any person under 18 years of age who violates this subsection commits a noncriminal violation as defined in s. 775.08(3), punishable by:

(a) For a first violation, 16 hours of community service or, instead of community service, a $25 fine. In addition, the person must attend a school-approved anti-tobacco and nicotine program, if locally available;

(b) For a second violation within 12 weeks of the first violation, a $25 fine; or

(c) For a third or subsequent violation within 12 weeks of the first violation, the court must direct the Department of Highway Safety and

Motor Vehicles to withhold issuance of or suspend or revoke the person's driver license or driving privilege, as provided in s. 322.056.

Any second or subsequent violation not within the 12-week time period after the first violation is punishable as provided for a first violation.

(7) PROHIBITION ON MISREPRESENTING AGE.—It is unlawful for any person under 18 years of age to misrepresent his or her age or military service for the purpose of inducing a retailer of nicotine products or nicotine dispensing devices or an agent or employee of such retailer to sell, give, barter, furnish, or deliver any nicotine product or nicotine dispensing device, or to purchase, or attempt to purchase, any nicotine product or nicotine dispensing device from a person or a vending machine. Any person under 18 years of age who violates this subsection commits a noncriminal violation as defined in s. 775.08(3), punishable by:

(a) For a first violation, 16 hours of community service or, instead of community service, a $25 fine and, in addition, the person must attend a school-approved anti-tobacco and nicotine program, if available;

(b) For a second violation within 12 weeks of the first violation, a $25 fine; or

(c) For a third or subsequent violation within 12 weeks of the first violation, the court must direct the Department of Highway Safety and Motor Vehicles to withhold issuance of or suspend or revoke the person's driver license or driving privilege, as provided in s. 322.056.

Any second or subsequent violation not within the 12-week time period after the first violation is punishable as provided for a first violation.

(8) PENALTIES FOR MINORS.—

(a) A person under 18 years of age cited for committing a noncriminal violation under this section must sign and accept a civil citation indicating a promise to appear before the county court or comply with the requirement for paying the fine and must attend a school-approved anti-tobacco and nicotine program, if locally available. If a fine is assessed for a violation of this section, the fine must be paid within 30 days after the date of the citation or, if a court appearance is mandatory, within 30 days after the date of the hearing.

(b) A person charged with a noncriminal violation under this section must appear before the county court or comply with the requirement for paying the fine. The court, after a hearing, shall make a determination as to whether the noncriminal violation was committed. If the court finds the violation was committed, it shall impose an appropriate penalty as specified in subsection (6) or subsection (7). A person who participates in community service shall be considered an employee of the state for the purpose of chapter 440, for the duration of such service.

(c) If a person under 18 years of age is found by the court to have committed a noncriminal violation under this section and that person has failed to complete community service, pay the fine as required by paragraph (6)(a) or paragraph (7)(a), or attend a school-approved anti-tobacco and nicotine program, if locally available, the court must direct the Department of Highway Safety and Motor Vehicles to withhold issuance of or suspend the driver license or driving privilege of that person for 30 consecutive days.

(d) If a person under 18 years of age is found by the court to have committed a noncriminal violation under this section and that person has failed to pay the applicable fine as required by paragraph (6)(b) or paragraph (7)(b), the court must direct the Department of Highway Safety and Motor Vehicles to withhold issuance of or suspend the driver license or driving privilege of that person for 45 consecutive days.

(9) DISTRIBUTION OF CIVIL FINES.—Eighty percent of all civil penalties received by a county court pursuant to subsections (6) and (7) shall be remitted by the clerk of the court to the Department of Revenue for transfer to the Department of Education to provide for teacher training and for research and evaluation to reduce and prevent the use of tobacco products, nicotine products, or nicotine dispensing devices by children. The remaining 20 percent of civil penalties received by a county court pursuant to this section shall remain with the clerk of the county court to cover administrative costs.

(10) SIGNAGE REQUIREMENTS FOR RETAILERS OF NICOTINE PRODUCTS AND NICOTINE DISPENSING DEVICES.—

(a) Any retailer that sells nicotine products or nicotine dispensing devices shall post a clear and conspicuous sign in each place of business where such products are sold which substantially states the following:

THE SALE OF NICOTINE PRODUCTS OR NICOTINE DISPENSING DEVICES TO PERSONS UNDER THE AGE OF 18 IS AGAINST FLORIDA LAW. PROOF OF AGE IS REQUIRED FOR PURCHASE.

(b) A retailer that sells nicotine products or nicotine dispensing devices shall provide at the checkout counter in a location clearly visible to the retailer, the retailer's agent or employee, instructional material in a calendar format or similar format to assist in determining whether a person is of legal age to purchase nicotine products or nicotine dispensing devices. This point of sale material must contain substantially the following language:

IF YOU WERE NOT BORN BEFORE THIS DATE

(insert date and applicable year)

YOU CANNOT BUY NICOTINE PRODUCTS OR NICOTINE DISPENSING DEVICES.

In lieu of a calendar a retailer may use card readers, scanners, or other electronic or automated systems that can verify whether a person is of legal age to purchase nicotine products or nicotine dispensing devices.

(11) SELF-SERVICE MERCHANDISING PROHIBITED.—

(a) A retailer that sells nicotine products or nicotine dispensing devices may not sell, permit to be sold, offer for sale, or display for sale such products or devices by means of self-service merchandising.

(b) A retailer that sells nicotine products or nicotine dispensing devices may not place such products or devices in an open display unit unless the unit is located in an area that is inaccessible to customers.

(c) Paragraphs (a) and (b) do not apply to an establishment that prohibits persons under 18 years of age on the premises.

(12) RESTRICTIONS ON SALE OR DELIVERY OF NICOTINE PRODUCTS OR NICOTINE DISPENSING DEVICES.—

(a) In order to prevent persons under 18 years of age from purchasing or receiving nicotine products or nicotine dispensing devices, the sale or delivery of such products or devices is prohibited, except:

1. When under the direct control, or line of sight where effective control may be reasonably maintained, of the retailer of nicotine products or nicotine dispensing devices or such retailer's agent or employee; or

2. Sales from a vending machine are prohibited under subparagraph (a)1. and are only permissible from a machine that is equipped with an operational lockout device which is under the control of the retailer of nicotine products or nicotine dispensing devices or such retailer's agent or employee who directly regulates the sale of items through the machine by triggering the lockout device to allow the dispensing of one nicotine product or nicotine dispensing device. The lockout device must include a mechanism to prevent the machine from functioning, if the power source for the lockout device fails or if the lockout device is disabled, and a mechanism to ensure that only one nicotine product or nicotine dispensing device is dispensed at a time.

(b) Paragraph (a) does not apply to an establishment that prohibits persons under 18 years of age on the premises.

(c) A retailer of nicotine products or nicotine dispensing devices or such retailer's agent or employee may require proof of age of a purchaser of such products or devices before selling the product or device to that person.

Section 3. This act shall take effect July 1, 2014.

And the title is amended as follows:

Remove everything before the enacting clause and insert: A bill to be entitled An act relating to tobacco and nicotine product regulation; amending s. 569.14, F.S.; allowing alternate signage requirements where a dealer that sells tobacco products also sells nicotine products or nicotine dispensing devices; creating s. 877.112, F.S.; defining terms; prohibiting the selling, delivering, bartering, furnishing, or giving of nicotine products or nicotine dispensing devices to persons under 18 years of age; prohibiting the gift of sample nicotine products or nicotine dispensing devices to persons under 18 years of age; providing penalties; providing affirmative defenses for a person charged with certain violations; prohibiting a person under 18 years of age from possessing, purchasing, or misrepresenting his or her age or military service to purchase nicotine products or nicotine dispensing devices; providing for use of civil fines; requiring certain signage where a retailer sells nicotine products or nicotine dispensing devices; prohibiting self-service merchandising where a retailer sells nicotine products or nicotine dispensing devices; providing an exception; prohibiting the sale or delivery of nicotine products or nicotine dispensing devices except when such products are under the direct control or line of sight of a retailer; prohibiting sales from a vending machine unless it is equipped with certain devices; providing an effective date.

Senator Benacquisto moved the following amendment which was adopted:

Senate Amendment 1 (660022) (with title amendment) to House Amendment 1 (626167)—Between lines 272 and 273 insert:

Section 3. Subsections (2) and (3) of section 322.056, Florida Statutes, are amended to read:

322.056 Mandatory revocation or suspension of, or delay of eligibility for, *driver* ~~driver's~~ license for persons under age 18 found guilty of certain alcohol, drug, or tobacco offenses; prohibition.—

(2) If a person under 18 years of age is found by the court to have committed a noncriminal violation under s. 569.11 *or s. 877.112(6) or (7)* and that person has failed to comply with the procedures established in that section by failing to fulfill community service requirements, failing to pay the applicable fine, or failing to attend a locally available school-approved anti-tobacco program, and:

(a) The person is eligible by reason of age for a *driver* ~~driver's~~ license or driving privilege, the court shall direct the department to revoke or to withhold issuance of his or her *driver* ~~driver's~~ license or driving privilege as follows:

1. For the first violation, for 30 days.

2. For the second violation within 12 weeks of the first violation, for 45 days.

(b) The person's *driver* ~~driver's~~ license or driving privilege is under suspension or revocation for any reason, the court shall direct the department to extend the period of suspension or revocation by an additional period as follows:

1. For the first violation, for 30 days.

2. For the second violation within 12 weeks of the first violation, for 45 days.

(c) The person is ineligible by reason of age for a *driver* ~~driver's~~ license or driving privilege, the court shall direct the department to withhold issuance of his or her *driver* ~~driver's~~ license or driving privilege as follows:

1. For the first violation, for 30 days.

2. For the second violation within 12 weeks of the first violation, for 45 days.

Any second violation of s. 569.11 *or s. 877.112(6) or (7)* not within the 12-week period after the first violation will be treated as a first violation and in the same manner as provided in this subsection.

(3) If a person under 18 years of age is found by the court to have committed a third violation of s. 569.11 *or s. 877.112(6) or (7)* within 12 weeks of the first violation, the court must direct the Department of Highway Safety and Motor Vehicles to suspend or withhold issuance of his or her *driver* ~~driver's~~ license or driving privilege for 60 consecutive days. Any third violation of s. 569.11 *or s. 877.112(6) or (7)* not within the 12-week period after the first violation will be treated as a first violation and in the same manner as provided in subsection (2).

And the title is amended as follows:

Delete line 304 and insert: with certain devices; amending s. 322.056, F.S.; conforming provisions to changes made by the act; providing an effective date.

On motion by Senator Benacquisto, the Senate concurred in **House Amendment 1 (626167)** as amended and requested the House to concur in the Senate amendment to the House amendment.

CS for CS for SB 224 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—37

Mr. President	Flores	Negron
Abruzzo	Galvano	Richter
Altman	Garcia	Ring
Bean	Gardiner	Sachs
Benacquisto	Gibson	Simmons
Bradley	Grimsley	Simpson
Brandes	Hays	Smith
Braynon	Joyner	Sobel
Bullard	Latvala	Soto
Clemens	Lee	Stargel
Dean	Legg	Thompson
Detert	Margolis	
Evers	Montford	

Nays—None

Vote after roll call:

Yea—Diaz de la Portilla, Thrasher

Vote preference:

May 2, 2014: Yea—Hukill

The Honorable Don Gaetz, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 1012, with 2 amendments, and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

CS for CS for SB 1012—A bill to be entitled An act relating to financial institutions; amending s. 655.005, F.S.; revising the definition of "related interest"; creating s. 655.017, F.S.; preempting to the state the regulation of certain financial or lending activities of entities subject to the jurisdiction of the office or other regulatory agencies; providing that counties and municipalities may engage in investigations and proceedings against financial institutions that are not preempted; requiring a financial institution to notify the office if such local action is commenced; providing for the office's sole and exclusive jurisdiction in certain cases; providing applicability; amending s. 655.0322, F.S.; revising provisions relating to prohibited acts and practices by a financial institution; applying certain provisions to affiliates; amending s. 655.034, F.S.; authorizing the circuit court to issue an injunction in order to protect the interests of the depositors, members, creditors, or stockholders of a financial institution and the public's interest in the safety and soundness of the financial institution system; defining "formal enforcement action"; amending s. 655.037, F.S.; conforming a cross-reference; amending s. 655.0385, F.S.; prohibiting a director or executive officer from concurrently serving as a director or officer in a financial institution or affiliate in the same geographical area or the same major business market area unless waived by the Office of Financial Regulation; amending s. 655.041, F.S.; revising provisions relating to administrative fines; clarifying that the office may initiate administrative proceedings

for violations of rules; providing that fines for violations begin accruing immediately upon the service of a complaint; applying certain provisions to affiliates; revising the applications for imposing a fine; amending s. 655.045, F.S.; requiring the office to conduct an examination of a financial institution within a specified period; amending s. 655.057, F.S.; conforming a cross-reference; providing that specified records are not considered a waiver of privileges or legal rights in certain proceedings; clarifying who has a right to copy member or shareholder records; creating s. 655.0591, F.S.; providing notice requirements and procedures that allow a financial institution to protect trade secrets included in documents submitted to the office; amending s. 655.50, F.S.; revising provisions relating to the control of money laundering to also include terrorist financing; adding and revising definitions; requiring a financial institution to have a BSA/AML compliance officer; revising records requirements; updating cross-references; amending s. 655.85, F.S.; clarifying that an institution may impose a fee for the settlement of a check under certain circumstances; providing legislative intent; amending s. 655.921, F.S.; revising provisions relating to business transactions by an out-of-state financial institution; providing that such institution may file suit to collect a security interest in collateral; amending s. 655.922, F.S.; revising provisions relating to the name of a financial institution; prohibiting certain financial institutions from using a name that may mislead consumers; authorizing the office to seek court orders to annul or dissolve a business entity for certain violations and to issue emergency cease and desist orders; amending s. 655.948, F.S.; requiring a financial institution to notify the office of any investigations or proceedings initiated by a county or municipality against the institution within a specified timeframe; creating s. 655.955, F.S.; providing that a financial institution is not civilly liable solely by virtue of extending credit to a person; amending s. 657.008, F.S.; requiring certain credit unions seeking to establish a branch office to submit an application to the office for examination and approval; providing the criteria for the examination; amending s. 657.028, F.S.; revising provisions relating to prohibited activities of directors, officers, committee members, employees, and agents of credit unions; requiring the name and address of the credit manager to be submitted to the office; amending s. 657.041, F.S.; authorizing a credit union to pay health and accident insurance premiums and to fund employee benefit plans under certain circumstances; amending s. 658.12, F.S.; revising the definition of "trust business"; amending ss. 658.21 and 658.235, F.S.; conforming cross-references; repealing s. 658.49, F.S., relating to requirements for bank loans up to $50,000; amending ss. 663.02 and 663.09, F.S.; conforming provisions to changes made by the act; amending s. 663.12, F.S.; deleting an annual assessment imposed on certain international offices; amending s. 663.306, F.S.; conforming provisions to changes made by the act; amending ss. 665.013, 665.033, 665.034, 667.003, 667.006, and 667.008, F.S.; conforming cross-references; providing an effective date.

House Amendment 1 (261621) (with title amendment)—Remove line 1156 and insert: *virtue of extending a loan or a line of credit to such person. This section does not modify, limit, or restrict the authority of a state agency under applicable law to conduct an investigation, bring a civil or administrative action, or otherwise enforce state or federal laws against a financial institution.*

And the title is amended as follows:

Remove line 75 and insert: person; providing applicability; amending s. 657.008, F.S.; requiring certain

House Amendment 2 (107357) (with title amendment)—Between lines 1611 and 1612, insert:

Section 35. Subsections (12) through (36) of section 494.001, Florida Statutes, are renumbered as subsections (13) through (37), respectively, a new subsection (12) is added, and present subsection (15) of that section is amended, to read:

494.001 Definitions.—As used in ss. 494.001-494.0077, the term:

(12) "Indirect owner" means, with respect to direct owners and other indirect owners in a multilayered organization:

(a) For an owner that is a corporation, each of its shareholders that beneficially owns, has the right to vote, or has the power to sell or direct the sale of, 25 percent or more of voting security of the corporation.

(b) For an owner that is a partnership, each general partner and each limited or special partner that has the right to receive upon dissolution, or has contributed, 25 percent or more of the partnership's capital.

(c) For an owner that is a trust, the trust and each trustee.

(d) For an owner that is a limited liability company:

1. Each member that has the right to receive upon dissolution, or that has contributed, 25 percent or more of the limited liability company's capital; and

2. If managed by elected managers or appointed managers, each elected or appointed manager.

(e) For an indirect owner, each parent owner of 25 percent or more of its subsidiary.

(16)~~(15)~~ "Loan origination fee" means the total compensation from any source received by a mortgage broker acting as a loan originator. ~~Any payment for processing mortgage loan applications must be included in the fee and must be paid to the mortgage broker.~~

Section 36. Subsection (4) is added to section 494.0012, Florida Statutes, to read:

494.0012 Investigations; complaints; examinations.—

(4) To reduce the burden on persons subject to this chapter, the office may conduct a joint or concurrent examination with a state or federal regulatory agency and may furnish a copy of all examinations to an appropriate regulator if the regulator agrees to abide by the confidentiality provisions in chapter 119 and this chapter. The office may also accept an examination from an appropriate regulator.

Section 37. Paragraph (y) of subsection (1) of section 494.00255, Florida Statutes, is amended, and paragraph (m) of that subsection is reenacted, to read:

494.00255 Administrative penalties and fines; license violations.—

(1) Each of the following acts constitutes a ground for which the disciplinary actions specified in subsection (2) may be taken against a person licensed or required to be licensed under part II or part III of this chapter:

(m) In any mortgage transaction, violating any provision of the federal Real Estate Settlement Procedures Act, as amended, 12 U.S.C. ss. 2601 et seq.; the federal Truth in Lending Act, as amended, 15 U.S.C. ss. 1601 et seq.; or any regulations adopted under such acts.

(y) Pursuant to an investigation by the Mortgage Testing and Education Board acting on behalf of the registry, being found in violation of Nationwide Mortgage Licensing System and Registry Rules of Conduct.

Section 38. *Section 494.0028, Florida Statutes, is repealed.*

Section 39. Subsection (3) is added to section 494.00313, Florida Statutes, to read:

494.00313 Loan originator license renewal.—

(3) If a licensed loan originator fails to meet the requirements of this section for annual license renewal on or before December 31 but meets such requirements before March 1, the loan originator's license status shall be changed to "failed to renew" pending review and renewal by the office. A nonrefundable reinstatement fee of $150 shall be charged in addition to registry fees. The license status shall not be changed until the requirements of this section are met and all fees are paid. If the licensee fails to meet the requirements of this section and pay all required fees before March 1, such license is expired and such loan originator must apply for a new loan originator license under s. 494.00312.

Section 40. Subsection (3) is added to section 494.00322, Florida Statutes, to read:

494.00322 Mortgage broker license renewal.—

(3) If a licensed mortgage broker fails to meet the requirements of this section for annual license renewal on or before December 31 but meets

such requirements before March 1, the mortgage broker's license status shall be changed to "failed to renew" pending review and renewal by the office. A nonrefundable reinstatement fee of $250 shall be charged in addition to registry fees. The license status shall not be changed until the requirements of this section are met and all fees are paid. If the licensee fails to meet the requirements of this section and pay all required fees before March 1, such license is expired and such mortgage broker must apply for a new mortgage broker license under s. 494.00321.

Section 41. Subsection (3) of section 494.0036, Florida Statutes, is amended, and subsections (4) and (5) are added to that section, to read:

494.0036 Mortgage broker branch office license.—

(3) A branch office license must be renewed annually at the time of renewing the mortgage broker license under s. 494.00322. A nonrefundable branch renewal fee of $225 per branch office must be submitted at the time of renewal. *To renew a branch office license, a mortgage broker must:*

(a) Submit a completed license renewal form as prescribed by commission rule.

(b) Submit a nonrefundable renewal fee.

(c) Submit any additional information or documentation requested by the office and required by rule concerning the licensee. Additional information may include documents that may provide the office with the appropriate information to determine eligibility for license renewal.

(4) The office may not renew a branch office license unless the branch office continues to meet the minimum requirements for initial licensure under this section and adopted rule.

(5) If a licensed branch office fails to meet the requirements of this section for annual license renewal on or before December 31 but meets such requirements before March 1, the branch office's license status shall be changed to "failed to renew" pending review and renewal by the office. A nonrefundable reinstatement fee of $225 shall be charged in addition to registry fees. The license status shall not be changed until the requirements of this section are met and all fees are paid. If the licensee fails to meet the requirements of this section and pay all required fees before March 1, such license is expired and such branch office must apply for a new mortgage broker branch office license under this section.

Section 42. Section 494.0038, Florida Statutes, is amended to read:

494.0038 ~~Loan origination and~~ Mortgage broker fees ~~and disclosures~~.—

~~(1) A loan origination fee may not be paid except pursuant to a written mortgage broker agreement between the mortgage broker and the borrower which is signed and dated by the principal loan originator or branch manager, and the borrower. The unique registry identifier of each loan originator responsible for providing loan originator services must be printed on the mortgage broker agreement.~~

~~(a) The written mortgage broker agreement must describe the services to be provided by the mortgage broker and specify the amount and terms of the loan origination fee that the mortgage broker is to receive.~~

~~1. Except for application and third party fees, all fees received by a mortgage broker from a borrower must be identified as a loan origination fee.~~

~~2. All fees on the mortgage broker agreement must be disclosed in dollar amounts.~~

~~3. All loan origination fees must be paid to a mortgage broker.~~

~~(b) The agreement must be executed within 3 business days after a mortgage loan application is accepted if the borrower is present when the mortgage loan application is accepted. If the borrower is not present, the licensee shall forward the agreement to the borrower within 3 business days after the licensee's acceptance of the application and the licensee bears the burden of proving that the borrower received and approved the agreement.~~

~~(2) If the mortgage broker is to receive any payment of any kind from the mortgage lender, the maximum total dollar amount of the payment must be disclosed to the borrower in the written mortgage broker agreement as described in paragraph (1)(a). The commission may prescribe by rule an acceptable form for disclosure of brokerage fees received from the lender. The agreement must state the nature of the relationship with the lender, describe how compensation is paid by the lender, and describe how the mortgage interest rate affects the compensation paid to the mortgage broker.~~

~~(a) The exact amount of any payment of any kind by the lender to the mortgage broker must be disclosed in writing to the borrower within 3 business days after the mortgage broker is made aware of the exact amount of the payment from the lender but not less than 3 business days before the execution of the closing or settlement statement. The licensee bears the burden of proving such notification was provided to the borrower. Notification is waived if the exact amount of the payment is accurately disclosed in the written mortgage broker agreement.~~

~~(b) The commission may prescribe by rule the form of disclosure of brokerage fees.~~

~~(3) At the time a written mortgage broker agreement is signed by the borrower or forwarded to the borrower for signature, or at the time the mortgage broker business accepts an application fee, credit report fee, property appraisal fee, or any other third party fee, but at least 3 business days before execution of the closing or settlement statement, the mortgage broker shall disclose in writing to any applicant for a mortgage loan the following information:~~

~~(a) That the mortgage broker may not make mortgage loans or commitments. The mortgage broker may make a commitment and may furnish a lock in of the rate and program on behalf of the lender if the mortgage broker has obtained a written commitment or lock in for the loan from the lender on behalf of the borrower for the loan. The commitment must be in the same form and substance as issued by the lender.~~

~~(b) That the mortgage broker cannot guarantee acceptance into any particular loan program or promise any specific loan terms or conditions.~~

~~(c) A good faith estimate that discloses settlement charges and loan terms.~~

~~1. Any amount collected in excess of the actual cost shall be returned within 60 days after rejection, withdrawal, or closing.~~

~~2. At the time a good faith estimate is provided to the borrower, the loan originator must identify in writing an itemized list that provides the recipient of all payments charged the borrower, which, except for all fees to be received by the mortgage broker, may be disclosed in generic terms, such as, but not limited to, paid to lender, appraiser, officials, title company, or any other third party service provider. This requirement does not supplant or is not a substitute for the written mortgage broker agreement described in subsection (1). The disclosure required under this subparagraph must be signed and dated by the borrower.~~

~~(4) The disclosures required by this subsection must be furnished in writing at the time an adjustable rate mortgage loan is offered to the borrower and whenever the terms of the adjustable rate mortgage loan offered materially change prior to closing. The mortgage broker shall furnish the disclosures relating to adjustable rate mortgages in a format prescribed by ss. 226.18 and 226.19 of Regulation Z of the Board of Governors of the Federal Reserve System, as amended; its commentary, as amended; and the federal Truth in Lending Act, 15 U.S.C. ss. 1601 et seq., as amended; together with the Consumer Handbook on Adjustable Rate Mortgages, as amended; published by the Federal Reserve Board and the Federal Home Loan Bank Board. The licensee bears the burden of proving such disclosures were provided to the borrower.~~

~~(5) If the mortgage broker agreement includes a nonrefundable application fee, the following requirements are applicable:~~

~~(a) The amount of the application fee, which must be clearly denominated as such, must be clearly disclosed.~~

~~(b) The specific services that will be performed in consideration for the application fee must be disclosed.~~

~~(c) The application fee must be reasonably related to the services to be performed and may not be based upon a percentage of the principal amount of the loan or the amount financed.~~

~~(6) A mortgage broker may not accept any fee in connection with a mortgage loan other than an application fee, credit report fee, property appraisal fee, or other third-party fee before obtaining a written commitment from a qualified lender.~~

(1)~~(7)~~ Any third-party fee entrusted to a mortgage broker must immediately, upon receipt, be placed into a segregated account with a financial institution located in the state the accounts of which are insured by the Federal Government. Such funds shall be held in trust for the payor and shall be kept in the account until disbursement. Such funds may be placed in one account if adequate accounting measures are taken to identify the source of the funds.

(2)~~(8)~~ A mortgage broker may not pay a commission to any person not licensed pursuant to this chapter.

(3)~~(9)~~ This section does not prohibit a mortgage broker from offering products and services, in addition to those offered in conjunction with the loan origination process, for a fee or commission.

Section 43. Subsections (2) and (3) of section 494.004, Florida Statutes, are amended to read:

494.004 Requirements of licensees.—

~~(2) In every mortgage loan transaction, each licensee under this part must notify a borrower of any material changes in the terms of a mortgage loan previously offered to the borrower within 3 business days after being made aware of such changes by the mortgage lender but at least 3 business days before the signing of the settlement or closing statement. The licensee bears the burden of proving such notification was provided and accepted by the borrower. A borrower may waive the right to receive notice of a material change if the borrower determines that the extension of credit is needed to meet a bona fide personal financial emergency and the right to receive notice would delay the closing of the mortgage loan. The imminent sale of the borrower's home at foreclosure during the 3-day period before the signing of the settlement or closing statement is an example of a bona fide personal financial emergency. In order to waive the borrower's right to receive notice, the borrower must provide the licensee with a dated written statement that describes the personal financial emergency, waives the right to receive the notice, bears the borrower's signature, and is not on a printed form prepared by the licensee for the purpose of such a waiver.~~

(2)~~(3)~~ Each mortgage broker shall submit to the registry reports of condition, which must be in such form and shall contain such information as the registry may require. *The commission may adopt rules prescribing the time by which a mortgage broker must file a report of condition. For purposes of this section, the report of condition is synonymous with the registry's Mortgage Call Report.*

Section 44. Subsection (3) of section 494.0042, Florida Statutes, is amended to read:

494.0042 Loan origination fees.—

(3) At the time of accepting a mortgage loan application, a mortgage broker may receive from the borrower a nonrefundable application fee. If the mortgage loan is funded, the nonrefundable application fee shall be credited against the amount owed as a result of the loan being funded. A person may not receive any form of compensation for acting as a loan originator other than a nonrefundable application fee, a fee based on the mortgage amount being funded~~, or a fee which complies with s. 494.00421~~.

Section 45. *Section 494.00421, Florida Statutes, is repealed.*

Section 46. Paragraph (b) of subsection (2) of section 494.00611, Florida Statutes, is amended to read:

494.00611 Mortgage lender license.—

(2) In order to apply for a mortgage lender license, an applicant must:

(b) Designate a qualified principal loan originator who meets the requirements of s. *494.00665* ~~494.0035~~ on the application form.

Section 47. Subsection (3) is added to section 494.00612, Florida Statutes, to read:

494.00612 Mortgage lender license renewal.—

(3) If a licensed mortgage lender fails to meet the requirements of this section for annual license renewal on or before December 31 but meets such requirements before March 1, the mortgage lender's license status shall be changed to "failed to renew" pending review and renewal by the office. A nonrefundable reinstatement fee of $475 shall be charged in addition to registry fees. The license status shall not be changed until the requirements of this section are met and all fees are paid. If the licensee fails to meet the requirements of this section and pay all required fees before March 1, such license is expired and such mortgage lender must apply for a new mortgage lender license under s. 494.00611.

Section 48. Subsection (3) of section 494.0066, Florida Statutes, is amended, and subsections (4) and (5) are added to that section, to read:

494.0066 Branch offices.—

(3) A branch office license must be renewed at the time of renewing the mortgage lender license. A nonrefundable fee of $225 per branch office must be submitted at the time of renewal. *To renew a branch office license, a mortgage lender must:*

(a) Submit a completed license renewal form as prescribed by commission rule.

(b) Submit a nonrefundable renewal fee.

(c) Submit any additional information or documentation requested by the office and required by rule concerning the licensee. Additional information may include documents that may provide the office with the appropriate information to determine eligibility for license renewal.

(4) The office may not renew a branch office license unless the branch office continues to meet the minimum requirements for initial licensure under this section and adopted rule.

(5) If a licensed branch office fails to meet the requirements of this section for annual license renewal on or before December 31 but meets such requirements before March 1, the branch office's license status shall be changed to "failed to renew" pending review and renewal by the office. A nonrefundable reinstatement fee of $225 shall be charged in addition to registry fees. The license status shall not be changed until the requirements of this section are met and all fees are paid. If the licensee fails to meet the requirements of this section and pay all required fees before March 1, such license is expired and such branch office must apply for a new mortgage lender branch office license under this section.

Section 49. Subsections (8) through (13) of section 494.0067, Florida Statutes, are amended to read:

494.0067 Requirements of mortgage lenders.—

~~(8) Each mortgage lender shall provide an applicant for a mortgage loan a good faith estimate of the costs the applicant can reasonably expect to pay in obtaining a mortgage loan. The good faith estimate of costs must be mailed or delivered to the applicant within 3 business days after the licensee receives a written loan application from the applicant. The estimate of costs may be provided to the applicant by a person other than the licensee making the loan. The good faith estimate must identify the recipient of all payments charged to the borrower and, except for all fees to be received by the mortgage broker and the mortgage lender, may be disclosed in generic terms, such as, but not limited to, paid to appraiser, officials, title company, or any other third-party service provider. The licensee bears the burden of proving such disclosures were provided to the borrower. The commission may adopt rules that set forth the disclosure requirements of this section.~~

~~(9) The disclosures in this subsection must be furnished in writing at the time an adjustable rate mortgage loan is offered to the borrower and whenever the terms of the adjustable rate mortgage loan offered have a material change prior to closing. The lender shall furnish the disclosures relating to adjustable rate mortgages in a format prescribed by ss.~~

~~226.18 and 226.19 of Regulation Z of the Board of Governors of the Federal Reserve System, as amended; its commentary, as amended; and the federal Truth in Lending Act, 15 U.S.C. ss. 1601 et seq., as amended; together with the Consumer Handbook on Adjustable Rate Mortgages, as amended; published by the Federal Reserve Board and the Federal Home Loan Bank Board. The licensee bears the burden of proving such disclosures were provided to the borrower.~~

~~(10) In every mortgage loan transaction, each mortgage lender shall notify a borrower of any material changes in the terms of a mortgage loan previously offered to the borrower within 3 business days after being made aware of such changes by the lender but at least 3 business days before signing the settlement or closing statement. The licensee bears the burden of proving such notification was provided and accepted by the borrower. A borrower may waive the right to receive notice of a material change if the borrower determines that the extension of credit is needed to meet a bona fide personal financial emergency and the right to receive notice would delay the closing of the mortgage loan. The imminent sale of the borrower's home at foreclosure during the 3-day period before the signing of the settlement or closing statement constitutes an example of a bona fide personal financial emergency. In order to waive the borrower's right to receive notice, the borrower must provide the licensee with a dated written statement that describes the personal financial emergency, waives the right to receive the notice, bears the borrower's signature, and is not on a printed form prepared by the licensee for the purpose of such a waiver.~~

(8)~~(11)~~ A mortgage lender may close loans in its own name but may not service the loan for more than *6* 4 months unless the lender has a servicing endorsement. Only a mortgage lender who continuously maintains a net worth of at least $250,000 may obtain a servicing endorsement.

(9)~~(12)~~ A mortgage lender must report to the office the failure to meet the applicable net worth requirements of s. 494.00611 within 2 days after the mortgage lender's knowledge of such failure or after the mortgage lender should have known of such failure.

(10)~~(13)~~ Each mortgage lender shall submit to the registry reports of condition which are in a form and which contain such information as the registry may require. *The commission may adopt rules prescribing the time by which a mortgage lender must file a report of condition. For purposes of this section, the report of condition is synonymous with the registry's Mortgage Call Report.*

Section 50. *Section 494.0068, Florida Statutes, is repealed.*

Section 51. Paragraphs (c), (d), and (e) of subsection (1) of section 494.007, Florida Statutes, are amended to read:

494.007 Commitment process.—

(1) If a commitment is issued, the mortgage lender shall disclose in writing:

(c) If the interest rate or other terms are subject to change before expiration of the commitment:

1. The basis, index, or method, if any, which will be used to determine the rate at closing. Such basis, index, or method shall be established and disclosed with direct reference to the movement of an interest rate index or of a national or regional index that is available to and verifiable by the borrower and beyond the control of the lender; or

2. The following statement, in at least 10-point bold type: "The interest rate will be the rate established by the lender in its discretion as its prevailing rate . . . days before closing."; *and*

~~(d) The amount of the commitment fee, if any, and whether and under what circumstances the commitment fee is refundable; and~~

(d)~~(e)~~ The time, if any, within which the commitment must be accepted by the borrower.

Section 52. Section 494.0073, Florida Statutes, is amended to read:

494.0073 Mortgage lender when acting as a mortgage broker.—The provisions of this part do not prohibit a mortgage lender from acting as a mortgage broker. However, in mortgage transactions in which a mortgage lender acts as a mortgage broker, the provisions of ss. 494.0038, ~~494.004(2),~~ 494.0042, and 494.0043(1), (2), and (3) apply.

Section 53. *Part IV of chapter 494, Florida Statutes, consisting of ss. 494.0078, 494.0079, 494.00791, 494.00792, 494.00793, 494.00794, 494.00795, 494.00796, and 494.00797, is repealed.*

Section 54. *Section 494.008, Florida Statutes, is repealed.*

And the title is amended as follows:

Remove line 99 and insert: references; amending s. 494.001, F.S.; providing and revising definitions; amending s. 494.0012, F.S.; authorizing the Office of Financial Regulation to conduct joint or concurrent examinations of licensees; amending s. 494.00255, F.S.; providing that violating specified rules is grounds for disciplinary action; repealing s. 494.0028, F.S., relating to arbitration of disputes involving certain agreements; amending ss. 494.00313 and 494.00322, F.S.; providing for change in license status if a licensed loan originator or mortgage broker fails to meet certain requirements for annual license renewal by specified dates; amending s. 494.0036, F.S.; providing guidelines for renewal of a mortgage broker branch office license; providing for change in license status if a licensed branch office fails to meet certain requirements for annual license renewal by specified dates; amending s. 494.0038, F.S.; deleting certain requirements regarding loan origination and disclosure; amending s. 494.004, F.S.; deleting a requirement that a licensee provide certain notice to a borrower in mortgage loan transactions; authorizing the Financial Services Commission to adopt rules prescribing the time by which a mortgage broker must file a report of condition; amending s. 494.0042, F.S.; conforming a cross-reference; repealing s. 494.00421, F.S., relating to required disclosures to borrowers in mortgage broker agreements by mortgage brokers receiving loan origination fees; amending s. 494.00611, F.S.; revising a cross-reference; amending s. 494.00612, F.S.; providing for change in license status if a licensed mortgage lender fails to meet certain requirements for annual license renewal by specified dates; amending s. 494.0066, F.S.; providing guidelines for renewal of a mortgage lender branch office license; providing for change in license status if a licensed branch office fails to meet certain requirements for annual license renewal by specified dates; amending s. 494.0067, F.S.; deleting requirements that a mortgage lender provide an applicant for a mortgage loan a good faith estimate of costs and written disclosures related to adjustable rate mortgages; deleting requirement that mortgage lender provide notice of material changes in terms of a mortgage loan to a borrower in mortgage loan transactions; revising period during which mortgage lenders may service loans without meeting certain requirements; authorizing the commission to adopt rules prescribing the time by which a mortgage lender must file a report of condition; repealing s. 494.0068, F.S., relating to required disclosures to borrowers by mortgage lenders before the borrower accepts certain fees; amending s. 494.007, F.S.; deleting the requirement that a mortgage lender disclose a certain fee and whether the fee is refundable; amending s. 494.0073, F.S.; conforming a cross-reference; repealing part IV of chapter 494, F.S., relating to the Florida Fair Lending Act; repealing s. 494.008, F.S., relating to conditions for mortgage loans of specified amounts secured by vacant land; providing an effective date.

Senator Richter moved the following amendment which was adopted:

Senate Amendment 1 (961708) (with title amendment) to House Amendment 2 (107357)—

Delete lines 468-528 and insert: Remove lines 2 through 99, and insert: An act relating to financial services; amending s. 655.005, F.S.; revising the definition of "related interest"; creating s. 655.017, F.S.; preempting to the state the regulation of certain financial or lending activities of entities subject to the jurisdiction of the office or other regulatory agencies; providing that counties and municipalities may engage in investigations and proceedings against financial institutions that are not preempted; requiring a financial institution to notify the office if such local action is commenced; providing for the office's sole and exclusive jurisdiction in certain cases; providing applicability; amending s. 655.0322, F.S.; revising provisions relating to prohibited acts and practices by a financial institution; applying certain provisions to affiliates; amending s. 655.034, F.S.; authorizing the circuit court to issue an injunction in order to protect the interests of the depositors, members, creditors, or stockholders of a financial institution and the public's interest in the safety and soundness of the financial institution system;

defining "formal enforcement action"; amending s. 655.037, F.S.; conforming a cross-reference; amending s. 655.0385, F.S.; prohibiting a director or executive officer from concurrently serving as a director or officer in a financial institution or affiliate in the same geographical area or the same major business market area unless waived by the Office of Financial Regulation; amending s. 655.041, F.S.; revising provisions relating to administrative fines; clarifying that the office may initiate administrative proceedings for violations of rules; providing that fines for violations begin accruing immediately upon the service of a complaint; applying certain provisions to affiliates; revising the applications for imposing a fine; amending s. 655.045, F.S.; requiring the office to conduct an examination of a financial institution within a specified period; amending s. 655.057, F.S.; conforming a cross-reference; providing that specified records are not considered a waiver of privileges or legal rights in certain proceedings; clarifying who has a right to copy member or shareholder records; creating s. 655.0591, F.S.; providing notice requirements and procedures that allow a financial institution to protect trade secrets included in documents submitted to the office; amending s. 655.50, F.S.; revising provisions relating to the control of money laundering to also include terrorist financing; adding and revising definitions; requiring a financial institution to have a BSA/AML compliance officer; revising records requirements; updating cross-references; amending s. 655.85, F.S.; clarifying that an institution may impose a fee for the settlement of a check under certain circumstances; providing legislative intent; amending s. 655.921, F.S.; revising provisions relating to business transactions by an out-of-state financial institution; providing that such institution may file suit to collect a security interest in collateral; amending s. 655.922, F.S.; revising provisions relating to the name of a financial institution; prohibiting certain financial institutions from using a name that may mislead consumers; authorizing the office to seek court orders to annul or dissolve a business entity for certain violations and to issue emergency cease and desist orders; amending s. 655.948, F.S.; requiring a financial institution to notify the office of any investigations or proceedings initiated by a county or municipality against the institution within a specified timeframe; creating s. 655.955, F.S.; providing that a financial institution is not civilly liable solely by virtue of extending credit to a person; amending s. 657.008, F.S.; requiring certain credit unions seeking to establish a branch office to submit an application to the office for examination and approval; providing the criteria for the examination; amending s. 657.028, F.S.; revising provisions relating to prohibited activities of directors, officers, committee members, employees, and agents of credit unions; requiring the name and address of the credit manager to be submitted to the office; amending s. 657.041, F.S.; authorizing a credit union to pay health and accident insurance premiums and to fund employee benefit plans under certain circumstances; amending s. 658.12, F.S.; revising the definition of "trust business"; amending ss. 658.21 and 658.235, F.S.; conforming cross-references; repealing s. 658.49, F.S., relating to requirements for bank loans up to $50,000; amending ss. 663.02 and 663.09, F.S.; conforming provisions to changes made by the act; amending s. 663.12, F.S.; deleting an annual assessment imposed on certain international offices; amending s. 663.306, F.S.; conforming provisions to changes made by the act; amending ss. 665.013, 665.033, 665.034, 667.003, 667.006, and 667.008, F.S.; conforming cross-references; amending s. 494.001, F.S.; providing and revising definitions; amending s. 494.0012, F.S.; authorizing the Office of Financial Regulation to conduct joint or concurrent examinations of licensees; amending s. 494.00255, F.S.; providing that violating specified rules is grounds for disciplinary action; repealing s. 494.0028, F.S., relating to arbitration of disputes involving certain agreements; amending ss. 494.00313 and 494.00322, F.S.; providing for change in license status if a licensed loan originator or mortgage broker fails to meet certain requirements for annual license renewal by specified dates; amending s. 494.0036, F.S.; providing guidelines for renewal of a mortgage broker branch office license; providing for change in license status if a licensed branch office fails to meet certain requirements for annual license renewal by specified dates; amending s. 494.0038, F.S.; deleting certain requirements regarding loan origination and disclosure; amending s. 494.004, F.S.; deleting a requirement that a licensee provide certain notice to a borrower in mortgage loan transactions; authorizing the Financial Services Commission to adopt rules prescribing the time by which a mortgage broker must file a report of condition; amending s. 494.0042, F.S.; conforming a cross-reference; repealing s. 494.00421, F.S., relating to required disclosures to borrowers in mortgage broker agreements by mortgage brokers receiving loan origination fees; amending s. 494.00611, F.S.; revising a cross-reference; amending s. 494.00612, F.S.; providing for change in license status if a licensed mortgage lender fails to meet certain requirements for annual license renewal by specified dates; amending s. 494.0066, F.S.; providing guidelines for renewal of a mortgage lender branch office license; providing for change in license status if a licensed branch office fails to meet certain requirements for annual license renewal by specified dates; amending s. 494.0067, F.S.; deleting requirements that a mortgage lender provide an applicant for a mortgage loan a good faith estimate of costs and written disclosures related to adjustable rate mortgages; deleting requirement that mortgage lender provide notice of material changes in terms of a mortgage loan to a borrower in mortgage loan transactions; revising period during which mortgage lenders may service loans without meeting certain requirements; authorizing the commission to adopt rules prescribing the time by which a mortgage lender must file a report of condition; repealing s. 494.0068, F.S., relating to required disclosures to borrowers by mortgage lenders before the borrower accepts certain fees; amending s. 494.007, F.S.; deleting the requirement that a mortgage lender disclose a certain fee and whether the fee is refundable; amending s. 494.0073, F.S.; conforming a cross-reference; repealing part IV of chapter 494, F.S., relating to the Florida Fair Lending Act; repealing s. 494.008, F.S., relating to conditions for mortgage loans of specified amounts secured by vacant land; providing an effective date.

On motion by Senator Richter, the Senate concurred in **House Amendment 1 (261621)** and **House Amendment 2 (107351)** as amended and requested the House to concur in the Senate amendment to the House amendment.

CS for CS for SB 1012 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Mr. President	Flores	Negron
Abruzzo	Galvano	Richter
Altman	Garcia	Ring
Bean	Gardiner	Sachs
Benacquisto	Gibson	Simmons
Bradley	Grimsley	Simpson
Brandes	Hays	Smith
Braynon	Joyner	Sobel
Bullard	Latvala	Soto
Clemens	Lee	Stargel
Dean	Legg	Thompson
Detert	Margolis	Thrasher
Evers	Montford	

Nays—None

Vote after roll call:

Yea—Diaz de la Portilla

Vote preference:

May 2, 2014: Yea—Hukill

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

SPECIAL ORDER CALENDAR

On motion by Senator Detert—

CS for HB 977—A bill to be entitled An act relating to motor vehicle insurance and driver education for children in foster care; creating s. 743.047, F.S.; removing the disability of nonage of minors for purposes of obtaining motor vehicle insurance; amending s. 1003.48, F.S.; providing for preferential enrollment in driver education courses for children in foster care; providing an effective date.

—was read the second time by title.

Senator Detert moved the following amendment which was adopted:

Amendment 1 (137914) (with title amendment)—Between lines 49 and 50 insert:

Section 3. *The sum of $800,000 in recurring funds is appropriated from the General Revenue Fund to the Department of Children and Families for the purpose of implementing this act during the 2014-2015 fiscal year.*

And the title is amended as follows:

Delete line 8 and insert: for children in foster care; providing an appropriation; providing an effective

Pursuant to Rule 4.19, **CS for HB 977** as amended was placed on the calendar of Bills on Third Reading.

CS for CS for SB 950—A bill to be entitled An act relating to educator certification; amending s. 1004.04, F.S.; providing requirements for certain instructional personnel who supervise or direct preservice field experience courses or internships; amending s. 1012.2315, F.S.; authorizing a school district to assign to a school that has earned failing grades certain newly hired instructional personnel; amending s. 1012.27, F.S.; revising the powers of a district school superintendent to include filling instructional positions and assigning newly hired instructional personnel; amending s. 1012.56, F.S.; deleting an obsolete provision; revising acceptable means of demonstrating mastery of general knowledge, subject area knowledge, and professional preparation and education competence; authorizing the State Board of Education to adopt rules; revising components of a competency-based professional development certification and education competency program; repealing s. 1012.56(17), F.S., relating to a study to compare the performance of certain certificateholders; amending s. 1012.585, F.S.; revising certain requirements for the renewal or reinstatement of a professional certificate; amending s. 1012.98, F.S.; authorizing a consortium of certain charter schools to develop a professional development system; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 950**, on motion by Senator Stargel, by two-thirds vote **CS for CS for HB 433** was withdrawn from the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

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

CS for CS for HB 433—A bill to be entitled An act relating to educator certification; amending s. 1004.04, F.S.; providing requirements for certain instructional personnel who supervise or direct preservice field experience; amending s. 1012.56, F.S.; deleting an obsolete provision; revising acceptable means of demonstrating mastery of general knowledge, subject area knowledge, and professional preparation and education competence; requiring the State Board of Education to adopt rules; revising components of a competency-based professional development certification and education competency program; repealing s. 1012.56(17), F.S., relating to a study to compare the performance of certain certificateholders; amending s. 1012.585, F.S.; revising certain requirements for the renewal or reinstatement of a professional certificate; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 950** and read the second time by title.

Senator Brandes moved the following amendment which was adopted:

Amendment 1 (486250) (with title amendment)—Between lines 63 and 64 insert:

Section 2. Subsection (2) of section 1012.2315, Florida Statutes, is amended to read:

1012.2315 Assignment of teachers.—

(2) ASSIGNMENT TO SCHOOLS GRADED "D" or "F".—

(a) A school *district* ~~districts~~ may not assign a higher percentage than the school district average of temporarily certified teachers, teachers in need of improvement, or out-of-field teachers to schools graded "D" or "F" pursuant to s. 1008.34.

(b)1. Beginning July 1, 2014, a school district may assign an individual newly hired as instructional personnel to a school that has earned a grade of "F" in the previous year or any combination of three consecutive grades of "D" or "F" in the previous 3 years pursuant to s. 1008.34 if the individual:

a. Has received an effective rating or highly effective rating in the immediate prior year's performance evaluation pursuant s. 1012.34;

b. Has successfully completed or is enrolled in a teacher preparation program pursuant to s. 1004.04, s. 1004.85, or s. 1012.56, or a teacher preparation program specified in State Board of Education rule, is provided with high quality mentoring during the first 2 years of employment, holds a certificate issued pursuant to s. 1012.56, and holds a probationary contract pursuant to s. 1012.335(2)(a); or

c. Holds a probationary contract pursuant to s. 1012.335(2)(a), holds a certificate issued pursuant to s. 1012.56, and has successful teaching experience, and if, in the judgment of the school principal, students would benefit from the placement of that individual.

2. As used in this paragraph, the term "mentoring" includes the use of student achievement data combined with at least monthly observations to improve the educator's effectiveness in improving student outcomes. Mentoring may be provided by a school district, a teacher preparation program approved pursuant to s. 1004.04, s. 1004.85, or s. 1012.56, or a teacher preparation program specified in State Board of Education rule.

3. The State Board of Education shall adopt rules under ss. 120.536(1) and 120.54 to implement this paragraph.

Each school district shall annually certify to the Commissioner of Education that *the requirements in* this *subsection have* ~~requirement has~~ been met. If the commissioner determines that a school district is not in compliance with this subsection, the State Board of Education shall be notified and shall take action pursuant to s. 1008.32 in the next regularly scheduled meeting to require compliance.

And the title is amended as follows:

Delete lines 2-5 and insert: An act relating to education; amending s. 1004.04, F.S.; providing requirements for certain instructional personnel who supervise or direct preservice field experience; amending s. 1012.2315, F.S.; authorizing a school district to assign to a school that has earned failing grades certain newly hired instructional personnel; amending s. 1012.56,

Senator Stargel moved the following amendments which were adopted:

Amendment 2 (296004)—Delete lines 186-187 and insert:
The State Board of Education shall adopt rules to implement this subsection by December 31, 2014, including rules to approve specific teacher preparation programs that are not identified in this subsection which may be used to meet requirements for mastery of professional preparation and education competence.

Amendment 3 (691806) (with title amendment)—Between lines 358 and 359 insert:

Section 5. Subsection (6) of section 1012.98, Florida Statutes, is amended to read:

1012.98 School Community Professional Development Act.—

(6) An organization of private schools *or consortium of charter schools* which has no fewer than 10 member schools in this state, which publishes and files with the Department of Education copies of its standards, and the member schools of which comply with the provisions of part II of chapter 1003, relating to compulsory school attendance, may also develop a professional development system that includes a master plan for inservice activities. The system and inservice plan must be submitted to the commissioner for approval pursuant to *state board* rules ~~of the State Board of Education~~.

And the title is amended as follows:

Delete line 17 and insert: reinstatement of a professional certificate; amending s. 1012.98, F.S.; authorizing a consortium of certain charter schools to develop a professional development system; providing

Pursuant to Rule 4.19, **CS for CS for HB 433** as amended was placed on the calendar of Bills on Third Reading.

The Senate resumed consideration of—

CS for HB 7023—A bill to be entitled An act relating to economic development; amending s. 163.3180, F.S.; prohibiting a local government from applying transportation concurrency or requiring proportionate-share contribution or construction for a new business development for a specified period; providing exceptions; amending s. 163.31801, F.S.; prohibiting a county, municipality, or special district from imposing certain new or existing impact fees on a new business development for a specified period; providing exceptions; amending s. 163.3202, F.S.; requiring each county and municipality to adopt or amend and enforce certain land development regulations within a specified period after submitting a comprehensive plan; amending s. 212.098, F.S.; providing a sales tax refund for purchases of electricity by certain eligible businesses; providing an annual cap on the total amount of tax refunds that may be approved; authorizing the Department of Revenue to adopt rules; amending s. 288.0001, F.S.; requiring the Office Of Economic and Demographic Research and the Office of Program Policy Analysis and Government Accountability to provide an analysis of the New Markets Development Program to the Governor and Legislature within a specified period and periodically thereafter; amending s. 288.005, F.S.; providing definitions; creating s. 288.006, F.S.; providing legislative intent; restricting the use of loan program funds; providing for the reversion of appropriated funds in the event of a termination of a loan program or loan program contract; requiring eligible recipients and loan administrators to avoid potential conflicts of interest; defining the term "immediate family"; providing additional eligibility requirements for eligible recipients and loan administrator applicants; authorizing the Auditor General to conduct audits; authorizing the Department of Economic Opportunity to adopt rules; amending s. 288.018, F.S.; increasing the maximum grant amount that an organization may receive from the department under the Regional Rural Development Grants Program; renaming a "rural area of critical economic concern" as a "rural area of opportunity"; amending s. 288.987, F.S.; increasing the amount of funds that may be spent on staffing and administrative expenses of the Florida Defense Support Task Force; amending s. 290.0411, F.S.; revising legislative intent for purposes of the Florida Small Cities Community Development Block Grant Program; amending s. 290.044, F.S.; requiring the department to adopt rules establishing a competitive selection process for loan guarantees and grants awarded under the block grant program; revising the criteria for the award of grants; amending s. 290.046, F.S.; revising limits on the number of grants that an applicant may apply for and receive; requiring the department to conduct a site visit before awarding a grant; requiring the department to rank applications according to criteria established by rule and distribute funds according to the rankings; revising scoring factors to consider in ranking applications; revising requirements for public hearings; providing that the creation of a citizen advisory task force is discretionary; deleting a provision requiring a local government to obtain department consent for an alternative citizen participation plan; amending s. 290.047, F.S.; revising the maximum percentages and amounts of block grant funds that may be spent on certain costs and expenses; amending s. 290.0475, F.S.; conforming provisions to changes made by the act; correcting a reference; amending s. 290.048, F.S.; deleting a provision authorizing the department to adopt and enforce strict requirements concerning an applicant's written description of a service area; amending s. 331.3051, F.S.; requiring Space Florida to consult with the Florida Tourism Industry Marketing Corporation in developing a space tourism marketing plan; authorizing Space Florida to enter into an agreement with the corporation for a specified purpose; revising the research and development duties of Space Florida; amending s. 443.1116, F.S.; defining the term "employer-sponsored training"; revising components required for approval of a short-time compensation plan; revising eligibility requirements for short-time compensation benefits; amending s. 443.141, F.S.; providing an employer payment schedule for contributions to the Unemployment Compensation Trust Fund; providing for applicability; amending ss. 125.271, 163.3177, 163.3187, 163.3246, 211.3103, 212.098, 218.67, 288.065, 288.0655, 288.0656, 288.1088, 288.1089, 290.0055, 339.2819, 339.63, 373.4595, 380.06, 380.0651, 985.686, and 1011.76, F.S.; renaming "rural areas of critical economic concern" as "rural areas of opportunity"; providing an effective date.

—which was previously considered April 30 with pending **Amendment 1 (494350)** by Senator Detert, **Amendment 1C (838754)** by Senator Richter, **Amendment 1F (877478)** by Senator Soto, and pending points of order.

RULING ON POINT OF ORDER

On recommendation of Senator Thrasher, Chair of the Committee on Rules, Senator Soto's **Amendment 1F (877478)** would add a development that qualifies for an exemption under s. 380.06(29), to the definition of developments that may not be aggregated and treated as a single development. The principal substance of **CS for SB 372** redefines the minimum population and density requirements for counties to qualify as a dense urban land areas (DULAs) and designates 7 additional counties and 20 municipalities as DULAs. Senator Soto's amendment falls within the subject area of **CS for SB 372** but is not the principal substance of the bill. A single sentence or fragment of a bill may be, but is not necessarily, its principal substance under the provisions of Rule 7.1(4)(c), because of its limited nature, it is not the principal substance of **CS for SB 372**, which remains in committee and was therefore in order.

The President ruled the point not well taken and **Amendment 1F (877478)** was in order.

The question recurred on **Amendment 1F (877478)** by Senator Soto which was adopted.

On motion by Senator Detert, further consideration of **CS for HB 7023** with pending **Amendment 1 (494350)**, **Amendment 1C (838754)**, and pending point of order was deferred.

ADOPTION OF RESOLUTIONS

On motion by Senator Sachs—

By Senator Sachs—

SR 720—A resolution recognizing October 2014, and each October thereafter, as "Italian and Italian American Heritage Month" in Florida.

WHEREAS, Italian and Italian American Heritage Month is an appropriate time to recognize the enormous contributions that the Italian and Italian American people have made to this country and the world throughout our history, as generals, admirals, philosophers, statesmen, musicians, athletes, and Nobel Prize-winning scientists, and

WHEREAS, Italian and Italian American Heritage Month is held to salute the Italian and Italian American community and to exhibit appreciation for the culture and heritage that have immeasurably enriched the lives of the people of this nation and of this state, and

WHEREAS, the strength and success of the United States, the vitality of our communities, and the effectiveness of our American society depend, in great measure, upon the distinctive and sterling qualities demonstrated by our various ethnic groups, exemplified by members of the Italian and Italian American community, who share with us their right and unique heritage, and

WHEREAS, it is fitting and proper that October of each year be observed as "Italian and Italian American Heritage Month" in Florida, NOW, THEREFORE,

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

That in recognition of the enormous contributions that Italian and Italian American people have made to this state, this country, and the world throughout our history, the Florida Senate urges the people of the State of Florida to acknowledge October 2014, and each October thereafter, as "Italian and Italian American Heritage Month" in Florida and to observe the month with appropriate events and activities.

—was introduced out of order and read by title. On motion by Senator Sachs, **SR 720** was read the second time in full and adopted.

SPECIAL GUESTS

Senator Sachs introduced Italian Consul General Adolfo Barattolo who was present in the chamber.

At the request of Senator Detert—

By Senator Detert—

SR 1444—A resolution congratulating the 2013 Venice High School Indians baseball team on its second consecutive state title win and recognizing the team's outstanding contributions to the community in keeping with its motto, "Excellence on and off the field."

WHEREAS, in 2013, the Venice High School Indians baseball team became only the third high school team in the history of prep baseball in Sarasota and Manatee Counties to win back-to-back state titles, and

WHEREAS, in taking the title, the Venice High School Indians baseball team stepped into the national spotlight, being named by Baseball America as the number one team among public schools nationwide, and

WHEREAS, the Venice High School Indians baseball team is equally proud of its off-field accomplishments, which include a 3.2 team GPA and more than 1,200 hours of community service, and

WHEREAS, the Venice High School Indians baseball team's community service includes a 9-year involvement with Reading Mentors, in which the players, on a weekly basis, assist third graders in reading; a 15-year association with the Little League Challenger program, in which members of the team serve as "Challenger buddies"; visits to local assisted living facilities; an annual project with Habitat for Humanity; and assistance with fundraising efforts for the Wounded Warrior Project, and

WHEREAS, the hard work and dedication of the Venice High School Indians baseball team is evidenced in its outstanding accomplishments both on and off the field, NOW, THEREFORE,

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

That we congratulate the 2013 Venice High School Indians baseball team on its second consecutive state title win and recognize the team's outstanding contributions to the community.

—**SR 1444** was introduced, read and adopted by publication.

At the request of Senator Latvala—

By Senator Latvala—

SR 1764—A resolution commending Captain Bill Smith for being the first to catch a bonefish (albula vulpes) on an artificial fly 75 years ago.

WHEREAS, the species *albula vulpes*, or "grey ghost," is a gorgeous fish, being generally the color of burnished silver with a slightly bluish olive back, fading to almost white below, and is referred to with reverence throughout the Florida Keys as the bonefish, and

WHEREAS, in addition to its beauty, the majestic bonefish is a wily adversary when hunted and a prodigious fighter when engaged, with estimates of its speed ranging from 25 to 40 miles per hour, which allows this speedy fish to cover the length of a football field in a matter of seconds, and

WHEREAS, the elusive bonefish was never known to have been intentionally taken on an artificial fly until one sunny afternoon in the summer of 1939 when, after having considered the problem for many months, Captain Bill Smith fastened an artificial fly of his own devising to the end of a leader attached to a tapered Ashaway GAF line wound on a Shakespeare #1891 single-action Russell reel, and

WHEREAS, among the mud flats near the Islamorada Little Basin, a deeply forked tail waving gently above the water revealed the presence of an 8-pound bonefish, and, under a bright blue sky with fleecy white clouds overhead, Captain Bill Smith used a 9 1/2-foot Orvis Battenkill rod to present the handmade fly to the fish, and

WHEREAS, some minutes later, that noble bonefish made history as the first of the species *albula vulpes* to be caught on an artificial fly, and

WHEREAS, the accomplishment of Captain Bill Smith in taking this historic fish in such a manner initiated what many claim to be the most exciting form of sportfishing, pound for pound, on the face of the globe and founded a multimillion-dollar industry: fly fishing for bonefish, NOW, THEREFORE,

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

That on the 75th anniversary of the unprecedented feat of catching a bonefish on an artificial fly, Captain Bill Smith is recognized and commended for contributing greatly to the name and reputation of Islamorada and the Florida Keys as a fisherman's paradise.

—**SR 1764** was introduced, read and adopted by publication.

SPECIAL ORDER CALENDAR

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

CS for HB 7023—A bill to be entitled An act relating to economic development; amending s. 163.3180, F.S.; prohibiting a local government from applying transportation concurrency or requiring proportionate-share contribution or construction for a new business development for a specified period; providing exceptions; amending s. 163.31801, F.S.; prohibiting a county, municipality, or special district from imposing certain new or existing impact fees on a new business development for a specified period; providing exceptions; amending s. 163.3202, F.S.; requiring each county and municipality to adopt or amend and enforce certain land development regulations within a specified period after submitting a comprehensive plan; amending s. 212.098, F.S.; providing a sales tax refund for purchases of electricity by certain eligible businesses; providing an annual cap on the total amount of tax refunds that may be approved; authorizing the Department of Revenue to adopt rules; amending s. 288.0001, F.S.; requiring the Office Of Economic and Demographic Research and the Office of Program Policy Analysis and Government Accountability to provide an analysis of the New Markets Development Program to the Governor and Legislature within a specified period and periodically thereafter; amending s. 288.005, F.S.; providing definitions; creating s. 288.006, F.S.; providing legislative intent; restricting the use of loan program funds; providing for the reversion of appropriated funds in the event of a termination of a loan program or loan program contract; requiring eligible recipients and loan administrators to avoid potential conflicts of interest; defining the term "immediate family"; providing additional eligibility requirements for eligible recipients and loan administrator applicants; authorizing the Auditor General to conduct audits; authorizing the Department of Economic Opportunity to adopt rules; amending s. 288.018, F.S.; increasing the maximum grant amount that an organization may receive from the department under the Regional Rural Development Grants Program; renaming a "rural area of critical economic concern" as a "rural area of opportunity"; amending s. 288.987, F.S.; increasing the amount of funds that may be spent on staffing and administrative expenses of the Florida Defense Support Task Force; amending s. 290.0411, F.S.; revising legislative intent for purposes of the Florida Small Cities Community Development Block Grant Program; amending s. 290.044, F.S.; requiring the department to adopt rules establishing a competitive selection process for loan guarantees and grants awarded under the block grant program; revising the criteria for the award of grants; amending s. 290.046, F.S.; revising limits on the number of grants that an applicant may apply for and receive; requiring the department to conduct a site visit before awarding a grant; requiring the department to rank applications according to criteria established by rule and distribute funds according to the rankings; revising scoring factors to consider in ranking applications; revising requirements for public hearings; providing that the creation of a citizen advisory task force is discretionary; deleting a provision requiring a local government to obtain department consent for an alternative citizen participation plan; amending s. 290.047, F.S.; revising the maximum percentages and amounts of block grant funds that may be spent on certain costs and expenses; amending s. 290.0475, F.S.; conforming provisions to changes made by the act; correcting a reference; amending s. 290.048, F.S.; deleting a provision authorizing the department to adopt and enforce strict requirements concerning an applicant's written description of a service area; amending s. 331.3051, F.S.; requiring Space Florida to consult with the Florida Tourism Industry

Marketing Corporation in developing a space tourism marketing plan; authorizing Space Florida to enter into an agreement with the corporation for a specified purpose; revising the research and development duties of Space Florida; amending s. 443.1116, F.S.; defining the term "employer-sponsored training"; revising components required for approval of a short-time compensation plan; revising eligibility requirements for short-time compensation benefits; amending s. 443.141, F.S.; providing an employer payment schedule for contributions to the Unemployment Compensation Trust Fund; providing for applicability; amending ss. 125.271, 163.3177, 163.3187, 163.3246, 211.3103, 212.098, 218.67, 288.065, 288.0655, 288.0656, 288.1088, 288.1089, 290.0055, 339.2819, 339.63, 373.4595, 380.06, 380.0651, 985.686, and 1011.76, F.S.; renaming "rural areas of critical economic concern" as "rural areas of opportunity"; providing an effective date.

—which was previously considered and amended this day with pending **Amendment 1 (494350)** by Senator Detert, **Amendment 1C (838754)** by Senator Richter, and pending point of order by Senator Joyner.

POINT OF ORDER DISPOSITION

The point of order was withdrawn and further consideration of **Amendment 1C (838754)** by Senator Richter was deferred.

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

Senator Montford moved the following amendment to **Amendment 1 (494350)** which was adopted:

Amendment 1G (477298) (with title amendment)—Between lines 12 and 13 insert:

Section 2. Subsection (12) is added to section 212.098, Florida Statutes, to read:

212.098 Rural Job Tax Credit Program.—

(12) A new or existing eligible business that receives a tax credit under subsection (2) or subsection (3) is eligible for a tax refund of up to 50 percent of the amount of sales tax on purchases of electricity paid by the business during the 1-year period after the date the credit is received. The total amount of tax refunds approved pursuant to this subsection may not exceed $600,000 during any calendar year. The department may adopt rules to administer this subsection.

And the title is amended as follows:

Between lines 1770 and 1771 insert: amending s. 212.098, F.S.; providing a sales tax refund for purchases of electricity by certain eligible businesses; providing an annual cap on the total amount of tax refunds that may be approved; authorizing the Department of Revenue to adopt rules;

The question recurred on **Amendment 1C (838754)** by Senator Richter which was adopted.

Amendment 1 (494350) as amended was adopted.

Pursuant to Rule 4.19, **CS for HB 7023** as amended was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 1512** was deferred.

MOMENT OF SILENCE

At the request of Senator Abruzzo, the Senate observed a moment of silence acknowledging the tragic shootings that occurred, and continue to occur, in Chicago.

CS for SB 696—A bill to be entitled An act relating to the Department of Transportation; repealing s. 316.530(3), F.S., relating to load limits for certain towed vehicles; amending s. 316.545, F.S.; increasing the weight used in calculating whether a vehicle equipped with fully functional idle-reduction technology is overweight; updating terminology; amending s. 332.007, F.S.; authorizing the department to fund strategic airport investments; providing criteria; amending s. 334.044, F.S.; prohibiting the department from entering into a lease-purchase agreement with certain transportation authorities; providing that certain lease-purchase agreements are not invalidated; providing an exception from the requirement to purchase all plant materials from Florida commercial nursery stock; amending s. 338.161, F.S.; revising the authorization of the department to enter into an agreement with an owner of a transportation facility under which the department uses its electronic toll collection and video billing systems to collect for the owner certain charges for use of the owner's transportation facility; amending s. 338.26, F.S.; revising the uses of fees generated from Alligator Alley tolls to include the cost of design and construction of a fire station that may be used by certain local governments and certain related operating costs; providing that excess tolls, after payment of certain expenses, be transferred to the Everglades Trust Fund; amending ss. 343.82 and 343.922, F.S.; removing references to advances from the previously repealed Toll Facilities Revolving Trust Fund as a source of funding for certain authority projects; amending s. 373.4137, F.S.; providing legislative intent that environmental mitigation be implemented in a manner that promotes efficiency, timeliness in project delivery, and cost-effectiveness; revising the criteria for the environmental impact inventory and for mitigation of projected impacts identified in the environmental impact inventory; requiring the Department of Transportation to include funding for environmental mitigation for projects in its work program; revising the process and criteria for the payment by the department or participating transportation authorities of mitigation implemented by water management districts or the Department of Environmental Protection; revising the requirements for the payment to a water management district or the Department of Environmental Protection of the costs of mitigation planning and implementation of the mitigation required by a permit; revising the payment criteria for preparing and implementing mitigation plans adopted by water management districts for transportation impacts based on the environmental impact inventory; adding federal requirements for the development of a mitigation plan; providing for transportation projects in the environmental mitigation plan for which mitigation has not been specified; revising a water management district's responsibilities relating to a mitigation plan; amending s. 373.618, F.S.; subjecting certain public information systems to local government review or approval and to the requirements of ch. 479, F.S., relating to outdoor advertising; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 696** to **HB 7175**.

Pending further consideration of **CS for SB 696** as amended, on motion by Senator Brandes, by two-thirds vote **HB 7175** was withdrawn from the Committees on Environmental Preservation and Conservation; Community Affairs; Transportation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; and Appropriations.

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

HB 7175—A bill to be entitled An act relating to Department of Transportation; amending s. 11.45, F.S., deleting a provision authorizing the Auditor General to conduct audits of transportation corporations authorized under the Florida Transportation Corporation Act; amending s. 20.23, F.S.; providing for the Florida Transportation Commission to monitor certain aspects of the Mid-Bay Bridge Authority; repealing provisions for the Florida Statewide Passenger Rail Commission; amending s. 316.530, F.S.; deleting a provision relating to load limits for certain towed vehicles; amending s. 316.545, F.S.; revising the weight reduction used to determine unlawful weight of certain vehicles equipped with idle-reduction technology; amending s. 332.007, F.S.; authorizing the department to fund strategic airport investments; providing criteria; amending s. 334.044, F.S.; prohibiting the department from entering into a lease-purchase agreement; providing that certain lease-purchase agreements are not invalidated; providing an exception from a requirement to purchase all plant materials from Florida commercial nursery stock; amending s. 335.06, F.S.; providing for improvement and maintenance of certain roads that provide access to the state park system; amending s. 335.065, F.S.; authorizing the department to enter into certain concession agreements; providing for use of agreement revenues; providing that the agreements are subject to applicable federal laws;

amending s. 337.11, F.S.; removing the requirement that a contractor provide a notarized affidavit as proof of motor vehicle registration; amending s. 337.14, F.S.; providing an exception to a provision that prohibits certain contractors and affiliates from qualifying to provide certain services to the department; providing construction; amending s. 337.168, F.S., relating to confidentiality of bid information; providing that a document that reveals the identity of a person who has requested or received certain information before a certain time is a public record; amending s. 337.25, F.S.; revising provisions for disposition of property by the department; authorizing the department to contract for auction services for conveyance of property; amending s. 337.251, F.S.; revising criteria for leasing certain department property; revising the time for the department to accept proposals for lease after a notice is published; directing the department to establish an application fee by rule; providing criteria for the fee and for the proposed lease; amending s. 338.161, F.S.; revising provisions authorizing the department to use its electronic toll collection and video billing systems to collect certain charges for an owner of a transportation facility; amending s. 338.26, F.S.; revising the uses of fees generated from Alligator Alley tolls to include the cost of design and construction of a fire station that may be used by certain local governments and certain related operating costs; providing that excess tolls, after payment of certain expenses, be transferred to the Everglades Trust Fund; creating s. 339.041, F.S.; providing legislative intent; describing the types of department property eligible for factoring future revenues received by the department from leases for wireless communication facilities on department property; authorizing the department to enter into agreements with investors to purchase the revenue streams from department leases of wireless communication facilities on such property pursuant to an invitation to negotiate; prohibiting the department from pledging state credit; allowing the department to make certain covenants; providing for the appropriation and payment of moneys received from such agreements to investors; requiring the proceeds from such leases to be used for certain fixed capital expenditures; amending s. 339.175, F.S.; revising membership and governance of a metropolitan planning organization; revising powers and duties of the Metropolitan Planning Organization Advisory Council; amending s. 339.2821, F.S.; authorizing Enterprise Florida, Inc., to be a consultant to the department for consideration of expenditures associated with and contracts for transportation projects; revising the requirements for economic development transportation project contracts between the Department of Transportation and a governmental entity; repealing the Florida Transportation Corporation Act; repealing ss. 339.401, 339.402, 339.403, 339.404, 339.405, 339.406, 339.407, 339.408, 339.409, 339.410, 339.411, 339.412, 339.414, 339.415, 339.416, 339.417, 339.418, 339.419, 339.420, and 339.421, F.S.; removing provisions for corporations to be authorized by and to act on behalf of the department for promotion and development of transportation facilities and systems; amending s. 343.82, F.S., relating to the Northwest Florida Transportation Corridor Authority and s. 343.922, F.S., relating to Tampa Bay Area Regional Transportation Authority; removing provisions for certain funding and assistance sources; amending s. 373.4137, F.S.; revising legislative intent for implementation of mitigation to offset environmental impact of department projects; revising provisions for environmental impact inventories for transportation projects proposed by the department or a transportation authority; revising criteria for mitigation of projected impacts; requiring the Department of Transportation to include funding for environmental mitigation for projects in its work program; revising the process and criteria for the payment by the department or participating transportation authorities of mitigation implemented by water management districts or the Department of Environmental Protection; revising the requirements for the payment to a water management district or the Department of Environmental Protection of the costs of mitigation planning and implementation of the mitigation required by a permit; revising the payment criteria for preparing and implementing mitigation plans adopted by water management districts for transportation impacts based on the environmental impact inventory; adding federal requirements for the development of a mitigation plan; providing for transportation projects in the environmental mitigation plan for which mitigation has not been specified; revising a water management district's responsibilities relating to a mitigation plan; amending s. 373.618, F.S.; revising provisions related to public service warning signs; amending s. 479.01, F.S., relating to outdoor advertising signs; revising and deleting definitions; amending s. 479.02, F.S.; revising duties of the Department of Transportation relating to signs; deleting a requirement that the department adopt certain rules; creating s. 479.024, F.S.; limiting the placement of signs to commercial or industrial zones; defining the terms "parcel" and "utilities"; requiring a local government to use specified criteria to determine zoning for commercial or industrial parcels; providing that certain parcels are considered unzoned commercial or industrial areas; authorizing a permit for a sign in an unzoned commercial or industrial area in certain circumstances; prohibiting specified uses and activities from being independently recognized as commercial or industrial; providing an appeal process for an applicant whose permit is denied; requiring an applicant whose application is denied to remove an existing sign pertaining to the application; requiring the department to reduce certain transportation funding in certain circumstances; amending s. 479.03, F.S.; requiring notice to owners of intervening privately owned lands before the department enters upon such lands to remove an illegal sign; amending s. 479.04, F.S.; providing that an outdoor advertising license is not required solely to erect or construct outdoor signs or structures; amending s. 479.05, F.S.; authorizing the department to suspend a license for certain offenses and specifying activities that the licensee may engage in during the suspension; prohibiting the department from granting a transfer of an existing permit or issuing an additional permit during the suspension; amending s. 479.07, F.S.; revising requirements for obtaining sign permits; conforming and clarifying provisions; revising permit tag placement requirements for signs; deleting a provision that allows a permittee to provide its own replacement tag; revising requirements for permitting certain signs visible to more than one highway; deleting provisions limiting a pilot program to specified locations; deleting redundant provisions relating to certain new or replacement signs; deleting provisions requiring maintenance of statistics on the pilot program; amending s. 479.08, F.S.; revising provisions relating to the denial or revocation of a permit because of false or misleading information in the permit application; amending s. 479.10, F.S.; authorizing the cancellation of a permit; amending s. 479.105, F.S.; revising notice requirements to owners and advertisers relating to signs erected or maintained without a permit; revising procedures for the department to issue a permit as a conforming or nonconforming sign to the owner of an unpermitted sign; providing a penalty; amending s. 479.106, F.S.; revising provisions relating to the removal, cutting, or trimming of trees or vegetation to increase sign face visibility; providing that a specified penalty is applied per sign facing; amending s. 479.107, F.S.; deleting a fine for specified violations; amending s. 479.11, F.S.; prohibiting signs on specified portions of the interstate highway system; amending s. 479.111, F.S.; clarifying a reference to a certain agreement; amending s. 479.15, F.S.; deleting a definition; revising provisions relating to relocation of certain signs on property subject to public acquisition; amending s. 479.156, F.S.; clarifying provisions relating to the regulation of wall murals; amending s. 479.16, F.S.; exempting certain signs from specified provisions; exempting from permitting certain signs placed by tourist-oriented businesses, certain farm signs placed during harvest seasons, certain acknowledgment signs on publicly funded school premises, and certain displays on specific sports facilities; prohibiting certain permit exemptions from being implemented or continued if the implementations or continuations will adversely impact the allocation of federal funds to the Department of Transportation; directing the department to notify a sign owner that the sign must be removed if federal funds are adversely impacted; authorizing the department to remove the sign and assess costs to the sign owner under certain circumstances; amending s. 479.24, F.S.; clarifying provisions relating to compensation paid for the department's acquisition of lawful signs; amending s. 479.25, F.S.; revising provisions relating to local government action with respect to erection of noise-attenuation barriers that block views of lawfully erected signs; deleting provisions to conform to changes made by the act; amending s. 479.261, F.S.; expanding the logo sign program to the limited access highway system; conforming provisions related to a logo sign program on the limited access highway system; amending s. 479.262, F.S.; clarifying provisions relating to the tourist-oriented directional sign program; limiting the placement of such signs to intersections on certain rural roads; prohibiting such signs in urban areas or at interchanges on freeways or expressways; amending s. 479.313, F.S.; requiring a permittee to pay the cost of removing certain signs following the cancellation of the permit for the sign; repealing s. 76 of chapter 2012-174, Laws of Florida, relating to authorizing the department to seek Federal Highway Administration approval of a tourist-oriented commerce sign pilot program and directing the department to submit the approved pilot program for legislative approval; establishing a pilot program for the School District of Palm Beach County authorizing signage on certain school district property to recognize the names of the school district's business partners; providing for expiration of the program; requiring the Florida Transportation Commission to study the potential for state revenue from parking meters and other parking time-limit devices; au-

thorizing to commission to retain experts; requiring the department to pay for the experts; requiring certain information from municipalities and counties; requiring certain information to be considered in the study; requiring a written report; providing for the removal of parking meters and parking time-limit devices under certain circumstance; providing for municipalities and counties to pay the cost of removal; providing for a moratorium on new parking meters of other parking time-limit devices on the state right-of-way; providing an exception; amending s. 2 of chapter 85-364, Laws of Florida, relating to the Department of Transportation; authorizing tolls from the Pinellas Bayway to be used for maintenance costs; removing provisions for funding of certain projects; amending s. 110.205, F.S.; conforming cross-references; providing effective dates.

—a companion measure, was substituted for **CS for SB 696** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 7175** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 1260—A bill to be entitled An act relating to insurance; amending s. 624.4625, F.S.; revising requirements for corporations not for profit to qualify to form a self-insurance fund; amending s. 624.501, F.S.; revising original appointment and renewal fees related to certain insurance representatives; amending s. 626.015, F.S.; defining the term "unaffiliated insurance agent"; amending s. 626.0428, F.S.; requiring a branch place of business to have an agent in charge; authorizing an agent to be in charge of more than one branch office under certain circumstances; providing requirements relating to the designation of an agent in charge; prohibiting an insurance agency from conducting insurance business at a location without a designated agent in charge; providing that the agent in charge is accountable for misconduct and violations committed by the licensee and any person under his or her supervision; amending s. 626.112, F.S.; prohibiting limited customer representative licenses from being issued after a specified date; providing licensure exemptions that allow specified individuals or entities to conduct insurance business at specified locations under certain circumstances; revising licensure requirements and penalties with respect to registered insurance agencies; providing that the registration of an approved registered insurance agency automatically converts to an insurance agency license on a specified date; amending s. 626.172, F.S.; revising requirements relating to applications for insurance agency licenses; conforming provisions to changes made by the act; amending s. 626.311, F.S.; limiting the types of business that may be transacted by certain agents; amending s. 626.321, F.S.; providing that a limited license to offer motor vehicle rental insurance issued to a business that rents or leases motor vehicles encompasses the employees of such business; amending s. 626.382, F.S.; providing that an insurance agency license continues in force until canceled, suspended, revoked, terminated, or expired; amending s. 626.601, F.S.; revising terminology relating to investigations conducted by the Department of Financial Services and the Office of Insurance Regulation with respect to individuals and entities involved in the insurance industry; revising a confidentiality provision; amending s. 626.621, F.S.; providing an additional ground for disciplinary action against the license or appointment of certain insurance-related personnel for accepting compensation for referring the owner of a property to an inspector or inspection company; repealing s. 626.747, F.S., relating to branch agencies, agents in charge, and the payment of additional county tax under certain circumstances; amending s. 626.8411, F.S.; conforming a cross-reference; amending s. 626.854, F.S.; deleting the requirement that a 48 hours' notice be provided before scheduling an onsite inspection of insured property; conforming a cross-reference; amending s. 626.8805, F.S.; revising insurance administrator application requirements; amending s. 626.8817, F.S.; authorizing an insurer's designee to provide certain coverage information to an insurance administrator; authorizing an insurer to subcontract the review of an insurance administrator; amending s. 626.882, F.S.; prohibiting a person from acting as an insurance administrator without a specific written agreement; amending s. 626.883, F.S.; requiring an insurance administrator to furnish fiduciary account records to an insurer; requiring administrator withdrawals from a fiduciary account to be made according to a specific written agreement; providing that an insurer's designee may authorize payment of claims; amending s. 626.884, F.S.; revising an insurer's right of access to certain administrator records; amending s. 626.89, F.S.; revising the deadline for filing certain financial statements; deleting provisions allowing an extension for administrator to submit certain financial statements; amending s. 626.931, F.S.; deleting provisions requiring a surplus lines agent to file a quarterly affidavit with the Florida Surplus Lines Service Office; amending s. 626.932, F.S.; revising the due date of surplus lines tax; amending ss. 626.935 and 626.936, F.S.; conforming provisions to changes made by the act; amending s. 626.9541, F.S.; revising provisions for unfair methods of competition and unfair or deceptive acts relating to conducting certain insurance transactions through credit card facilities; amending s. 627.062, F.S.; authorizing the Office of Insurance Regulation to use a straight average of model results or output ranges to estimate hurricane losses when determining whether the rates in a rate filing are excessive, inadequate, or unfairly discriminatory; amending s. 627.0628, F.S.; increasing the length of time during which an insurer must adhere to certain findings made by the Commission on Hurricane Loss Projection Methodology with respect to certain methods, principles, standards, models, or output ranges used in a rate filing; providing that the requirement to adhere to such findings does not limit an insurer from using straight averages of model results or output ranges under specified circumstances; amending s. 627.0651, F.S.; revising provisions for making and use of rates for motor vehicle insurance; amending s. 627.0653, F.S.; authorizing the office to approve motor vehicle premium discounts for vehicles equipped with electronic crash avoidance technology; amending s. 627.072, F.S.; authorizing retrospective rating plans relating to workers' compensation and employer's liability insurance to allow negotiations between certain employers and insurers with respect to rating factors used to calculate premiums; amending s. 627.281, F.S.; conforming a cross-reference; amending s. 627.311, F.S.; providing that certain dividends may be retained by the joint underwriting plan for future use; amending s. 627.3518, F.S.; conforming a cross-reference; repealing s. 627.3519, F.S., relating to an annual report on the aggregate report of maximum losses of the Florida Hurricane Catastrophe Fund and Citizens Property Insurance Corporation; amending s. 627.409, F.S.; providing that a claim for residential property insurance may not be denied based on certain credit information; amending s. 627.4133, F.S.; extending the period for prior notice required with respect to the nonrenewal, cancellation, or termination of certain insurance policies; deleting certain provisions that require extended periods of prior notice with respect to the nonrenewal, cancellation, or termination of certain insurance policies; prohibiting the cancellation of certain policies that have been in effect for a specified amount of time, except under certain circumstances; prohibiting the cancellation of a policy or contract that has been in effect for a specified amount of time based on certain credit information; amending s. 627.4137, F.S.; adding licensed company adjusters to the list of persons who may respond to a claimant's written request for information relating to liability insurance coverage; amending s. 627.421, F.S.; authorizing a policyholder of personal lines insurance to affirmatively elect delivery of policy documents by electronic means; amending s. 627.43141, F.S.; authorizing a notice of change in policy terms to be sent in a separate mailing to an insured under certain circumstances; requiring an insurer to provide such notice to the insured's insurance agent; creating s. 627.4553, F.S.; providing requirements for the recommendation to surrender an annuity or life insurance policy; amending s. 627.7015, F.S.; revising the rulemaking authority of the department with respect to qualifications and specified types of penalties covered under the property insurance mediation program; creating s. 627.70151, F.S.; providing criteria for an insurer or policyholder to challenge the impartiality of a loss appraisal umpire for purposes of disqualifying such umpire; amending s. 627.706, F.S.; revising the definition of the term "neutral evaluator"; amending s. 627.7074, F.S.; revising notification requirements for participation in the neutral evaluation program; providing grounds for the department to deny an application, or suspend or revoke certification, of a neutral evaluator; requiring the department to adopt rules relating to certification of neutral evaluators; amending s. 627.711, F.S.; revising verification requirements for uniform mitigation verification forms; amending s. 627.7283, F.S.; providing for the electronic transfer of unearned premiums returned when a policy is canceled; amending s. 627.736, F.S.; revising the time period for applicability of certain Medicare fee schedules or payment limitations; amending s. 627.744, F.S.; revising preinsurance inspection requirements for private passenger motor vehicles; amending s. 627.745, F.S.; revising qualifications for approval as a mediator by the department; providing grounds for the department to deny an application, or suspend or revoke approval of a mediator or certification of a neutral evaluator; authorizing the department to adopt rules; amending s. 627.782, F.S.; revising the date by which title insurance agencies and certain insurers must annually submit specified information to the Office of Insurance Regulation; amending s. 628.461,

F.S.; revising filing requirements relating to the acquisition of controlling stock; revising the amount of outstanding voting securities of a domestic stock insurer or a controlling company that a person is prohibited from acquiring unless certain requirements have been met; prohibiting persons acquiring a certain percentage of voting securities from acquiring certain securities; providing that a presumption of control may be rebutted by filing a disclaimer of control; deleting a definition; amending ss. 631.717 and 631.734, F.S.; transferring a provision relating to the obligations of the Florida Life and Health Insurance Guaranty Association; amending s. 634.406, F.S.; revising criteria authorizing premiums of certain service warranty associations to exceed their specified net assets limitations; revising requirements relating to contractual liability policies that insure warranty associations; providing effective dates.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1260**, on motion by Senator Brandes, by two-thirds vote **CS for CS for HB 565** was withdrawn from the Committees on Banking and Insurance; Appropriations Subcommittee on General Government; and Appropriations.

On motion by Senator Brandes—

CS for CS for HB 565—A bill to be entitled An act relating to insurance; amending s. 112.08, F.S.; authorizing local government units to contract with certain corporations not for profit for insurance; amending s. 624.501, F.S.; revising original appointment and renewal fees related to certain insurance representatives; amending s. 626.015, F.S.; prohibiting new limited customer representative licenses from being issued after a specified date; defining the term "unaffiliated insurance agent"; amending s. 626.0428, F.S.; revising prohibitions relating to binding insurance and soliciting insurance; requiring a branch place of business to have an agent in charge; authorizing an agent to be in charge of more than one branch office under certain circumstances; providing requirements relating to the designation of an agent in charge; providing that the agent in charge is accountable for misconduct and violations committed by the licensee, agent, and any person under his or her supervision; prohibiting an insurance agency from conducting insurance business at a location without a designated agent in charge; amending s. 626.112, F.S.; providing licensure exemptions that allow specified individuals or entities to conduct insurance business at specified locations under certain circumstances; revising licensure requirements and penalties with respect to registered insurance agencies; providing that the registration of an approved registered insurance agency automatically converts to an insurance agency license on a specified date; amending s. 626.172, F.S.; revising requirements relating to applications for insurance agency licenses; conforming provisions to changes made by the act; amending s. 626.311, F.S.; limiting the types of business that may be transacted by certain agents; amending s. 626.321, F.S.; providing that a limited license to offer motor vehicle rental insurance issued to a business that rents or leases motor vehicles encompasses the employees and authorized representatives of such business; amending s. 626.382, F.S.; providing that an insurance agency license continues in force until canceled, suspended, revoked, or terminated or expired; amending s. 626.601, F.S.; revising terminology relating to investigations conducted by the Department of Financial Services and the Office of Insurance Regulation with respect to individuals and entities involved in the insurance industry; revising a confidentiality provision; repealing s. 626.747, F.S., relating to branch agencies, agents in charge, and the payment of additional county tax under certain circumstances; amending s. 626.8411, F.S.; conforming a cross-reference; amending s. 626.88, F.S.; providing that the term "administrator" does not include certain corporations not for profit; amending s. 626.8805, F.S.; revising insurance administrator application requirements; amending s. 626.8817, F.S.; authorizing an insurer's designee to provide certain coverage information to an insurance administrator; authorizing an insurer to subcontract the review of an insurance administrator; amending s. 626.882, F.S.; prohibiting a person from acting as an insurance administrator without a specific written agreement; amending s. 626.883, F.S.; requiring an insurance administrator to furnish fiduciary account records to an insurer; requiring administrator withdrawals from a fiduciary account to be made according to a specific written agreement; providing that an insurer's designee may authorize payment of claims; amending s. 626.884, F.S.; revising an insurer's right of access to certain administrator records; amending s. 626.89, F.S.; revising the deadline for filing certain financial statements; amending s. 626.921, F.S.; requiring members of the board of governors of the Florida Surplus Lines Association to be nominated by the association; amending s. 626.931, F.S.; deleting provisions requiring a surplus lines agent to file a quarterly affidavit with the Florida Surplus Lines Service Office; amending s. 626.932, F.S.; revising the due date of surplus lines tax; amending ss. 626.935 and 626.936, F.S.; conforming provisions to changes made by the act; amending s. 626.9541, F.S.; revising a provision authorizing a licensed agent or insurer to solicit or negotiate certain insurance transactions through a credit card facility or organization; amending s. 626.99296, F.S.; requiring a court in the county where the payee resides to authorize a transfer of structured settlement payment rights in order for the transfer to be effective; amending s. 627.062, F.S.; requiring the Office of Insurance Regulation to use certain models or methods, or a straight average of model results or output ranges, to estimate hurricane losses when determining whether the rates in a rate filing are excessive, inadequate, or unfairly discriminatory; amending s. 627.0628, F.S.; increasing the length of time during which an insurer must adhere to certain findings made by the Commission on Hurricane Loss Projection Methodology with respect to certain methods, principles, standards, models, or output ranges used in a rate filing; providing that the requirement to adhere to such findings does not prohibit an insurer from using a straight average of model results or output ranges under specified circumstances; amending s. 627.0651, F.S.; revising provisions for making and use of rates for motor vehicle insurance; amending s. 627.072, F.S.; authorizing retrospective rating plans relating to workers' compensation and employer's liability insurance to allow negotiations between certain employers and insurers with respect to premiums; providing an exemption; providing requirements for the filing and approval of such plans and associated forms; providing an exception; amending ss. 627.281 and 627.3518, F.S.; conforming cross-references; amending s. 627.311, F.S.; providing that certain dividends shall be retained by the joint underwriting plan for future use; amending s. 627.351, F.S.; providing that an appointee of a consumer representative by the Governor is not prohibited from practicing in a certain profession if required or permitted by law or ordinance; repealing s. 627.3519, F.S., relating to an annual report on the aggregate net probable maximum losses of the Florida Hurricane Catastrophe Fund and Citizens Property Insurance Corporation; amending s. 627.409, F.S.; providing that a claim for residential property insurance may not be denied based on certain credit information; amending s. 627.4133, F.S.; increasing the amount of prior notice required with respect to the nonrenewal, cancellation, or termination of certain insurance policies; deleting certain provisions that require extended periods of prior notice with respect to the nonrenewal, cancellation, or termination of certain insurance policies; prohibiting the cancellation of certain policies that have been in effect for a specified amount of time except under certain circumstances; providing that a policy or contract may not be cancelled based on certain credit information; amending s. 627.4137, F.S.; adding licensed company adjusters to the list of persons who may respond to a claimant's written request for information relating to liability insurance coverage; amending s. 627.421, F.S.; authorizing a policyholder of personal lines insurance to affirmatively elect delivery of policy documents by electronic means; amending s. 627.43141, F.S.; authorizing a notice of change in policy terms to be sent in a separate mailing to an insured under certain circumstances; requiring an insurer to provide such notice to insured's insurance agent; creating s. 627.4553, F.S.; providing requirements for the recommendation to surrender an annuity or life insurance policy; amending s. 627.7015, F.S.; revising the rulemaking authority of the department with respect to qualifications and specified types of penalties covered under the property insurance mediation program; creating s. 627.70151, F.S.; providing criteria for an insurer or policyholder to challenge the impartiality of a loss appraisal umpire for purposes of disqualifying such umpire; amending s. 627.706, F.S.; revising the definition of the term "neutral evaluator"; amending s. 627.7074, F.S.; revising notification requirements for participation in the neutral evaluation program; providing grounds for the department to deny an application, or suspend or revoke certification, of a neutral evaluator; requiring the department to adopt rules relating to certification of neutral evaluators; amending s. 627.711, F.S.; revising verification requirements for uniform mitigation verification forms; amending s. 627.7283, F.S.; authorizing the electronic transfer of unearned premium under specified circumstances; amending s. 627.736, F.S.; revising the time period for applicability of certain Medicare fee schedules or payment limitations; amending s. 627.744, F.S.; revising preinsurance inspection requirements for private passenger motor vehicles; amending s. 627.745, F.S.; revising qualifications for approval as a mediator by the department; providing grounds for the department to deny an application, or suspend or revoke approval, of a mediator; authorizing the de-

partment to adopt rules; amending s. 627.782, F.S.; revising the date by which title insurance agencies and certain insurers must annually submit specified information to the Office of Insurance Regulation; amending s. 628.461, F.S.; revising filing requirements relating to the acquisition of controlling stock; revising the amount of outstanding voting securities of a domestic stock insurer or a controlling company that a person is prohibited from acquiring unless certain requirements have been met; prohibiting persons acquiring a certain percentage of voting securities from acquiring certain securities; providing that a presumption of control may be rebutted by filing a disclaimer of control; deleting definitions; amending s. 631.717, F.S.; deleting a provision relating to the Florida Life and Health Insurance Guaranty Association's obligation to pay insurance policy or contract claims; amending s. 631.737, F.S.; requiring the association to pay insurance policy or contract claims under certain conditions; amending s. 634.406, F.S.; revising criteria authorizing premiums of certain service warranty associations to exceed their specified net assets limitations; revising requirements relating to contractual liability policies that insure warranty associations; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 1260** and read the second time by title.

Senator Grimsley moved the following amendment which was adopted:

Amendment 1 (402196) (with title amendment)—Between lines 2811 and 2812 insert:

Section 56. Paragraph (c) of subsection (2) of section 409.967, Florida Statutes, is 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 *of comparing* ~~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.

2. *If establishing a prescribed drug formulary or preferred drug list, a managed care plan shall:*

a. Provide a broad range of therapeutic options for the treatment of disease states which are consistent with the general needs of an outpatient population. If feasible, the formulary or preferred drug list must include at least two products in a therapeutic class.

b. ~~Each managed care plan must~~ Publish *the* ~~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 *shall* ~~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.~~

3. For *enrollees* ~~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. Notwithstanding any other law, in order to establish uniformity in the submission of prior authorization forms, effective January 1, 2015, a managed care plan shall use a single standardized form for obtaining prior authorization for a medical procedure, course of treatment, or prescription drug benefit. The form may not exceed two pages in length, excluding any instructions or guiding documentation.

a. The managed care plan shall make the form available electronically and online to practitioners. The prescribing provider may electronically submit the completed prior authorization form to the managed care plan.

b. If the managed care plan contracts with a pharmacy benefits manager to perform prior authorization services for a medical procedure, course of treatment, or prescription drug benefit, the pharmacy benefits manager must use and accept the standardized prior authorization form.

c. A completed prior authorization request submitted by a health care provider using the standardized prior authorization form is deemed approved upon receipt by the managed care plan unless the managed care plan responds otherwise within 3 business days.

5. If medications for the treatment of a medical condition are restricted for use by a managed care plan by a step-therapy or fail-first protocol, the prescribing provider must have access to a clear and convenient process to request an override of the protocol from the managed care plan.

a. The managed care plan shall grant an override within 72 hours if the prescribing provider documents that:

(I) Based on sound clinical evidence, the preferred treatment required under the step-therapy or fail-first protocol has been ineffective in the treatment of the enrollee's disease or medical condition; or

(II) Based on sound clinical evidence or medical and scientific evidence, the preferred treatment required under the step-therapy or fail-first protocol:

(A) Is expected or is likely to be ineffective based on known relevant physical or mental characteristics of the enrollee and known characteristics of the drug regimen; or

(B) Will cause or will likely cause an adverse reaction or other physical harm to the enrollee.

b. If the prescribing provider allows the enrollee to enter the step-therapy or fail-first protocol recommended by the managed care plan, the duration of the step-therapy or fail-first protocol may not exceed the customary period for use of the medication if the prescribing provider demonstrates such treatment to be clinically ineffective. If the managed care plan can, through sound clinical evidence, demonstrate that the originally prescribed medication is likely to require more than the customary period to provide any relief or amelioration to the enrollee, the step-therapy or fail-first protocol may be extended for an additional period, but no longer than the original customary period for use of the medication. Notwithstanding this provision, a step-therapy or fail-first protocol shall be terminated if the prescribing provider determines that the enrollee is having an adverse reaction or is suffering from other physical harm resulting from the use of the medication.

Section 57. Section 627.42392, Florida Statutes, is created to read:

627.42392 Prior authorization.—

(1) Notwithstanding any other law, in order to establish uniformity in the submission of prior authorization forms, effective January 1, 2015, a

health insurer that delivers, issues for delivery, renews, amends, or continues an individual or group health insurance policy in this state, including a policy issued to a small employer as defined in s. 627.6699, shall use a single standardized form for obtaining prior authorization for a medical procedure, course of treatment, or prescription drug benefit. The form may not exceed two pages in length, excluding any instructions or guiding documentation.

(a) The health insurer shall make the form available electronically and online to practitioners. The prescribing provider may submit the completed prior authorization form electronically to the health insurer.

(b) If the health insurer contracts with a pharmacy benefits manager to perform prior authorization services for a medical procedure, course of treatment, or prescription drug benefit, the pharmacy benefits manager must use and accept the standardized prior authorization form.

(c) A completed prior authorization request submitted by a health care provider using the standardized prior authorization form is deemed approved upon receipt by the health insurer unless the health insurer responds otherwise within 3 business days.

(2) This section does not apply to a grandfathered health plan as defined in s. 627.402.

Section 58. Section 627.42393, Florida Statutes, is created to read:

627.42393 Medication protocol override.—If an individual or group health insurance policy, including a policy issued by a small employer as defined in s. 627.6699, restricts medications for the treatment of a medical condition by a step-therapy or fail-first protocol, the prescribing provider must have access to a clear and convenient process to request an override of the protocol from the health insurer.

(1) The health insurer shall authorize an override of the protocol within 72 hours if the prescribing provider documents that:

(a) Based on sound clinical evidence, the preferred treatment required under the step-therapy or fail-first protocol has been ineffective in the treatment of the insured's disease or medical condition; or

(b) Based on sound clinical evidence or medical and scientific evidence, the preferred treatment required under the step-therapy or fail-first protocol:

1. Is expected or is likely to be ineffective based on known relevant physical or mental characteristics of the insured and known characteristics of the drug regimen; or

2. Will cause or is likely to cause an adverse reaction or other physical harm to the insured.

(2) If the prescribing provider allows the insured to enter the step-therapy or fail-first protocol recommended by the health insurer, the duration of the step-therapy or fail-first protocol may not exceed the customary period for use of the medication if the prescribing provider demonstrates such treatment to be clinically ineffective. If the health insurer can, through sound clinical evidence, demonstrate that the originally prescribed medication is likely to require more than the customary period for such medication to provide any relief or amelioration to the insured, the step-therapy or fail-first protocol may be extended for an additional period of time, but no longer than the original customary period for the medication. Notwithstanding this provision, a step-therapy or fail-first protocol shall be terminated if the prescribing provider determines that the insured is having an adverse reaction or is suffering from other physical harm resulting from the use of the medication.

(3) This section does not apply to grandfathered health plans, as defined in s. 627.402.

Section 59. Subsection (11) of section 627.6131, Florida Statutes, is amended to read:

627.6131 Payment of claims.—

(11) A health insurer may not retroactively deny a claim because of insured ineligibility*:*

(a) More than 1 year after the date of payment of the claim*; or*

(b) If, under a policy compliant with the federal Patient Protection and Affordable Care Act, as amended by the Health Care and Education Reconciliation Act of 2010, and the regulations adopted pursuant to those acts, the health insurer verified the eligibility of the insured at the time of treatment and provided an authorization number, unless, at the time eligibility was verified, the provider was notified that the insured was delinquent in paying the premium.

Section 60. Subsection (2) of section 627.6471, Florida Statutes, is amended to read:

627.6471 Contracts for reduced rates of payment; limitations; coinsurance and deductibles.—

(2) *An* ~~Any~~ insurer issuing a policy of health insurance in this state~~,~~ which ~~insurance~~ includes coverage for the services of a preferred provider *shall*~~, must~~ provide each policyholder and certificateholder with a current list of preferred providers*, shall* ~~and must~~ make the list available for public inspection during regular business hours at the principal office of the insurer within the state*, and shall post a link to the list of preferred providers on the home page of the insurer's website. Changes to the list of preferred providers must be reflected on the insurer's website within 24 hours.*

Section 61. Paragraph (c) of subsection (2) of section 627.6515, Florida Statutes, is amended to read:

627.6515 Out-of-state groups.—

(2) Except as otherwise provided in this part, this part does not apply to a group health insurance policy issued or delivered outside this state under which a resident of this state is provided coverage if:

(c) The policy provides the benefits specified in ss. 627.419, *627.42392, 627.42393,* 627.6574, 627.6575, 627.6579, 627.6612, 627.66121, 627.66122, 627.6613, 627.667, 627.6675, 627.6691, and 627.66911, and complies with the requirements of s. 627.66996.

Section 62. Subsection (10) of section 641.3155, Florida Statutes, is amended to read:

641.3155 Prompt payment of claims.—

(10) A health maintenance organization may not retroactively deny a claim because of subscriber ineligibility*:*

(a) More than 1 year after the date of payment of the claim*; or*

(b) If, under a policy in compliance with the federal Patient Protection and Affordable Care Act, as amended by the Health Care and Education Reconciliation Act of 2010, and the regulations adopted pursuant to those acts, the health maintenance organization verified the eligibility of the subscriber at the time of treatment and provided an authorization number, unless, at the time eligibility was verified, the provider was notified that the subscriber was delinquent in paying the premium.

Section 63. Section 641.393, Florida Statutes, is created to read:

641.393 Prior authorization.—Notwithstanding any other law, in order to establish uniformity in the submission of prior authorization forms, effective January 1, 2015, a health maintenance organization shall use a single standardized form for obtaining prior authorization for prescription drug benefits. The form may not exceed two pages in length, excluding any instructions or guiding documentation.

(1) A health maintenance organization shall make the form available electronically and online to practitioners. A health care provider may electronically submit the completed form to the health maintenance organization.

(2) If a health maintenance organization contracts with a pharmacy benefits manager to perform prior authorization services for prescription drug benefits, the pharmacy benefits manager must use and accept the standardized prior authorization form.

(3) A completed prior authorization request submitted by a health care provider using the standardized prior authorization form required under this section is deemed approved upon receipt by the health main-

tenance organization unless the health maintenance organization responds otherwise within 3 business days.

(4) This section does not apply to grandfathered health plans, as defined in s. 627.402.

Section 64. Section 641.394, Florida Statutes, is created to read:

641.394 Medication protocol override.—If a health maintenance organization contract restricts medications for the treatment of a medical condition by a step-therapy or fail-first protocol, the prescribing provider shall have access to a clear and convenient process to request an override of the protocol from the health maintenance organization.

(1) The health maintenance organization shall grant an override within 72 hours if the prescribing provider documents that:

(a) Based on sound clinical evidence, the preferred treatment required under the step-therapy or fail-first protocol has been ineffective in the treatment of the subscriber's disease or medical condition; or

(b) Based on sound clinical evidence or medical and scientific evidence, the preferred treatment required under the step-therapy or fail-first protocol:

1. Is expected or is likely to be ineffective based on known relevant physical or mental characteristics of the subscriber and known characteristics of the drug regimen; or

2. Will cause or is likely to cause an adverse reaction or other physical harm to the subscriber.

(2) If the prescribing provider allows the subscriber to enter the step-therapy or fail-first protocol recommended by the health maintenance organization, the duration of the step-therapy or fail-first protocol may not exceed the customary period for use of the medication if the prescribing provider demonstrates such treatment to be clinically ineffective. If the health maintenance organization can, through sound clinical evidence, demonstrate that the originally prescribed medication is likely to require more than the customary period to provide any relief or amelioration to the subscriber, the step-therapy or fail-first protocol may be extended for an additional period, but no longer than the original customary period for use of the medication. Notwithstanding this provision, a step-therapy or fail-first protocol shall be terminated if the prescribing provider determines that the subscriber is having an adverse reaction or is suffering from other physical harm resulting from the use of the medication.

(3) This section does not apply to grandfathered health plans, as defined in s. 627.402.

And the title is amended as follows:

Delete line 206 and insert: associations; amending s. 409.967, F.S.; revising contract requirements for Medicaid managed care programs; providing requirements for plans establishing a drug formulary or preferred drug list; requiring the use of a standardized prior authorization form; providing requirements for the form and for the availability and submission of the form; requiring a pharmacy benefits manager to use and accept the form under certain circumstances; establishing a process for providers to override certain treatment restrictions; providing requirements for approval of such overrides; providing an exception to the override protocol in certain circumstances; creating s. 627.42392, F.S.; requiring health insurers to use a standardized prior authorization form; providing requirements for the form and for the availability and submission of the form; requiring a pharmacy benefits manager to use and accept the form under certain circumstances; providing an exemption; creating s. 627.42393, F.S.; establishing a process for providers to override certain treatment restrictions; providing requirements for approval of such overrides; providing an exception to the override protocol in certain circumstances; providing an exemption; amending s. 627.6131, F.S.; prohibiting an insurer from retroactively denying a claim in certain circumstances; amending s. 627.6471, F.S.; requiring insurers to post preferred provider information on a website; specifying that changes to such a website must be made within a certain time; amending s. 627.6515, F.S.; applying provisions relating to prior authorization and override protocols to out-of-state groups; amending s. 641.3155, F.S.; prohibiting a health maintenance organization from retroactively denying a claim in certain circumstances; creating s. 641.393, F.S.; requiring the use of a standardized prior authorization form by a health maintenance organization; providing requirements for the availability and submission of the form; requiring a pharmacy benefits manager to use and accept the form under certain circumstances; providing an exemption; creating s. 641.394, F.S.; establishing a process for providers to override certain treatment restrictions; providing requirements for approval of such overrides; providing an exception to the override protocol in certain circumstances; providing an exemption; providing effective dates.

Pursuant to Rule 4.19, **CS for CS for HB 565** as amended was placed on the calendar of Bills on Third Reading.

CS for CS for CS for SB 1630—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 193.461, F.S.; authorizing a property appraiser to grant an agricultural classification after the application deadline upon a showing of extenuating circumstances; providing that participation in certain dispersed water storage programs does not change a land's agricultural classification for assessment purposes; amending s. 282.709, F.S.; adding a representative to the Joint Task Force on State Agency Law Enforcement Communications, to be appointed by the Commissioner of Agriculture; amending s. 373.4591, F.S.; authorizing agricultural landowners to establish baseline wetland and surface water conditions before implementing certain best management practice implementation agreements; requiring establishment of a process for review of proposed baseline condition determinations; transferring, renumbering, and amending s. 570.0741, F.S., relating to the energy efficiency and conservation clearinghouse; deleting an obsolete provision; amending s. 379.361, F.S.; requiring a person to retake an educational seminar when renewing an Apalachicola Bay oyster harvesting license; amending s. 487.041, F.S.; requiring a registrant to continue the registration of a brand of pesticide that continues to remain on retailers' shelves in this state under certain circumstances; amending ss. 487.046 and 487.048, F.S.; authorizing applications for certain licenses to be submitted through the department's website; amending s. 487.159, F.S.; deleting the requirements for filing statements claiming damages and injuries from pesticide application; amending s. 487.160, F.S.; requiring all licensed private applicators to keep the same records as licensed public applicators and licensed commercial applicators with respect to the application of restricted pesticides; amending s. 487.2031, F.S.; revising the term "material safety data sheet"; amending s. 487.2051, F.S.; revising requirements for pesticide fact sheets and safety data sheets; amending s. 493.6120, F.S.; authorizing the department to impose certain civil penalties for violations relating to private security, investigative, and repossession services; transferring and renumbering s. 570.545, F.S., relating to unsolicited goods; amending s. 500.03, F.S.; revising the definition of the term "food establishment"; amending s. 500.12, F.S.; revising the exemption from permit requirements for minor food outlets; requiring an establishment to apply for and receive a permit prior to the commencement of operations; requiring the department to adopt a schedule of fees to be paid by each food establishment and retail food store; providing that food permits are not transferable; updating terminology; amending s. 500.121, F.S.; authorizing the department to order the immediate closure of certain establishments upon determination that the establishment presents a severe and immediate threat to the public health, safety, and welfare; specifying the procedure the department must use in ordering immediate closure; conforming provisions to changes made by the act; providing criminal penalties; authorizing the department to adopt rules; amending s. 500.147, F.S.; authorizing the department to inspect food records to facilitate tracing of food products in certain circumstances; amending s. 500.165, F.S.; revising the administrative fine amount for violating provisions relating to transporting shipments of food items; amending s. 500.172, F.S.; authorizing the department to issue and enforce a stop-sale, stop-use, removal, or hold order for certain food-processing or food storage areas; amending s. 501.019, F.S.; revising the administrative fine amount for violations relating to health studios; amending s. 501.059, F.S.; authorizing the department to adopt rules; conforming provisions to changes made by the act; amending s. 501.922, F.S.; revising the administrative fine amount for certain violations relating to the "Antifreeze Act"; transferring, renumbering, and amending s. 570.42, F.S., relating to the Dairy Industry Technical Council; conforming a cross-reference; creating part I of ch. 570, F.S., entitled "General Provisions"; renumbering and amending s. 570.14, F.S., relating to the seal of the department; restricting the seal of the department from being used

without written approval by the department; renumbering ss. 570.18 and 570.16, F.S., relating to organization of departmental work and the interference with department employees, respectively; amending s. 570.07, F.S.; conforming a cross-reference; transferring and renumbering ss. 570.17 and 570.531, F.S., relating to the regulatory work of the state relating to the protection of agricultural interests and the Market Improvements Working Capital Trust Fund, respectively; amending s. 570.23, F.S.; conforming a cross-reference; renumbering s. 570.0705, F.S., relating to advisory committees; creating part II of ch. 570, F.S., entitled "Program Services"; amending s. 570.36, F.S.; making a technical change; amending s. 570.44, F.S.; revising the duties of the Division of Agricultural Environmental Services; amending s. 570.45, F.S.; conforming provisions to changes made by the act; amending s. 570.451, F.S.; conforming a cross-reference; amending ss. 570.50 and 570.51, F.S.; conforming provisions to changes made by the act; amending s. 570.543, F.S.; conforming a cross-reference; renumbering s. 570.073, F.S., relating to the Office of Agricultural Law Enforcement; renumbering and amending s. 570.074, F.S.; requiring the Office of Agricultural and Water Policy to enforce and implement ch. 582, F.S., and rules relating to soil and water conservation; creating s. 570.67, F.S.; codifying the creation of the Office of Energy; providing for management and specifying duties; renumbering s. 570.951, F.S., relating to the Florida Agriculture Center and Horse Park; renumbering and amending s. 570.952, F.S., relating to the Florida Agricultural Center and Horse Park Authority; conforming provisions to changes made by the act; deleting obsolete provisions; renumbering s. 570.953, F.S., relating to the identity of donors to the Florida Agriculture Center and Horse Park Authority; renumbering and amending s. 570.902, F.S., relating to definitions; conforming provisions to changes made by the act; renumbering ss. 570.903, 570.901, and 570.91, F.S., relating to direct-support organizations, the Florida Agricultural Museum, and Florida agriculture in the classroom, respectively; creating part III of ch. 570, F.S., entitled "Agricultural Development"; amending s. 570.71, F.S.; authorizing the department to use certain funds for administrative and operating expenses related to appraisals, mapping, title process, personnel, and other real estate expenses; renumbering s. 570.241, F.S., relating to the Agricultural Economic Development Act; renumbering and amending s. 570.242, F.S., relating to the Agricultural Economic Development Act; removing the definition of the terms "commissioner" and "department"; renumbering ss. 570.243, 570.244, 570.245, and 570.246, F.S., relating to the Agricultural Economic Development Program, the powers of the department, interaction with other economic development agencies and groups, and agricultural economic development funding, respectively; renumbering and amending s. 570.247, F.S., relating to certain department rules; deleting obsolete provisions; renumbering ss. 570.248 and 570.249, F.S., relating to the Agricultural Economic Development and Project Review Committee and disaster loans and grants and aid, respectively; renumbering and amending s. 570.9135, F.S., relating to the Beef Market Development Act; conforming cross-references; making technical changes; renumbering ss. 570.954 and 570.96, F.S., relating to the farm-to-fuel initiative and agritourism, respectively; renumbering and amending s. 570.961, F.S., relating to definitions; conforming cross-references; renumbering s. 570.962, F.S., relating to agritourism participation impact on land classification; renumbering and amending s. 570.963, F.S., relating to liability; conforming a cross-reference; renumbering and amending s. 570.964, F.S., relating to posting and notification requirements for agritourism operators; conforming provisions to changes made by the act; creating part IV of ch. 570, F.S., entitled "Agricultural Water Policy"; renumbering s. 570.075, F.S., relating to water supply agreements; renumbering and amending s. 570.076, F.S., relating to Environmental Stewardship Certification; conforming a cross-reference; renumbering ss. 570.085 and 570.087, F.S., relating to agricultural water conservation and agricultural water supply planning and best management practices for wildlife, respectively; creating part V of ch. 570, F.S., entitled "Penalties"; creating s. 570.971, F.S.; providing administrative fines and civil penalties; authorizing the department to refuse to issue or renew a license, permit, authorization, certificate, or registration under certain circumstances; authorizing the department to adopt rules; amending s. 576.021, F.S.; updating terminology; authorizing applications for registration for specialty fertilizers to be submitted using the department's website; making technical changes; amending s. 576.031, F.S.; revising labeling requirements for distribution of fertilizer in bulk; amending s. 576.041, F.S.; removing surety bond and certificate of deposit requirements for fertilizer license applicants; amending s. 576.051, F.S.; extending the period of retention for an official check sample; amending s. 576.061, F.S.; deleting the penalty imposed when it is determined by the department that a fertilizer has been distributed without being licensed or registered, or without labeling; conforming provisions to changes made by the act; making technical changes; amending s. 576.071, F.S.; requiring the department to survey the fertilizer industry of this state to determine the commercial value used in assessing penalties for a deficiency; amending s. 576.087, F.S.; deleting certain requirements relating to antisiphon devices; amending s. 576.101, F.S.; deleting the department's authorization to place a licensee on probationary status under certain circumstances; amending s. 578.08, F.S.; deleting the requirement that the application for registration as a seed dealer include the name and location of each place of business at which the seed is sold, distributed, offered, exposed, or handled for sale; requiring the application to be made by submitting a form prescribed by department rule or using the department's website; establishing a registration fee for receipts of certain amounts; amending s. 580.036, F.S.; requiring that standards for the sale, use, and distribution of commercial feed or feedstuff, if adopted, be developed in consultation with the Agricultural Feed, Seed, and Fertilizer Advisory Council; amending s. 580.041, F.S.; removing the requirement that the master registration form for each distributor of commercial feed identify the manufacturer's or guarantor's name and place of business and the location of each manufacturing facility; revising the requirement that the department must mail a copy of the master registration in order to signify that the administrative requirements have been met; amending s. 580.071, F.S.; providing additional factors that would make a commercial feed or feedstuff be deemed adulterated; amending s. 581.091, F.S.; deleting the definition of the term "commercial citrus grove"; deleting provisions relating to special permits authorizing a person to plant Casuarina cunninghamiana as part of a pilot program; eliminating a requirement that the department develop and implement a monitoring protocol to determine invasiveness of Casuarina cunninghamiana; amending s. 581.131, F.S.; revising the time in which the department must provide certain notice and certificate renewal forms; amending s. 583.01, F.S.; redefining the term "dealer"; transferring, renumbering, and amending s. 570.38, F.S., relating to the Animal Industry Technical Council; conforming a cross-reference; amending s. 589.08, F.S.; requiring the Florida Forest Service to pay a certain percentage of the gross receipts from the Goethe State Forest to each fiscally constrained county; requiring such funds to be equally divided between the board of county commissioners and the school board; amending s. 589.011, F.S.; providing conditions under which the Florida Forest Service is authorized to grant use of certain lands; providing criteria by which the Florida Forest Service determines certain fees, rentals, and charges; amending s. 589.20, F.S.; authorizing the Florida Forest Service to cooperate with water management districts, municipalities, and other governmental entities; amending s. 590.02, F.S.; renaming the Florida Center for Wildfire and Forest Resources Management Training as the Withlacoochee Training Center; making technical changes; amending s. 590.125, F.S.; providing that new authorization is not required for smoldering that occurs within the authorized burn area unless new ignitions are conducted by certain persons; providing that monitoring the smoldering activity of a burn does not require an additional authorization; transferring and renumbering s. 570.0725, F.S., relating to food recovery; amending s. 597.003, F.S.; amending the powers and duties of the department to include providing training as necessary to lessees of certain lands for aquaculture use; amending s. 597.004, F.S.; requiring an applicant for an aquaculture certificate to submit a certificate of training if required; amending s. 597.020, F.S.; authorizing the department to adopt training requirements for shellfish processors by rule; transferring and renumbering ss. 570.481 and 570.55, F.S., relating to food recovery, fruit and vegetable inspection fees, and identification of sellers or handlers of tropical or subtropical fruit and vegetables, respectively; amending s. 604.16, F.S.; providing an exemption for certain dealers in agricultural products from certain requirements; amending s. 604.22, F.S.; revising certain penalties for dealers in agricultural products; repealing s. 487.172, F.S., relating to an educational program for organotin compounds in antifouling paints; repealing ss. 500.301, 500.302, 500.303, 500.304, 500.305, and 500.306, F.S., relating to the standards of enrichment, sales, enforcement, and inspection of certain grain products; repealing s. 500.601, F.S., relating to the retail sale of meat; repealing s. 570.345, F.S., relating to the Pest Control Compact; repealing s. 570.542, F.S., relating to the Florida Consumer Services Act; repealing s. 570.72, F.S., relating to a definition; repealing s. 570.92, F.S., relating to an equestrian educational sports program; repealing s. 589.081, F.S., relating to the Withlacoochee State Forest and Goethe State Forest; repealing s. 590.091, F.S., relating to the designation of railroad rights-of-way as wildfire hazard areas; amending ss. 193.461, 253.74, 288.1175, 320.08058, 373.621, 373.709, 381.0072, 388.46, 472.0351, 472.036, 482.161, 482.165, 482.243, 487.047,

487.091, 487.175, 493.6118, 496.420, 500.70, 501.612, 501.619, 502.231, 507.09, 507.10, 509.032, 525.16, 526.311, 526.55, 527.13, 531.50, 534.52, 539.001, 559.921, 559.9355, 559.936, 571.11, 571.28, 571.29, 578.181, 580.121, 581.141, 581.186, 581.211, 582.06, 585.007, 586.15, 586.161, 590.14, 595.701, 597.0041, 599.002, 601.67, 604.30, and 616.242, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for CS for SB 1630**, on motion by Senator Montford, by two-thirds vote **CS for HB 7091** was withdrawn from the Committees on Agriculture; Transportation; Community Affairs; and Appropriations.

On motion by Senator Montford—

CS for HB 7091—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; designating parts I-V of chapter 570, F.S., relating to the Department of Agriculture and Consumer Services; amending s. 193.461, F.S.; authorizing a property appraiser to grant an agricultural classification for land under certain circumstances; providing for lands participating in certain dispersed water storage programs to be classified as agricultural lands for the duration of inclusion in such program or successor programs; amending s. 282.709, F.S.; providing for appointment of a department representative to the Joint Task Force on State Agency Law Enforcement Communications; amending s. 373.4591, F.S.; authorizing landowners who have entered into an agreement with the department to implement specified best management practices before making improvements; amending s. 379.361, F.S.; revising application and renewal requirements for Apalachicola Bay oyster harvesting licenses; amending s. 487.041, F.S.; revising requirements for registration and distribution of discontinued pesticides; amending s. 487.046, F.S.; revising provisions for filing pesticide applicator license applications; amending s. 487.047, F.S.; revising provisions for issuance of pesticide applicator licenses; amending s. 487.048, F.S.; revising provisions for filing pesticide dealer license applications; amending s. 487.159, F.S.; deleting requirements for filing statements claiming damages and injuries from pesticide application; amending s. 487.160, F.S.; revising recordkeeping requirements for licensed private applicators; repealing s. 487.172, F.S., relating to an antifouling paint educational program; amending s. 487.2031, F.S.; revising the term "material safety data sheet"; amending s. 487.2051, F.S.; revising requirements for pesticide fact sheets and safety data sheets; amending s. 493.6120, F.S.; authorizing the department to impose certain civil penalties for violations relating to private security, investigative, and repossession services; amending s. 500.03, F.S.; revising the definition of the term "food establishment"; amending s. 500.12, F.S.; revising criteria for certain food permit exemptions; requiring the department to adopt a permit fee schedule; requiring food permits as a condition of operating a food establishment; providing that such permits are not transferable; amending s. 500.121, F.S.; conforming provisions to changes made by the act; revising the time limit for payment of fines; providing for permit revocation for failure to pay a fine; authorizing the department to immediately close certain food establishments; providing requirements and procedures for such closure; providing penalties for violations; authorizing the department to adopt rules; amending s. 500.147, F.S.; providing for the inspection of food records for certain purposes; amending s. 500.172, F.S.; providing for embargoing, detaining, or destroying food processing and storage areas; repealing ss. 500.301, 500.302, 500.303, 500.304, 500.305, and 500.306, F.S., relating to standards of enrichment, sales, enforcement, and inspection of certain grain products; repealing s. 500.601, F.S., relating to retail sale of meat; amending s. 501.059, F.S.; authorizing the department to adopt rules; amending s. 570.074, F.S.; providing for the duties of the Office of Agricultural Water Policy; amending s. 570.14, F.S.; requiring written approval for use of the department seal; amending s. 570.247, F.S.; clarifying provisions directing the department to adopt certain rules; repealing s. 570.345, F.S., relating to the Pest Control Compact; amending s. 570.36, F.S.; clarifying provisions relating to the duties of the Division of Animal Industry; repealing s. 570.542, F.S., relating to the Florida Consumer Services Act; creating s. 570.67, F.S.; establishing the Office of Energy within the department; providing for supervision and duties; amending s. 570.71, F.S.; authorizing specified uses of funds from the Conservation and Recreation Lands Program Trust Fund; repealing s. 570.72, F.S., relating to a definition; repealing s. 570.92, F.S., relating to an equestrian educational sports program; amending s. 570.952, F.S.; deleting an obsolete provision relating to membership terms for the Florida Agriculture Center and Horse Park Authority; conforming cross-references; amending s. 570.964, F.S.; clarifying compliance required for privileges of immunity; creating s. 570.971, F.S.; establishing administrative and civil penalties for certain violations; providing applicability; authorizing the department to adopt rules; amending s. 576.021, F.S.; revising provisions for filing applications to distribute fertilizer; amending s. 576.031, F.S.; revising labeling requirements for distribution of fertilizer in bulk; amending s. 576.041, F.S.; removing surety bond and certificate of deposit requirements for fertilizer license applicants; amending s. 576.051, F.S.; revising the period for which a fertilizer sample must be retained for analysis; amending s. 576.071, F.S.; revising criteria for determining the commercial value of certain penalties; amending s. 576.087, F.S.; revising antisiphon requirements for irrigation systems; amending s. 576.101, F.S.; removing provisions relating to probationary status of a fertilizer licensee; amending s. 578.08, F.S.; revising application requirements and registration fees for the sale of seed; amending s. 580.036, F.S.; directing the department to consult with the Agricultural Feed, Seed, and Fertilizer Advisory Council when developing certain standards; amending s. 580.041, F.S.; revising application requirements for master registration of commercial feed; amending s. 580.071, F.S.; revising criteria for adulterated commercial feed and feedstuff; amending s. 581.091, F.S.; deleting provisions relating to noxious weed and invasive plant pilot and monitoring programs; amending s. 581.131, F.S.; revising the time in which the department must provide certain notice and certificate renewal forms; amending s. 583.01, F.S.; revising the definition of the term "dealer"; amending s. 589.08, F.S.; directing the Florida Forest Service to distribute certain funds to fiscally constrained counties; repealing s. 589.081, F.S., relating to payment of certain gross receipts from the Withlacoochee State Forest and Goethe State Forest; amending s. 589.011, F.S.; providing conditions under which the Florida Forest Service is authorized to grant use of certain lands; providing criteria by which the Florida Forest Service determines certain fees, rentals, and charges; amending s. 589.20, F.S.; authorizing the Florida Forest Service to cooperate with water management districts, municipalities, and other government entities in the designation and dedication of certain lands; amending s. 590.02, F.S.; renaming the Florida Forest Training Center and the Madison Forestry Station; repealing s. 590.091, F.S., relating to the designation of railroad rights-of-way as wildfire hazard areas; amending s. 590.125, F.S.; revising requirements for noncertified burning; amending s. 597.003, F.S.; revising the powers and duties of the department regarding aquaculture to include training for lessees of sovereign submerged lands; amending s. 597.004, F.S.; revising application requirements for aquaculture certificates of registration; amending s. 597.020, F.S.; authorizing the department to adopt by rule training requirements for shellfish processors; conforming provisions to changes made by the act; amending s. 604.16, F.S.; exempting certain dealers in agricultural products from provisions relating to license and bond requirements, consignment limitations, examination of records, penalties, and administrative fines; amending ss. 253.74, 388.46, 472.0351, 472.036, 482.161, 482.165, 482.243, 487.091, 487.175, 493.6118, 496.420, 500.165, 500.70, 501.019, 501.612, 501.619, 501.922, 502.231, 507.09, 507.10, 526.311, 526.55, 527.13, 531.50, 534.52, 539.001, 559.921, 559.9355, 559.936, 570.0741, 570.23, 570.242, 570.38, 570.42, 570.44, 570.45, 570.451, 570.50, 570.51, 570.543, 571.11, 571.28, 571.29, 576.061, 578.181, 580.121, 581.141, 581.186, 581.211, 582.06, 585.007, 586.15, 586.161, 590.14, 595.701, 597.0041, 599.002, 601.67, 604.22, 604.30, and 616.242, F.S.; conforming provisions to changes made by the act; amending ss. 193.461, 288.1175, 320.08058, 373.621, 373.709, 381.0072, 509.032, 525.16, 570.07, 570.076, 570.902, 570.9135, 570.961, and 570.963, F.S.; conforming cross-references; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 1630** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 7091** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 1216—A bill to be entitled An act relating to professional sports facilities; amending s. 212.20, F.S.; revising the distribution of moneys to certified applicants for a facility used by a spring training franchise under s. 288.11631, F.S.; authorizing a distribution for an applicant that has been approved by the Legislature and certified by the Department of Economic Opportunity under s. 288.11625, F.S.; providing a limitation; amending s. 218.64, F.S.; providing for munici-

palities and counties to expend an increased portion of local government half-cent sales tax revenues to reimburse the state as required by a contract; amending s. 288.0001, F.S.; providing for an evaluation; creating s. 288.11625, F.S.; requiring the Department of Economic Opportunity to screen applicants for state funding for sports development; defining terms; providing a purpose to provide funding for applicants for constructing, reconstructing, renovating, or improving a facility; providing an application and approval process; providing for an annual application period; providing for the department to submit recommendations to the Legislature by a certain date; requiring legislative approval for state funding; providing evaluation criteria for an applicant to receive state funding; providing for evaluation and ranking of applicants under certain criteria; requiring the department to determine the annual distribution amount an applicant may receive; requiring the applicant to provide an analysis by a certified public accountant to the department; requiring the Department of Revenue to distribute funds within a certain timeframe after notification by the department; requiring the department to develop a calculation to estimate certain taxes; limiting annual distributions to a specified amount; providing for a contract between the department and the applicant; limiting use of funds; requiring an applicant to submit information to the department annually; requiring a 5-year review; authorizing the Auditor General to conduct audits; authorizing the Legislative Budget Commission to approve an application; providing for reimbursement of the state funding under certain circumstances; providing for discontinuation of distributions upon an applicant's request; authorizing the department to adopt rules; amending s. 288.11631, F.S.; revising the requirements for an applicant to be certified to receive state funding for a facility for a spring training franchise; authorizing a certified applicant to submit an amendment to its original certification for use of the facility by more than one spring training franchise; amending s. 288.1166, F.S.; providing that certain professional sports facilities are designated as shelter sites for the homeless during declared federal, state, or local emergencies; providing exceptions; authorizing the department to adopt emergency rules; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1216**, on motion by Senator Latvala, by two-thirds vote **CS for HB 7095** was withdrawn from the Committees on Commerce and Tourism; and Appropriations.

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

CS for HB 7095—A bill to be entitled An act relating to the professional sports facilities incentive application process; amending s. 212.20, F.S.; providing for the distribution of a specified amount of tax proceeds to certain applicants of the professional sports facility incentive program; prohibiting the Department of Revenue from distributing more than a specified amount to program applicants; amending s. 218.64, F.S.; authorizing municipalities and counties to use local government half-cent sales tax distributions to reimburse the state for funding received under the professional sports facility incentive program; amending s. 288.0001, F.S.; requiring the Office of Economic and Demographic Research and the Office of Program Policy Analysis and Government Accountability to provide a detailed analysis of the professional sports facility incentive program; creating s. 288.11625, F.S.; creating the professional sports facility incentive program; providing definitions; requiring certain professional sports franchises to meet additional requirements to be a beneficiary; providing application requirements and procedures; providing procedures and criteria for the evaluation of applications and the recommendation of applications for a distribution of state funds; providing that an applicant must receive legislative approval of its application in order to receive state funding; requiring an applicant whose application is approved by the Legislature to enter into a contract with the Department of Economic Opportunity containing specified terms in order to become certified; providing for the duration of certain certifications; providing for the distribution of state funds to certified applicants; requiring certified applicants to submit an annual analysis including specified information; restricting the amount of state funds that may be provided to certified applicants in a specified period; restricting the use of state funds received by a certified applicant to specified purposes; providing for the repayment of distributions under certain circumstances; requiring the department to submit an annual report containing specified information to the Governor and Legislature; requiring the Auditor General to conduct an audit of the program; authorizing the Department of Revenue to recover improperly expended distributions at the request of the Auditor General; providing for the halting of distributions; authorizing the Department of Economic Opportunity to adopt rules; amending s. 288.1166, F.S.; requiring a local government to issue an emergency declaration in order to designate a professional sports facility constructed with financial assistance from the state as a shelter site for the homeless; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1216** and read the second time by title.

Senator Latvala moved the following amendment:

Amendment 1 (600380) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (d) of subsection (6) of section 212.20, Florida Statutes, is amended to read:

212.20 Funds collected, disposition; additional powers of department; operational expense; refund of taxes adjudicated unconstitutionally collected.—

(6) Distribution of all proceeds under this chapter and s. 202.18(1)(b) and (2)(b) shall be as follows:

(d) The proceeds of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be distributed as follows:

1. In any fiscal year, the greater of $500 million, minus an amount equal to 4.6 percent of the proceeds of the taxes collected pursuant to chapter 201, or 5.2 percent of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in monthly installments into the General Revenue Fund.

2. After the distribution under subparagraph 1., 8.814 percent of the amount remitted by a sales tax dealer located within a participating county pursuant to s. 218.61 shall be transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund. Beginning July 1, 2003, the amount to be transferred shall be reduced by 0.1 percent, and the department shall distribute this amount to the Public Employees Relations Commission Trust Fund less $5,000 each month, which shall be added to the amount calculated in subparagraph 3. and distributed accordingly.

3. After the distribution under subparagraphs 1. and 2., 0.095 percent shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund and distributed pursuant to s. 218.65.

4. After the distributions under subparagraphs 1., 2., and 3., 2.0440 percent of the available proceeds shall be transferred monthly to the Revenue Sharing Trust Fund for Counties pursuant to s. 218.215.

5. After the distributions under subparagraphs 1., 2., and 3., 1.3409 percent of the available proceeds shall be transferred monthly to the Revenue Sharing Trust Fund for Municipalities pursuant to s. 218.215. If the total revenue to be distributed pursuant to this subparagraph is at least as great as the amount due from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, no municipality shall receive less than the amount due from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000. If the total proceeds to be distributed are less than the amount received in combination from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, each municipality shall receive an amount proportionate to the amount it was due in state fiscal year 1999-2000.

6. Of the remaining proceeds:

a. In each fiscal year, the sum of $29,915,500 shall be divided into as many equal parts as there are counties in the state, and one part shall be distributed to each county. The distribution among the several counties must begin each fiscal year on or before January 5th and continue monthly for a total of 4 months. If a local or special law required that any moneys accruing to a county in fiscal year 1999-2000 under the then-existing provisions of s. 550.135 be paid directly to the district school board, special district, or a municipal government, such payment must continue until the local or special law is amended or repealed. The state

covenants with holders of bonds or other instruments of indebtedness issued by local governments, special districts, or district school boards before July 1, 2000, that it is not the intent of this subparagraph to adversely affect the rights of those holders or relieve local governments, special districts, or district school boards of the duty to meet their obligations as a result of previous pledges or assignments or trusts entered into which obligated funds received from the distribution to county governments under then-existing s. 550.135. This distribution specifically is in lieu of funds distributed under s. 550.135 before July 1, 2000.

b. The department shall distribute $166,667 monthly pursuant to s. 288.1162 to each applicant certified as a facility for a new or retained professional sports franchise pursuant to s. 288.1162. Up to $41,667 shall be distributed monthly by the department to each certified applicant as defined in s. 288.11621 for a facility for a spring training franchise. However, not more than $416,670 may be distributed monthly in the aggregate to all certified applicants for facilities for spring training franchises. Distributions begin 60 days after such certification and continue for not more than 30 years, except as otherwise provided in s. 288.11621. A certified applicant identified in this sub-subparagraph may not receive more in distributions than expended by the applicant for the public purposes provided for in s. 288.1162(5) or s. 288.11621(3).

c. Beginning 30 days after notice by the Department of Economic Opportunity to the Department of Revenue that an applicant has been certified as the professional golf hall of fame pursuant to s. 288.1168 and is open to the public, $166,667 shall be distributed monthly, for up to 300 months, to the applicant.

d. Beginning 30 days after notice by the Department of Economic Opportunity to the Department of Revenue that the applicant has been certified as the International Game Fish Association World Center facility pursuant to s. 288.1169, and the facility is open to the public, $83,333 shall be distributed monthly, for up to 168 months, to the applicant. This distribution is subject to reduction pursuant to s. 288.1169. A lump sum payment of $999,996 shall be made, after certification and before July 1, 2000.

e. The department shall distribute up to *$83,333* ~~$55,555~~ monthly to each certified applicant as defined in s. 288.11631 for a facility used by a single spring training franchise, or up to *$166,667* ~~$111,110~~ monthly to each certified applicant as defined in s. 288.11631 for a facility used by more than one spring training franchise. Monthly distributions begin 60 days after such certification or July 1, 2016, whichever is later, and continue for not more than *20* ~~30~~ years *to each certified applicant as defined in s. 288.11631 for a facility used by a single spring training franchise or not more than 25 years to each certified applicant as defined in s. 288.11631 for a facility used by more than one spring training franchise*~~, except as otherwise provided in s. 288.11631~~. A certified applicant identified in this sub-subparagraph may not receive more in distributions than expended by the applicant for the public purposes provided in s. 288.11631(3).

f. Beginning 45 days after notice by the Department of Economic Opportunity to the Department of Revenue that an applicant has been approved by the Legislature and certified by the Department of Economic Opportunity under s. 288.11625, the department shall distribute each month an amount equal to one-twelfth of the annual distribution amount certified by the Department of Economic Opportunity for the applicant. The department may not distribute more than $7 million in the 2014-2015 fiscal year or more than $13 million annually thereafter under this sub-subparagraph.

7. All other proceeds must remain in the General Revenue Fund.

Section 2. Subsections (2) and (3) of section 218.64, Florida Statutes, are amended to read:

218.64 Local government half-cent sales tax; uses; limitations.—

(2) Municipalities shall expend their portions of the local government half-cent sales tax only for municipality-wide programs*, for reimbursing the state as required pursuant to s. 288.11625,* or for municipality-wide property tax or municipal utility tax relief. All utility tax rate reductions afforded by participation in the local government half-cent sales tax shall be applied uniformly across all types of taxed utility services.

(3) Subject to ordinances enacted by the majority of the members of the county governing authority and by the majority of the members of the governing authorities of municipalities representing at least 50 percent of the municipal population of such county, counties may use up to *$3* ~~$2~~ million annually of the local government half-cent sales tax allocated to that county for ~~funding for~~ any of the following *purposes* ~~applicants~~:

(a) *Funding* a certified applicant as a facility for a new or retained professional sports franchise under s. 288.1162 or a certified applicant as defined in s. 288.11621 for a facility for a spring training franchise. It is the Legislature's intent that the provisions of s. 288.1162, including, but not limited to, the evaluation process by the Department of Economic Opportunity except for the limitation on the number of certified applicants or facilities as provided in that section and the restrictions set forth in s. 288.1162(8), shall apply to an applicant's facility to be funded by local government as provided in this subsection.

(b) *Funding* a certified applicant as a "motorsport entertainment complex," as provided for in s. 288.1171. Funding for each franchise or motorsport complex shall begin 60 days after certification and shall continue for not more than 30 years.

(c) Reimbursing the state as required under s. 288.11625.

Section 3. Paragraph (d) is added to subsection (2) of section 288.0001, Florida Statutes, to read:

288.0001 Economic Development Programs Evaluation.—The Office of Economic and Demographic Research and the Office of Program Policy Analysis and Government Accountability (OPPAGA) shall develop and present to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of the legislative appropriations committees the Economic Development Programs Evaluation.

(2) The Office of Economic and Demographic Research and OPPAGA shall provide a detailed analysis of economic development programs as provided in the following schedule:

(d) Beginning January 1, 2018, and every 3 years thereafter, an analysis of the Sports Development Program established under s. 288.11625.

Section 4. Section 288.11625, Florida Statutes, is created to read:

288.11625 Sports development.—

(1) ADMINISTRATION.—The department shall serve as the state agency responsible for screening applicants for state funding under s. 212.20(6)(d)6.f.

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

(a) "Agreement" means a signed agreement between a unit of local government and a beneficiary.

(b) "Applicant" means a unit of local government, as defined in s. 218.369, which is responsible for the construction, management, or operation of a facility; or an entity that is responsible for the construction, management, or operation of a facility if a unit of local government holds title to the underlying property on which the facility is located.

(c) "Beneficiary" means a professional sports franchise of the National Football League, the National Hockey League, the National Basketball Association, the National League or American League of Major League Baseball, Minor League Baseball, Major League Soccer, the North American Soccer League, the Professional Rodeo Cowboys Association, the promoter or host of a signature event administered by Breeders' Cup Limited, or the promoter of a signature event sanctioned by the National Association for Stock Car Auto Racing. A beneficiary may also be an applicant under this section. However, a professional sports franchise of the National League or the American League of Major League Baseball or Minor League Baseball may not be a beneficiary unless, before filing an application under subsection (3):

1. Major League Baseball verifies to the Attorney General that any Cuban refugee 17 years of age or older who has been present in the United States for less than 1 year and who was not present before the most recent Major League Baseball Rule 4 Draft of amateur players may contract as a

free agent under rules no less favorable than the most favorable rules applicable to players who are residents of any country or territory other than the United States, Puerto Rico, or Canada; and

2. The Attorney General verifies that Major League Baseball has agreed to report to the Attorney General the identity of, and a description of the activity giving rise to the identification of, any resident of this state or other person operating in this state who Major League Baseball has reason to believe has engaged in:

a. Human smuggling, human trafficking, or the movement of individuals across national boundaries for purposes of evading Major League Baseball rules applicable to residents of the United States; or

b. Contracting with nondrafted players for an interest in a player's professional baseball compensation or other consideration in exchange for human trafficking, assistance in human smuggling, or avoidance of Major League Baseball rules.

(d) "Commence" or "commenced" means the occurrence of a physical activity on the project site which is related to the construction, reconstruction, renovation, or improvement of the project site.

(e) "Facility" means a structure, and its adjoining parcels of local-government-owned land, primarily used to host games or events held by a beneficiary and does not include any portion used to provide transient lodging.

(f) "Project" means a proposed construction, reconstruction, renovation, or improvement of a facility or the proposed acquisition of land to construct a new facility and construction of improvements to state-owned land necessary for the efficient use of the facility.

(g) "Signature event" means a professional sports event with significant export factor potential. For purposes of this paragraph, the term "export factor" means the attraction of economic activity or growth into the state which otherwise would not have occurred. Examples of signature events may include, but are not limited to:

1. National Football League Super Bowls.

2. Professional sports All-Star games.

3. International sporting events and tournaments.

4. Professional motorsports events.

5. The establishment of a new professional sports franchise in this state.

(h) "State sales taxes generated by sales at the facility" means state sales taxes imposed under chapter 212 and generated by admissions to the facility; parking on property owned or controlled by the beneficiary or the applicant; team operations and necessary leases; sales by the beneficiary; sales by other vendors at the facility; and ancillary uses, including, but not limited to, team stores, museums, restaurants, retail, lodging, and commercial uses from economic development generated by the beneficiary or facility as determined by the Department of Economic Opportunity.

(3) PURPOSE.—The purpose of this section is to provide applicants state funding under s. 212.20(6)(d)6.f. for the public purpose of constructing, reconstructing, renovating, or improving a facility.

(4) APPLICATION AND APPROVAL PROCESS.—

(a) The department shall establish the procedures and application forms deemed necessary pursuant to the requirements of this section. The department may notify an applicant of any additional required or incomplete information necessary to evaluate an application.

(b) The annual application period is from June 1 through November 1.

(c) Within 60 days after receipt of a completed application, the department shall complete its evaluation of the application as provided under subsection (5) and notify the applicant in writing of the department's decision to recommend approval of the applicant by the Legislature or to deny the application.

(d) By each February 1, the department shall rank the applicants and provide to the Legislature the list of the recommended applicants in ranked order of projects most likely to positively impact the state based on criteria established under this section. The list must include the department's evaluation of the applicant.

(e) A recommended applicant's request for funding must be approved by the Legislature in the General Appropriations Act or a conforming bill for the General Appropriations Act. After enactment, the department must certify an applicant and its approved request for funding. The approved request for funding must be certified as an annual distribution amount and the department must notify the Department of Revenue of the initial certification and the distribution amount.

1. An application by a unit of local government which is approved by the Legislature and subsequently certified by the department remains certified for the duration of the beneficiary's agreement with the applicant or for 30 years, whichever is less, provided the certified applicant has an agreement with a beneficiary at the time of initial certification by the department.

2. An application by a beneficiary or other applicant which is approved by the Legislature and subsequently certified by the department remains certified for the duration of the beneficiary's agreement with the unit of local government that owns the underlying property or for 30 years, whichever is less, provided the certified applicant has an agreement with the unit of local government at the time of initial certification by the department.

3. An applicant that is previously certified pursuant to this section does not need legislative approval each year to receive state funding.

(f) An applicant that is recommended by the department but not approved by the Legislature may reapply and shall update any information in the original application as required by the department.

(g) The department may recommend no more than one distribution under this section for any applicant, facility, or beneficiary at a time. A facility or beneficiary may not be the subject of more than one distribution under s. 212.20 at any time for any state-administered sports-related program, including s. 288.1162, s. 288.11621, s. 288.11631, or this section. This limitation does not apply if the applicant demonstrates that the beneficiary that is the subject of the distribution under s. 212.20 no longer plays at the facility that is the subject of the application under this section.

(h) An application submitted either by a first-time applicant whose project exceeds $300 million and commenced on the facility's existing site before January 1, 2014, or by a beneficiary that has completed the terms of a previous agreement for distributions under chapter 212 for an existing facility shall be considered an application for a new facility for purposes that include, but are not limited to, incremental and baseline tax calculations.

(i) An application may be submitted to the department for evaluation and recommendation if the existing beneficiary has completed or will complete the terms of an existing distribution under chapter 212 for an existing facility before a distribution can be made.

(5) EVALUATION PROCESS.—

(a) Before recommending an applicant to receive a state distribution under s. 212.20(6)(d)6.f., the department must verify that:

1. The applicant or beneficiary is responsible for the construction, reconstruction, renovation, or improvement of a facility and obtained at least three bids for the project.

2. If the applicant is not a unit of local government, a unit of local government holds title to the property on which the facility and project are, or will be, located.

3. If the applicant is a unit of local government in whose jurisdiction the facility is, or will be, located, the unit of local government has an exclusive intent agreement to negotiate in this state with the beneficiary.

4. A unit of local government in whose jurisdiction the facility is, or will be, located supports the application for state funds. Such support must be verified by the adoption of a resolution, after a public hearing, that the project serves a public purpose.

5. The applicant or beneficiary has not previously defaulted or failed to meet any statutory requirements of a previous state-administered sports-related program under s. 288.1162, s. 288.11621, s. 288.11631, or this section. Additionally, the applicant or beneficiary is not currently receiving state distributions under s. 212.20 for the facility that is the subject of the application, unless the applicant demonstrates that the franchise that applied for a distribution under s. 212.20 no longer plays at the facility that is the subject of the application.

6. The applicant or beneficiary has sufficiently demonstrated a commitment to employ residents of this state, contract with Florida-based firms, and purchase locally available building materials to the greatest extent possible.

7. If the applicant is a unit of local government, the applicant has a certified copy of a signed agreement with a beneficiary for the use of the facility. If the applicant is a beneficiary, the beneficiary must enter into an agreement with the department. The applicant's or beneficiary's agreement must also require the following:

a. The beneficiary must reimburse the state for state funds that will be distributed if the beneficiary relocates or no longer occupies or uses the facility as the facility's primary tenant before the agreement expires. Reimbursements must be sent to the Department of Revenue for deposit into the General Revenue Fund.

b. The beneficiary must pay for signage or advertising within the facility. The signage or advertising must be placed in a prominent location as close to the field of play or competition as is practicable, must be displayed consistent with signage or advertising in the same location and of like value, and must feature Florida advertising approved by the Florida Tourism Industry Marketing Corporation.

8. The project will commence within 12 months after receiving state funds or did not commence before January 1, 2013.

(b) The department shall competitively evaluate and rank applicants that timely submit applications for state funding based on their ability to positively impact the state using the following criteria:

1. The proposed use of state funds.

2. The length of time that a beneficiary has agreed to use the facility.

3. The percentage of total project funds provided by the applicant and the percentage of total project funds provided by the beneficiary, with priority in the evaluation and ranking given to applications with 50 percent or more of total project funds provided by the applicant and beneficiary.

4. The number and type of signature events the facility is likely to attract during the duration of the agreement with the beneficiary.

5. The anticipated increase in average annual ticket sales and attendance at the facility due to the project.

6. The potential to attract out-of-state visitors to the facility.

7. The length of time a beneficiary has been in this state or partnered with the unit of local government. In order to encourage new franchises to locate in this state, an application for a new franchise shall be considered to have a significant positive impact on the state and shall be given priority in the evaluation and ranking by the department.

8. The multiuse capabilities of the facility.

9. The facility's projected employment of residents of this state, contracts with Florida-based firms, and purchases of locally available building materials.

10. The amount of private and local financial or in-kind contributions to the project.

11. The amount of positive advertising or media coverage the facility generates.

12. The expected amount of average annual new incremental state sales taxes generated by sales at the facility above the baseline that will be generated as a result of the project, as required under subparagraph (6)(b) 2.

13. The size and scope of the project and number of temporary and permanent jobs that will be created as a direct result of the facility improvement.

(6) DISTRIBUTION.—

(a) The department shall determine the annual distribution amount an applicant may receive based on 75 percent of the average annual new incremental state sales taxes generated by sales at the facility, as provided under subparagraph (b)2., and such annual distribution shall be limited by the following:

1. If the total project cost is $200 million or greater, the annual distribution amount may be up to $3 million.

2. If the total project cost is at least $100 million but less than $200 million, the annual distribution amount may be up to $2 million.

3. If the total project cost is less than $100 million, the annual distribution amount may be up to $1 million.

4. Notwithstanding paragraph (4)(g) and subparagraph (5)(a)5., an applicant certified under s. 288.1162 which is currently receiving state distributions under s. 212.20 for the facility or beneficiary that is the subject of the application under this section may be eligible for an annual distribution amount of up to $1 million. The total project cost must be at least $100 million. This subparagraph does not apply to an applicant that demonstrates that the beneficiary that is the subject of the distribution under s. 212.20 no longer plays at the facility that is the subject of the application under this section.

(b) At the time of initial evaluation and review by the department pursuant to subsection (5), the applicant must provide an analysis by an independent certified public accountant which demonstrates:

1. The average annual amount of state sales taxes generated by sales at the facility during the 36-month period immediately before the beginning of the application period. This amount is the baseline.

2. The expected amount of average annual new incremental state sales taxes generated by sales at the facility above the baseline which will be generated as a result of the project.

3. The expected amount of average annual new incremental state sales taxes generated by sales at the facility must be at least $500,000 above the baseline for the applicant to be eligible to receive a distribution under this section.

For an application for a new facility, the baseline is zero. Notwithstanding any other provision of this section, for projects with a total cost of more than $300 million which are at least 90 percent funded by private sources, the baseline is zero for purposes of this section. The baseline for an applicant under subparagraph (a)4. is $2 million.

(c) The independent analysis provided in paragraph (b) shall be verified by the department.

(d) The Department of Revenue shall begin distributions within 45 days after notification of initial certification from the department or upon a date requested by the approved applicant, whichever is later.

(e) The department shall consult with the Department of Revenue and the Office of Economic and Demographic Research to develop a standard calculation for estimating the average annual new incremental state sales taxes generated by sales at the facility.

(f) The department may not certify an applicant if, as a result of the certification, the total amount distributed will exceed $13 million in any fiscal year. In the 2014-2015 fiscal year, the department may not certify total annual distributions of more than $7 million for all certified applicants.

(7) CONTRACT.—An applicant approved by the Legislature and certified by the department must enter into a contract with the department which:

(a) Specifies the terms of the state's investment.

(b) States the criteria that the certified applicant must meet in order to remain certified.

(c) Requires the applicant to submit the independent analysis required under subsection (6) and an annual independent analysis.

1. The applicant must agree to submit to the department, beginning 12 months after completion of a project or 12 months after the first four annual distributions, whichever is earlier, an annual analysis by an independent certified public accountant demonstrating the actual amount of new incremental state sales taxes generated by sales at the facility during the previous 12-month period. The applicant shall certify to the department a comparison of the actual amount of state sales taxes generated by sales at the facility during the previous 12-month period to the baseline under paragraph (6)(b).

2. The applicant must submit the certification within 90 days after the end of the previous 12-month period. The department shall verify the analysis.

(d) Specifies information that the certified applicant must report to the department.

(e) Requires the applicant to reimburse the state, after all distributions have been made, any amount by which the total distributions made under s. 212.20(6)(d)6.f. exceed actual new incremental state sales taxes generated by sales at the facility during the contract. If any reimbursement is due to the state, such reimbursement must be made within 90 days after the last distribution under the contract has been made. If the applicant is unable or unwilling to reimburse the state for such amount, the department may place a lien on the applicant's facility.

1. If the applicant is a municipality or county, it may reimburse the state from its half-cent sales tax allocation, as provided in s. 218.64(3).

2. Reimbursements must be sent to the Department of Revenue for deposit into the General Revenue Fund.

(f) Includes any provisions deemed prudent by the department.

(8) USE OF FUNDS.—An applicant certified under this section may use state funds only for the following purposes:

(a) Constructing, reconstructing, renovating, or improving a facility or reimbursing such costs.

(b) Paying or pledging for the payment of debt service on bonds issued for the construction or renovation of such facility.

(c) Funding debt service reserve funds, arbitrage rebate obligations, or other amounts payable with respect thereto on bonds issued for the construction or renovation of such facility.

(d) Reimbursing the costs under paragraphs (b) and (c) or the refinancing of bonds issued for the construction or renovation of such facility.

(9) REPORTS.—

(a) On or before November 1 of each year, an applicant certified under this section and approved to receive state funds must submit to the department any information required by the department. The department shall summarize this information for inclusion in its annual report to the Legislature under paragraph (4)(d).

(b) Every 5 years after an applicant receives its first monthly distribution, the department must verify that the applicant is meeting the program requirements. If the applicant fails to meet these requirements, the department shall notify the Governor and the Legislature in its next annual report under paragraph (4)(d) that the requirements are not being met and recommend future action. The department shall take into consideration extenuating circumstances that may have prevented the applicant from meeting the program requirements, such as force majeure events or a significant economic downturn.

(10) AUDITS.—The Auditor General may conduct audits pursuant to s. 11.45 to verify the independent analysis required under paragraphs (6)(b) and (7)(c) and to verify that the distributions are expended as required. The Auditor General shall report the findings to the department. If the Auditor General determines that the distribution payments are not expended as required, the Auditor General must notify the Department of Revenue, which may pursue recovery of distributions under the laws and rules that govern the assessment of taxes.

(11) APPLICATION RELATED TO NEW FACILITIES OR PROJECTS COMMENCED BEFORE JULY 1, 2014.—Notwithstanding paragraph (4)(e), the Legislative Budget Commission may approve an application for state funds by an applicant for a new facility or a project commenced between March 1, 2013, and July 1, 2014. Such an application may be submitted after May 1, 2014. The department must review the application and recommend approval to the Legislature or deny the application. The Legislative Budget Commission may approve applications on or after January 1, 2015. The department must certify the applicant within 45 days of approval by the Legislative Budget Commission. State funds may not be distributed until the department notifies the Department of Revenue that the applicant was approved by the Legislative Budget Commission and certified by the department. An applicant certified under this subsection is subject to the provisions and requirements of this section. An applicant that fails to meet the conditions of this subsection may reapply during future application periods.

(12) REPAYMENT OF DISTRIBUTIONS.—An applicant that is certified under this section may be subject to repayment of distributions upon the occurrence of any of the following:

(a) An applicant's beneficiary has broken the terms of its agreement with the applicant and relocated from the facility or no longer occupies or uses the facility as the facility's primary tenant. The beneficiary must reimburse the state for state funds that will be distributed, plus a 5 percent penalty on that amount, if the beneficiary relocates before the agreement expires.

(b) A determination by the department that an applicant has submitted information or made a representation that is determined to be false, misleading, deceptive, or otherwise untrue. The applicant must reimburse the state for state funds that have been and will be distributed, plus a 5 percent penalty on that amount, if such determination is made. If the applicant is a municipality or county, it may reimburse the state from its half-cent sales tax allocation, as provided in s. 218.64(3).

(c) Repayment of distributions must be sent to the Department of Revenue for deposit into the General Revenue Fund.

(13) HALTING OF PAYMENTS.—The applicant may request in writing at least 20 days before the next monthly distribution that the department halt future payments. The department shall immediately notify the Department of Revenue to halt future payments.

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

Section 5. Paragraphs (a) and (c) of subsection (2) of section 288.11631, Florida Statutes, are amended, and paragraph (d) is added to that subsection, to read:

288.11631 Retention of Major League Baseball spring training baseball franchises.—

(2) CERTIFICATION PROCESS.—

(a) Before certifying an applicant to receive state funding for a facility for a spring training franchise, the department must verify that:

1. The applicant is responsible for the construction or renovation of the facility for a spring training franchise or holds title to the property on which the facility for a spring training franchise is located.

2. The applicant has a certified copy of a signed agreement with a spring training franchise. The signed agreement with a spring training franchise for the use of a facility must, at a minimum, be equal to the length of the term of the bonds issued for the public purpose of constructing or renovating a facility for a spring training franchise. If no such bonds are issued for the public purpose of constructing or renovating a facility for a spring training franchise, the signed agreement with a spring training franchise for the use of a facility must be for at least 20 years. Any such agreement with a spring training franchise for

the use of a facility cannot be signed more than 4 years before the expiration of any existing agreement with a spring training franchise for the use of a facility. *However, any such agreement may be signed at any time before the expiration of any existing agreement with a spring training franchise for use of a facility if the applicant has never received state funding for the facility as a spring training facility under this section or s. 288.11621 and the facility was constructed before January 1, 2000.* The agreement must also require the franchise to reimburse the state for state funds expended by an applicant under this section if the franchise relocates before the agreement expires*; however, if bonds were issued to construct or renovate a facility for a spring training franchise, the required reimbursement must be equal to the total amount of state distributions expected to be paid from the date the franchise breaks its agreement with the applicant through the final maturity of the bonds*. The agreement may be contingent on an award of funds under this section and other conditions precedent.

3. The applicant has made a financial commitment to provide 50 percent or more of the funds required by an agreement for the construction or renovation of the facility for a spring training franchise. The commitment may be contingent upon an award of funds under this section and other conditions precedent.

4. The applicant demonstrates that the facility for a spring training franchise will attract a paid attendance of at least 50,000 persons annually to the spring training games.

5. The facility for a spring training franchise is located in a county that levies a tourist development tax under s. 125.0104.

6. The applicant is not currently certified to receive state funding for the facility as a spring training franchise under this section.

(c) Each applicant certified on or after July 1, 2013, shall enter into an agreement with the department which:

1. Specifies the amount of the state incentive funding to be distributed. The amount of state incentive funding per certified applicant may not exceed $20 million. However, if a certified applicant's facility is used by more than one spring training franchise, the maximum amount may not exceed $50 million, and the Department of Revenue shall make distributions to the applicant pursuant to s. 212.20(6)(d)6.e. ~~for not more than 37 years and 6 months.~~

2. States the criteria that the certified applicant must meet in order to remain certified. These criteria must include a provision stating that the spring training franchise must reimburse the state for any funds received if the franchise does not comply with the terms of the contract. *If bonds were issued to construct or renovate a facility for a spring training franchise, the required reimbursement must be equal to the total amount of state distributions expected to be paid from the date the franchise violates the agreement with the applicant through the final maturity of the bonds.*

3. States that the certified applicant is subject to decertification if the certified applicant fails to comply with this section or the agreement.

4. States that the department may recover state incentive funds if the certified applicant is decertified.

5. Specifies the information that the certified applicant must report to the department.

6. Includes any provision deemed prudent by the department.

(d) If a certified applicant has been certified under this program for use of its facility by one spring training franchise, the certified applicant may apply to amend its certification for use of its facility by more than one spring training franchise. The certified applicant must submit an application to amend its original certification that meets the requirements of this section. The maximum amount of state incentive funding to be distributed may not exceed $50 million as provided in subparagraph (c)1. for a certified applicant with a facility used by more than one spring training franchise, including any distributions previously received by the certified applicant under its original certification under this section. Upon approval of an amended certification, the department shall notify the Department of Revenue as provided in this section.

Section 6. Section 288.1166, Florida Statutes, is amended to read:

288.1166 Professional sports facility; designation as shelter site for the homeless; establishment of local programs.—

(1) A ~~Any~~ professional sports facility constructed with financial assistance from the state ~~of Florida~~ shall be designated as a shelter site for the homeless *during the period of a declared federal, state, or local emergency* in accordance with the criteria of locally existing homeless shelter programs *unless:*~~, except when~~

(a) The facility is otherwise contractually obligated for a specific event or activity*;*

(b) The facility is designated or used by the county owning the facility as a staging area; or

(c) The county owning the facility also owns or operates homeless assistance centers and the county determines there exists sufficient capacity to meet the sheltering needs of homeless persons within the county.

(2) If ~~Should~~ a local program *does* not *exist* ~~be in existence~~ in the facility's area, such program shall be established in accordance with normally accepted criteria as defined by the county or its designee.

Section 7. *(1) The executive director of the Department of Economic Opportunity is authorized, and all conditions are deemed met, to adopt emergency rules pursuant to ss. 120.536(1) and 120.54(4), Florida Statutes, for the purpose of implementing this act.*

(2) Notwithstanding any provision of law, such emergency rules shall remain in effect for 6 months after the date adopted and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules.

(3) This section expires July 1, 2015.

Section 8. 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 professional sports facilities; amending s. 212.20, F.S.; revising the distribution of moneys to certified applicants for a facility used by a spring training franchise under s. 288.11631, F.S.; authorizing a distribution for an applicant that has been approved by the Legislature and certified by the Department of Economic Opportunity under s. 288.11625, F.S.; providing a limitation; amending s. 218.64, F.S.; providing for municipalities and counties to expend an increased portion of local government half-cent sales tax revenues to reimburse the state as required by a contract; amending s. 288.0001, F.S.; providing for an evaluation; creating s. 288.11625, F.S.; requiring the Department of Economic Opportunity to screen applicants for state funding for sports development; defining terms; providing a purpose to provide funding for applicants for constructing, reconstructing, renovating, or improving a facility; providing an application and approval process; providing for an annual application period; providing for the department to submit recommendations to the Legislature by a certain date; requiring legislative approval for state funding; providing evaluation criteria for an applicant to receive state funding; providing for evaluation and ranking of applicants under certain criteria; requiring the department to determine the annual distribution amount an applicant may receive; requiring the applicant to provide an analysis by a certified public accountant to the department; requiring the Department of Revenue to distribute funds within a certain timeframe after notification by the department; requiring the department to develop a calculation to estimate certain taxes; limiting annual distributions to a specified amount; providing for a contract between the department and the applicant; limiting use of funds; requiring an applicant to submit information to the department annually; requiring a 5-year review; authorizing the Auditor General to conduct audits; authorizing the Legislative Budget Commission to approve an application; providing for reimbursement of the state funding under certain circumstances; providing for discontinuation of distributions upon an applicant's request; authorizing the department to adopt rules; amending s. 288.11631, F.S.; revising the requirements for an applicant to be certified to receive state funding for a facility for a spring training franchise; authorizing a certified applicant to submit an amendment to its original certification for use of the facility by more than one spring training franchise; amending s. 288.1166, F.S.; providing that certain professional sports facilities are designated as shelter

sites for the homeless during declared federal, state, or local emergencies; providing exceptions; authorizing the department to adopt emergency rules; providing an effective date.

Senator Latvala moved the following amendments to **Amendment 1 (600380)** which were adopted:

Amendment 1A (610294)—Delete line 128 and insert:
the Department of Economic Opportunity under s. 288.11625 or upon a date specified by the Department of Economic Opportunity as provided under s. 288.11625(6)(d), the

Amendment 1B (813994)—Delete lines 494-497 and insert:

(d) The department shall notify the Department of Revenue of the applicant's initial certification and the Department of Revenue shall begin distributions within 45 days after such notification or upon a date specified by the department as requested by the approved applicant, whichever is later.

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

Senator Latvala moved the following amendments to **Amendment 1 (600380)** which were adopted:

Amendment 1C (489748)—Delete line 269 and insert:
vendors at the facility; and ancillary uses within 1,000 feet, including, but not

Amendment 1D (955902)—Delete line 457 and insert:

3. If the total project cost is less than $100 million and more than $30 million, the

Amendment 1E (278586)—Delete lines 299-300 and insert:
approved by the Legislature, enacted by a general law or conforming bill approved by the Governor in the manner provided in s. 8, Art. III of the State Constitution. After

Amendment 1 (600380) as amended was adopted.

On motion by Senator Latvala, further consideration of **CS for HB 7095** as amended was deferred.

SENATOR RICHTER PRESIDING

CS for SB 928—A bill to be entitled An act relating to state technology; repealing s. 14.204, F.S., relating to the Agency for Enterprise Information Technology within the Executive Office of the Governor; creating s. 20.61, F.S.; creating the Agency for State Technology; providing that the executive director shall serve as the state's chief information officer; establishing certain agency positions; establishing the Technology Advisory Council; providing for membership and duties of the council; providing that members of the council are governed by the Code of Ethics for Public Officers and Employees; amending s. 282.0041, F.S.; revising, creating, and deleting definitions used in the Enterprise Information Technology Services Management Act; creating s. 282.0051, F.S.; providing powers, duties, and functions of the Agency for State Technology; authorizing the agency to adopt rules; creating s. 282.00515, F.S.; requiring the Department of Legal Affairs, the Department of Financial Services, and the Department of Agriculture and Consumer Services to adopt certain technical standards or alternatives to those standards and authorizing such departments to contract with the Agency for State Technology for certain purposes; creating s. 287.0591, F.S.; limiting the terms of certain competitive solicitations for information technology commodities; providing an exception; repealing s. 282.0055, F.S., relating to the assignment of information technology resource and service responsibilities; repealing s. 282.0056, F.S., relating to the development of an annual work plan, the development of implementation plans, and policy recommendations relating to enterprise information technology services; amending s. 282.201, F.S.; providing for a state data center and the duties of the center; deleting duties for the Agency for Enterprise Information Technology; revising the schedule for consolidating agency data centers and deleting obsolete provisions; revising the limitations on state agencies; repealing s. 282.203, F.S., relating to primary data centers; repealing s. 282.204, F.S., relating to the Northwood Shared Resource Center; repealing s. 282.205, F.S., relating to the Southwood Shared Resource Center; amending s. 282.318, F.S.; changing the name of the Enterprise Security of Data and Information Technology Act; defining the term "agency" as used in the act; requiring the Agency for State Technology to establish and publish certain security standards and processes; requiring state agencies to perform certain security-related duties; requiring the agency to adopt rules; conforming provisions; repealing s. 282.33, F.S., relating to objective standards for data center energy efficiency; repealing s. 282.34, F.S., relating to statewide e-mail service; amending ss. 17.0315, 20.055, 110.205, 215.322, and 215.96, F.S.; conforming provisions to changes made by the act; amending s. 216.023, F.S.; requiring the governance structure of information technology projects to incorporate certain standards; amending s. 287.057, F.S.; requiring the Department of Management Services to consult with the agency with respect to the online procurement of commodities; amending ss. 445.011, 445.045, and 668.50, F.S.; conforming provisions to changes made by the act; amending s. 943.0415, F.S.; providing additional duties for the Cybercrime Office in the Department of Law Enforcement relating to cyber security; requiring the office to provide cyber security training to state agency employees; requiring the office to consult with the agency; amending s. 1004.649, F.S.; revising provisions relating to the Northwest Regional Data Center; revising the center's duties and the content of service-level agreements with state agency customers; transferring the components of the Agency for Enterprise Information Technology to the Agency for State Technology; providing that certain rules adopted by the Agency for Enterprise Information Technology are nullified; transferring the Northwood Shared Resource Center and the Southwood Shared Resource Center to the Agency for State Technology; requiring the Agency for State Technology to conduct a study and submit a report to the Governor and Legislature; creating a state data center task force; providing for membership, duties, and abolishment of the task force; providing appropriations and authorizing positions; requiring the Agency for State Technology to complete an operational assessment; requiring reports to the Governor and Legislature; providing that certain reorganizations within state agencies do not require approval by the Legislative Budget Commission; providing effective dates.

—was read the second time by title.

Pending further consideration of **CS for SB 928**, on motion by Senator Ring, by two-thirds vote **HB 7073** was withdrawn from the Committees on Governmental Oversight and Accountability; Appropriations Subcommittee on General Government; and Appropriations.

On motion by Senator Ring—

HB 7073—A bill to be entitled An act relating to information technology governance; transferring the Agency for Enterprise Information Technology to the Agency for State Technology; voiding certain rules of the Agency for Enterprise Information Technology; transferring the Northwood Shared Resource Center and Southwood Shared Resource Center to the Agency for State Technology; repealing s. 14.204, F.S., relating to creation of the Agency for Enterprise Information Technology; reordering and amending s. 20.055, F.S.; revising the term "state agency" to include the Agency for State Technology for purposes of provisions relating to agency inspectors general; creating s. 20.61, F.S.; creating the Agency for State Technology; providing that executive director shall serve as the state's chief information officer; establishing certain agency positions; establishing the Technology Advisory Council; providing for membership and duties of the council; providing that members of the council are governed by the Code of Ethics for Public Officers and Employees; amending s. 215.96, F.S.; requiring the executive director of the Agency for State Technology to serve on an information subsystem coordinating council established by the Chief Financial Officer; amending s. 216.023, F.S.; requiring certain legislative budget requests to include certain project management and oversight standards; amending s. 282.0041, F.S.; revising, creating, and deleting definitions used in the Enterprise Information Technology Services Management Act; creating s. 282.0051, F.S.; providing powers, duties, and functions of the Agency for State Technology; authorizing the agency to adopt rules; creating s. 282.00515, F.S.; requiring the Department of Legal Affairs, the Department of Financial Services, and the Department of Agriculture and Consumer Services to adopt certain technical standards or alternatives to those standards and authorizing such departments to contract with the Agency for State Technology for certain purposes; repealing ss. 282.0055 and 282.0056, F.S., relating to various duties of the Agency for Enterprise Information Technology; amending s.

282.201, F.S., relating to the state data center system; establishing a state data center within the Agency for State Technology; requiring the agency to provide data center services; requiring state agencies to provide certain information; revising schedules for consolidation of state agency data centers and computing facilities into the state data center; revising exemptions from consolidation; revising limitations on state agency computing facilities and data centers; repealing s. 48 of chapter 2013-41, Laws of Florida, relating to agency data center consolidation schedules; repealing ss. 282.203, 282.204, and 282.205, F.S., relating to primary data centers, the Northwood Shared Resource Center, and the Southwood Shared Resource Center, respectively; amending s. 282.318, F.S.; changing the name of the Enterprise Security of Data and Information Technology Act; defining the term "agency" as used in the act; requiring the Agency for State Technology to establish and publish certain security standards and processes; requiring state agencies to perform certain security-related duties; requiring the agency to adopt rules; conforming provisions; repealing s. 282.33, F.S., relating to standards for data center energy efficiency; repealing s. 282.34, F.S., relating to the planning and provision of a statewide e-mail service; creating s. 287.0591, F.S.; limiting the terms of certain competitive solicitations for information technology commodities; providing an exception; amending s. 943.0415, F.S.; providing additional duties of the Cybercrime Office of the Department of Law Enforcement; requiring the office to coordinate with the Agency for State Technology in the adoption of specified rules; amending s. 1004.649, F.S.; revising provisions regarding service-level agreements entered into by the Northwest Regional Data Center; conforming provisions; amending ss. 17.0315, 110.205, 215.322, 287.057, 327.301, 445.011, 445.045, and 668.50, F.S.; conforming provisions to changes made by the act; requiring the Agency for State Technology to conduct a study and submit a report to the Governor and Legislature; creating a state data center task force; providing for membership, duties, and abolishment of the task force; providing appropriations and authorizing positions; requiring the Agency for State Technology to complete an operational assessment; requiring reports to the Governor and Legislature; providing that certain reorganizations within state agencies do not require approval by the Legislative Budget Commission; providing effective dates.

—a companion measure, was substituted for **CS for SB 928** and read the second time by title.

Pursuant to Rule 4.19, **HB 7073** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 1594—A bill to be entitled An act relating to vessel safety; amending s. 327.44, F.S.; defining terms; authorizing the Fish and Wildlife Conservation Commission and certain law enforcement agencies or officers to relocate or remove vessels that unreasonably or unnecessarily constitute a navigational hazard or interfere with another vessel; exempting the commission or a law enforcement agency or officer from liability for damages to such a vessel caused by the relocation or removal thereof; providing an exception; specifying requirements for contractors relocating or removing a vessel at the direction of the commission or a law enforcement agency or officer; providing that the commission or a law enforcement agency may recover from the vessel owner its costs for the relocation or removal of such vessel; requiring the Department of Legal Affairs to represent the commission in actions to recover such costs; amending ss. 376.15 and 823.11, F.S.; defining terms; authorizing the commission and certain law enforcement agencies and officers to relocate or remove a derelict vessel from public waters; exempting the commission or a law enforcement agency or officer from liability for damages to such a vessel caused by the relocation or removal thereof; providing an exception; expanding costs recoverable by the commission or a law enforcement agency against the owner of a derelict vessel for the relocation or removal thereof; specifying requirements for contractors relocating or removing a vessel at the direction of the commission or a law enforcement agency or officer; abrogating the power of the commission to remove certain abandoned vessels and recover its costs therefor; conforming a cross-reference; amending ss. 376.11 and 705.101, F.S.; conforming cross-references; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1594**, on motion by Senator Bradley, by two-thirds vote **CS for CS for HB 1363** was withdrawn from the Committees on Environmental Preservation and Conservation; Criminal Justice; and Appropriations.

On motion by Senator Bradley—

CS for CS for HB 1363—A bill to be entitled An act relating to vessel safety; amending s. 327.44, F.S.; defining terms; authorizing the Fish and Wildlife Conservation Commission and certain law enforcement agencies or officers to relocate or remove vessels that unreasonably or unnecessarily constitute a navigational hazard or interfere with another vessel; exempting the commission or a law enforcement agency or officer from liability for damages to such a vessel caused by the relocation or removal thereof; providing an exception; specifying requirements for contractors relocating or removing a vessel at the direction of the commission or a law enforcement agency or officer; providing that the commission or a law enforcement agency may recover from the vessel owner its costs for the relocation or removal of such a vessel; requiring the Department of Legal Affairs to represent the commission in actions to recover such costs; amending ss. 376.15 and 823.11, F.S.; defining terms; authorizing the commission and certain law enforcement agencies and officers to relocate or remove a derelict vessel from public waters; exempting the commission or a law enforcement agency or officer from liability for damages to such a vessel caused by the relocation or removal thereof; providing an exception; expanding costs recoverable by the commission or a law enforcement agency against the owner of a derelict vessel for the relocation or removal thereof; specifying requirements for contractors relocating or removing a vessel at the direction of the commission or a law enforcement agency or officer; abrogating the power of the commission to remove certain abandoned vessels and recover its costs therefor; conforming a cross-reference; amending ss. 376.11 and 705.101, F.S.; conforming cross-references; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1594** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 1363** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1724** was deferred.

HB 5601—A bill to be entitled An act relating to economic development; amending s. 202.11, F.S.; revising the definition of "prepaid calling arrangement"; providing for retroactive applicability and construction; amending s. 203.01, F.S.; imposing an additional rate on gross receipts for electrical power or energy; revising exemptions from the tax on gross receipts for utility and communications services; providing exemptions from the additional tax on gross receipts from electrical power or energy; requiring the additional tax to be excluded from the taxable base on which gross receipts are calculated under certain circumstances; amending s. 212.05, F.S.; revising the definition of "prepaid calling arrangement" to clarify and update which services are included under the definition and subject to sales tax; reducing the sales tax rate for charges for electrical power or energy; providing for retroactive applicability and construction; amending s. 212.08, F.S.; extending the expiration date applicable to the granting of community contribution tax credits against the sales and use tax for contributions to eligible sponsors of community projects approved by the Department of Economic Opportunity; revising a provision exempting certain machinery and equipment from the sales and use tax to exempt certain mixer drums and parts and labor required to affix certain mixer drums to mixer trucks from the sales and use tax; exempting sales of child restraint systems and booster seats for use in motor vehicles and youth bicycle helmets from the sales and use tax; amending s. 212.12, F.S.; conforming a provision to a change made by the act; amending s. 212.20, F.S.; requiring the Department of Revenue to distribute funds to the State Transportation Trust Fund for strategic and regionally significant transportation projects; amending s. 220.14, F.S.; increasing the amount of income that is exempt from the corporate income tax; providing applicability; amending s. 220.183, F.S.; extending the expiration date applicable to the granting of community contribution tax credits against the corporate income tax for contributions to eligible sponsors of community projects approved by the Department of Economic Opportunity; amending s. 220.63, F.S.; increasing the amount of income that is exempt from the franchise tax imposed on banks and savings associations; providing applicability; creating s. 288.127, F.S.; providing definitions; providing a purpose; creating the Qualified Television Loan Fund; requiring the Department of Economic Opportunity to contract with a fund administrator; providing fund administrator qualifications; providing for the fund administrator's compensation and re-

moval; specifying the fund administrator powers and duties; providing the structure of the loans; providing qualified television content criteria; requiring the Auditor General to conduct an operational audit of the fund and the fund administrator; authorizing the department to adopt rules; providing for expiration of the act; providing emergency rulemaking authority; amending s. 288.9914, F.S.; revising limits on tax credits that may be approved by the Department of Economic Opportunity under the New Markets Development Program; creating s. 339.0803, F.S.; requiring a specified amount of funds deposited into the State Transportation Trust Fund to be used annually for strategic and regionally significant transportation projects; amending s. 624.5105, F.S.; extending the expiration date applicable to the granting of community contribution tax credits against the insurance premium tax for contributions to eligible sponsors of community projects approved by the Department of Economic Opportunity; providing for a sales tax holiday for certain Energy Star and WaterSense products; providing restrictions; providing definitions; authorizing the Department of Revenue to adopt emergency rules; providing that the admissions tax may not be levied on the sale of athletic, exercise, and physical fitness facility memberships by certain health studios during a specified period; authorizing the Department of Revenue to adopt emergency rules; specifying a period during which the sale of clothing, wallets, bags, school supplies, personal computers, and personal computer-related accessories are exempt from the sales tax; providing definitions; providing exceptions; authorizing the Department of Revenue to adopt emergency rules; providing an exemption from the sales and use tax for sales during a specified period of certain tangible personal property related to hurricane preparedness; authorizing the Department of Revenue to adopt emergency rules; providing appropriations; providing an effective date.

—was read the second time by title.

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

Amendment 1 (965938) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Effective July 1, 2014, subsection (9) of section 202.11, Florida Statutes, is amended to read:

202.11 Definitions.—As used in this chapter, the term:

(9) "Prepaid calling arrangement" means*:* ~~the separately stated retail sale by advance payment of~~

(a) A right to use communications services*, other than mobile communications services, for which a separately stated price must be paid in advance, which is sold at retail in predetermined units that decline in number with use on a predetermined basis, and which* ~~that~~ consist exclusively of telephone calls originated by using an access number, authorization code, or other means that may be manually, electronically, or otherwise entered*; or* ~~and that are sold in predetermined units or dollars of which the number declines with use in a known amount.~~

(b) A right to use mobile communications services that must be paid for in advance and is sold at retail in predetermined units that expire or decline in number on a predetermined basis if:

1. The purchaser's right to use mobile communications services terminates upon all purchased units' expiring or being exhausted unless the purchaser pays for additional units;

2. The purchaser is not required to purchase additional units; and

3. Any right of the purchaser to use units to obtain communications services other than mobile communications services is limited to services that are provided to or through the same handset or other electronic device that is used by the purchaser to access mobile communications services.

Predetermined units described in this subsection may be quantified as amounts of usage, time, money, or a combination of these or other means of measurement.

Section 2. Effective January 1, 2015, paragraphs (a) and (b) of subsection (1) of section 202.12, Florida Statutes, are amended to read:

202.12 Sales of communications services.—The Legislature finds that every person who engages in the business of selling communications services at retail in this state is exercising a taxable privilege. It is the intent of the Legislature that the tax imposed by chapter 203 be administered as provided in this chapter.

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

(a) Except as otherwise provided in this subsection, at a rate of *6.13* ~~6.65~~ percent applied to the sales price of the communications service *that* ~~which~~:

1. Originates and terminates in this state*;* ~~,~~ or

2. Originates or terminates in this state and is charged to a service address in this state,

when sold at retail, computed on each taxable sale for the purpose of remitting the tax due. The gross receipts tax imposed by chapter 203 shall be collected on the same taxable transactions and remitted with the tax imposed by this paragraph. If no tax is imposed by this paragraph *due to the exemption provided under* ~~by reason of~~ s. 202.125(1), the tax imposed by chapter 203 shall nevertheless be collected and remitted in the manner and at the time prescribed for tax collections and remittances under this chapter.

(b) At the rate of *10.28* ~~10.8~~ percent on the retail sales price of any direct-to-home satellite service received in this state. The proceeds of the tax imposed under this paragraph shall be accounted for and distributed in accordance with s. 202.18(2). The gross receipts tax imposed by chapter 203 shall be collected on the same taxable transactions and remitted with the tax imposed by this paragraph.

Section 3. Effective January 1, 2015, section 202.12001, Florida Statutes, is amended to read:

202.12001 Combined rate for tax collected pursuant to ss. 202.12(1)(a) and 203.01(1)(b).—In complying with ss. 1-3, ch. 2010-149, Laws of Florida, the dealer of communication services may collect a combined rate of *6.28* ~~6.8~~ percent comprised of *6.13* ~~6.65~~ percent and 0.15 percent required by ss. 202.12(1)(a) and 203.01(1)(b)3., respectively, *if* ~~as long as~~ the provider properly reflects the tax collected with respect to the two provisions as required in the return to the Department of Revenue.

Section 4. Effective January 1, 2015, subsection (2) of section 202.18, Florida Statutes, is amended to read:

202.18 Allocation and disposition of tax proceeds.—The proceeds of the communications services taxes remitted under this chapter shall be treated as follows:

(2) The proceeds of the taxes remitted under s. 202.12(1)(b) shall be *allocated* ~~divided~~ as follows:

(a) The portion of such proceeds *that constitute* ~~which constitutes~~ gross receipts taxes, imposed at the rate prescribed in chapter 203, shall be deposited as provided by law and in accordance with s. 9, Art. XII of the State Constitution.

(b) *Sixty and nine-tenths* ~~Sixty-three~~ percent of the remainder shall be allocated to the state and distributed pursuant to s. 212.20(6), except that the proceeds allocated pursuant to s. 212.20(6)(d)2. shall be prorated to the participating counties in the same proportion as that month's collection of the taxes and fees imposed pursuant to chapter 212 and paragraph (1)(b).

(c)1. During each calendar year, the remaining portion of such proceeds shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund. Seventy percent of such proceeds shall be allocated in the same proportion as the allocation of total receipts of the half-cent sales tax under s. 218.61 and the emergency distribution under s. 218.65 in the prior state fiscal year. Thirty percent of such proceeds shall be distributed pursuant to s. 218.67.

2. The proportion of the proceeds allocated based on the emergency distribution under s. 218.65 shall be distributed pursuant to s. 218.65.

3. In each calendar year, the proportion of the proceeds allocated based on the half-cent sales tax under s. 218.61 shall be allocated to each county in the same proportion as the county's percentage of total sales

tax allocation for the prior state fiscal year and distributed pursuant to s. 218.62.

4. The department shall distribute the appropriate amount to each municipality and county each month at the same time that local communications services taxes are distributed pursuant to subsection (3).

Section 5. Effective January 1, 2015, section 203.001, Florida Statutes, is amended to read:

203.001 Combined rate for tax collected pursuant to ss. 202.12(1)(a) and 203.01(1)(b).—In complying with ss. 1-3, ch. 2010-149, Laws of Florida, the dealer of communication services may collect a combined rate of *6.28* ~~6.8~~ percent comprised of *6.13* ~~6.65~~ percent and 0.15 percent required by ss. 202.12(1)(a) and 203.01(1)(b)3., respectively, *if* ~~as long as~~ the provider properly reflects the tax collected with respect to the two provisions as required in the return to the Department of Revenue.

Section 6. Effective July 1, 2014, paragraph (e) 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:

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

a. Prepaid calling arrangements. The tax on charges for prepaid calling arrangements shall be collected at the time of sale and remitted by the selling dealer.

(I) "Prepaid calling arrangement" *has the same meaning as provided in s. 202.11* ~~means the separately stated retail sale by advance payment of communications services that consist exclusively of telephone calls originated by using an access number, authorization code, or other means that may be manually, electronically, or otherwise entered and that are sold in predetermined units or dollars whose number declines with use in a known amount~~.

(II) If the sale or recharge of the prepaid calling arrangement does not take place at the dealer's place of business, it shall be deemed to *have taken* ~~take~~ place at the customer's shipping address or, if no item is shipped, at the customer's address or the location associated with the customer's mobile telephone number.

(III) The sale or recharge of a prepaid calling arrangement shall be treated as a sale of tangible personal property for purposes of this chapter, *regardless of* whether ~~or not~~ a tangible item evidencing such arrangement is furnished to the purchaser, and such sale within this state subjects the selling dealer to the jurisdiction of this state for purposes of this subsection.

(IV) No additional tax under this chapter or chapter 202 is due or payable if a purchaser of a prepaid calling arrangement, who has paid tax under this chapter on the sale or recharge of such arrangement, applies one or more units of the prepaid calling arrangement to obtain communications services as described in s. 202.11(9)(b)3., other services that are not communications services, or products.

b. The installation of telecommunication and telegraphic equipment.

c. Electrical power or energy, except that the tax rate for charges for electrical power or energy is *4.35* ~~7~~ percent. *Charges for electrical power and energy do not include taxes imposed under ss. 166.231 and 203.01(1)(a)3.*

2. *Section* ~~The provisions of s.~~ 212.17(3), regarding credit for tax paid on charges subsequently found to be worthless, *is* ~~shall be~~ equally applicable to any tax paid under ~~the provisions of~~ this section on charges for prepaid calling arrangements, telecommunication or telegraph services, or electric power subsequently found to be uncollectible. *As used in this paragraph,* the *term* ~~word~~ "charges" ~~in this paragraph~~ does not include any excise or similar tax levied by the Federal Government, *a* ~~any~~ political subdivision of *this* ~~the~~ state, or *a* ~~any~~ municipality upon the purchase, sale, or recharge of prepaid calling arrangements or upon the purchase or sale of telecommunication, television system program, or telegraph service or electric power, which tax is collected by the seller from the purchaser.

Section 7. *The amendments made to ss. 202.11 and 212.05(1)(e)1.a., Florida Statutes, by this act are intended to be remedial in nature and apply retroactively, but do not provide a basis for an assessment of any tax not paid or create a right to a refund or credit of any tax paid before the effective date of this act.*

Section 8. *Sections 2, 3, 4, and 5 of this act apply to taxable transactions included on bills that are for communication services and that are dated on or after January 1, 2015.*

Section 9. Subsections (4) and (5) of section 205.0535, Florida Statutes, are amended to read:

205.0535 Reclassification and rate structure revisions.—

(4) After the conditions specified in subsections (2) and (3) are met, municipalities and counties may, every other year thereafter, increase or decrease by ordinance the rates of business taxes by up to 5 percent. *However,* an increase *must*~~, however, may not~~ be enacted by *at least* ~~less than~~ a majority plus one vote of the governing body.

(5) ~~Nothing in~~ This chapter *does not* ~~shall be construed to~~ prohibit a municipality or county from decreasing or repealing any business tax authorized under this chapter. *By majority vote, the governing body of a county or municipality may adopt an ordinance repealing a local business tax or establishing new rates that decrease local business taxes and do not result in an increase in local business taxes for a taxpayer. Such ordinances are not subject to subsections (2) and (3).*

(6)~~(5)~~ A receipt may not be issued unless the federal employer identification number or social security number is obtained from the person to be taxed.

Section 10. Effective July 1, 2014, subsections (1), (3), (4), and (7) of section 203.01, Florida Statutes, are amended 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 ~~the provisions of~~ 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 is exempt from the tax imposed under 212.05(1)(e)1.c. or s. 212.06(1), the transaction 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.

(b)1. The rate applied to utility services shall be 2.5 percent.

2. The rate applied to communications services shall be 2.37 percent.

3. ~~There shall be~~ An additional rate of 0.15 percent *shall be* applied to communication services subject to the tax levied pursuant to s. 202.12(1)(a), (c), and (d). The exemption provided in s. 202.125(1) applies to the tax levied pursuant to this subparagraph.

4. The rate applied to electrical power or energy taxed under subparagraph (a)3. shall be 2.6 percent.

(c)1. The tax *imposed under subparagraph (a)1.* shall be levied against the total amount of gross receipts received by a distribution company for its sale of utility services if the utility service is delivered to the retail consumer by a distribution company and the retail consumer pays the distribution company a charge for utility service which includes a charge for both the electricity and the transportation of electricity to the retail consumer. The distribution company shall report and remit to the Department of Revenue by the 20th day of each month the taxes levied pursuant to this paragraph during the preceding month.

2. To the extent practicable, the Department of Revenue must distribute all receipts of taxes remitted under this chapter to the Public Education Capital Outlay and Debt Service Trust Fund in the same month as the department collects such taxes.

(d)1. Each distribution company that receives payment for the delivery of electricity to a retail consumer in this state is subject to tax on the exercise of this privilege as provided by this paragraph unless the payment is subject to tax under paragraph (c). For the exercise of this privilege, the tax levied on *the* ~~such~~ distribution company's receipts for the delivery of electricity shall be determined by multiplying the number of kilowatt hours delivered by the index price and applying the rate in *subparagraph (b)1.* ~~paragraph (b)~~ to the result.

2. The index price is the Florida price per kilowatt hour for retail consumers in the previous calendar year, as published in the United States Energy Information Administration Electric Power Monthly and announced by the Department of Revenue on June 1 of each year to be effective for the 12-month period beginning July 1 of that year. For each residential, commercial, and industrial customer class, the applicable index posted for residential, commercial, and industrial *shall* ~~will~~ be applied in calculating the gross receipts to which the tax applies. If publication of the indices is delayed or discontinued, the last posted index shall be used until a current index is posted or the department adopts a comparable index by rule.

3. Tax due under this paragraph shall be administered, paid, and reported in the same manner as the tax due under paragraph (c).

4. The amount of tax due under this paragraph shall be reduced by the amount of any like tax lawfully imposed on and paid by the person from whom the retail consumer purchased the electricity, whether imposed by and paid to this state, another state, a territory of the United States, or the District of Columbia. This reduction in tax shall be available to the retail consumer as a refund made pursuant to s. 215.26 and does not inure to the benefit of the person who receives payment for the delivery of the electricity. The methods of demonstrating proof of payment and the amount of such refund shall be made according to rules of the Department of Revenue.

(e)1. *A* ~~Every~~ distribution company that receives payment for the sale or transportation of natural or manufactured gas to a retail consumer in this state is subject to tax on the exercise of this privilege as provided by this paragraph. For the exercise of this privilege, the tax levied on *the* ~~such~~ distribution company's receipts for the sale or transportation of natural or manufactured gas shall be determined by dividing the number of cubic feet delivered by 1,000, multiplying the resulting number by the index price, and applying the rate in *subparagraph (b)1.* ~~paragraph (b)~~ to the result.

2. The index price is the Florida price per 1,000 cubic feet for retail consumers in the previous calendar year as published in the United States Energy Information Administration Natural Gas Monthly and announced by the Department of Revenue on June 1 of each year to be effective for the 12-month period beginning July 1 of that year. For each residential, commercial, and industrial customer class, the applicable index posted for residential, commercial, and industrial *shall* ~~will~~ be applied in calculating the gross receipts to which the tax applies. If publication of the indices is delayed or discontinued, the last posted index shall be used until a current index is posted or the department adopts a comparable index by rule.

3. Tax due under this paragraph shall be administered, paid, and reported in the same manner as the tax due under paragraph (c).

4. The amount of tax due under this paragraph shall be reduced by the amount of any like tax lawfully imposed on and paid by the person from whom the retail consumer purchased the natural gas or manufactured gas, whether imposed by and paid to this state, another state, a territory of the United States, or the District of Columbia. This reduction in tax shall be available to the retail consumer as a refund pursuant to s. 215.26 and does not inure to the benefit of the person providing the transportation service. The methods of demonstrating proof of payment and the amount of such refund shall be made according to rules of the Department of Revenue.

(f) Any person who imports into this state electricity, natural gas, or manufactured gas, or severs natural gas, for that person's own use or consumption as a substitute for purchasing utility, transportation, or delivery services taxable under *subparagraph (a)1.* ~~this chapter~~ and who cannot demonstrate payment of the tax imposed by this chapter must register with the Department of Revenue and pay into the State Treasury each month an amount equal to the cost price*, as defined in s. 212.02,* of such electricity, natural gas, or manufactured gas times the rate set forth in *subparagraph (b)1.* ~~paragraph (b)~~, reduced by the amount of any like tax lawfully imposed on and paid by the person from whom the electricity, natural gas, or manufactured gas was purchased or any person who provided delivery service or transportation service in connection with the electricity, natural gas, or manufactured gas. ~~For purposes of this paragraph, the term "cost price" has the meaning ascribed in s. 212.02(4).~~ The methods of demonstrating proof of payment and the amount of such reductions in tax shall be made according to rules of the Department of Revenue.

(g) Electricity produced by cogeneration or by small power producers which is transmitted and distributed by a public utility between two locations of a customer of the utility pursuant to s. 366.051 is subject to the tax imposed by *subparagraph (a)1* ~~this section~~. The tax shall be applied to the cost price*, as defined in s. 212.02,* of such electricity ~~as provided in s. 212.02(4)~~ and shall be paid each month by the producer of such electricity.

(h) Electricity produced by cogeneration or by small power producers during the 12-month period ending June 30 of each year which is in excess of nontaxable electricity produced during the 12-month period ending June 30, 1990, is subject to the tax imposed by *subparagraph (a)1* ~~this section~~. The tax shall be applied to the cost price*, as defined in s. 212.02,* of such electricity ~~as provided in s. 212.02(4)~~ and shall be paid each month, beginning with the month in which total production exceeds the production of nontaxable electricity for the 12-month period ending June 30, 1990. *As used in* ~~For purposes of~~ this paragraph, *the term* "nontaxable electricity" means electricity produced by cogeneration or by small power producers which is not subject to tax under paragraph (g). Taxes paid pursuant to paragraph (g) may be credited against taxes due under this paragraph. Electricity generated as part of an industrial manufacturing process *that* ~~which~~ manufactures products from phosphate rock, raw wood fiber, paper, citrus, or any agricultural product *is* ~~shall~~ not ~~be~~ subject to the tax imposed by this paragraph. *The term* "industrial manufacturing process" means the entire process conducted at the location where the process takes place.

(i) Any person other than a cogenerator or small power producer described in paragraph (h) who produces for his or her own use electrical energy *that* ~~which~~ is a substitute for electrical energy produced by an electric utility as defined in s. 366.02 is subject to the tax imposed by *subparagraph (a)1* ~~this section~~. The tax shall be applied to the cost price*, as defined in s. 212.02,* of such electrical energy ~~as provided in s. 212.02(4)~~ and shall be paid each month. ~~The provisions of~~ This paragraph *does* ~~do~~ not apply to ~~any~~ electrical energy produced and used by an electric utility.

(j) Notwithstanding any other provision of this chapter, with the exception of a communications services dealer reporting taxes administered under chapter 202, the department may require:

1. A quarterly return and payment when the tax remitted for the preceding four calendar quarters did not exceed $1,000;

2. A semiannual return and payment when the tax remitted for the preceding four calendar quarters did not exceed $500; or

3. An annual return and payment when the tax remitted for the preceding four calendar quarters did not exceed $100.

(3) The tax imposed by *subparagraph (1)(a)1.* ~~subsection (1)~~ does not apply to:

(a)1. The sale or transportation of natural gas or manufactured gas to a public or private utility, including a municipal corporation or rural electric cooperative association, ~~either~~ for resale or for use as fuel in the generation of electricity; or

2. The sale or delivery of electricity to a public or private utility, including a municipal corporation or rural electric cooperative association, for resale, or as part of an electrical interchange agreement or contract between such utilities for the purpose of transferring more economically generated power;

if ~~provided~~ the person deriving gross receipts from such sale demonstrates that a sale, transportation, or delivery for resale in fact occurred and complies with the following requirements: A sale, transportation, or delivery for resale must be in strict compliance with the rules ~~and regulations~~ of the Department of Revenue; and any sale subject to the tax imposed by this section which is not in strict compliance with the rules ~~and regulations~~ of the Department of Revenue shall be subject to the tax at the appropriate rate imposed on utilities *under subparagraph (1)(b)1.* ~~by paragraph (b)~~ on the person making the sale. Any person making a sale for resale may, through an informal protest provided ~~for~~ in s. 213.21 and the rules of the Department of Revenue, provide the department with evidence of the exempt status of a sale. The department shall adopt rules that provide that valid proof and documentation of the resale by a person making the sale for resale will be accepted by the department when submitted during the protest period but will not be accepted when submitted in any proceeding under chapter 120 or any circuit court action instituted under chapter 72;

(b) Wholesale sales of electric transmission service;

(c) The use of natural gas in the production of oil or gas, or the use of natural or manufactured gas by a person transporting natural or manufactured gas, when used and consumed in providing such services; or

(d) The sale or transportation to, or use of, natural gas or manufactured gas by a person eligible for an exemption under s. 212.08(7)(ff)2. for use as an energy source or a raw material. Possession by a seller of natural or manufactured gas or by any person providing transportation or delivery of natural or manufactured gas of a written certification by the purchaser, certifying the purchaser's entitlement to the exclusion permitted by this paragraph, relieves the seller or person providing transportation or delivery from the responsibility of remitting tax on the nontaxable amounts, and the department shall look solely to the purchaser for recovery of such tax if the department determines that the purchaser was not entitled to the exclusion. The certification must include an acknowledgment by the purchaser that it will be liable for tax pursuant to paragraph (1)(f) if the requirements for exclusion are not met.

(4) The tax imposed pursuant to *subparagraph (1)(a)1.* ~~this chapter~~ relating to the provision of ~~any~~ utility services at the option of the person supplying the taxable services may be separately stated as Florida gross receipts tax on the total amount of any bill, invoice, or other tangible evidence of the provision of such taxable services and may be added as a component part of the total charge. *If* ~~Whenever~~ a provider of taxable services elects to separately state such tax as a component of the charge for the provision of such taxable services, *any* ~~every~~ person, including all governmental units, shall remit the tax to the person who provides such taxable services as a part of the total bill, and the tax is a component part of the debt of the purchaser to the person who provides such taxable services until paid and, if unpaid, is recoverable at law in the same manner as any other part of the charge for such taxable services. For a utility, the decision to separately state any increase in the rate of tax imposed by this chapter which is effective after December 31, 1989, and the ability to recover the increased charge from the customer *is* ~~shall~~ not ~~be~~ subject to regulatory approval.

(7) Gross receipts subject to the tax imposed *under subparagraph (1)(a)1.* ~~by this section~~ for the provision of electricity *must* ~~shall~~ include receipts from monthly customer charges or monthly customer facility charges.

Section 11. Effective July 1, 2014, subsection (11) of section 212.12, Florida Statutes, is amended to read:

212.12 Dealer's credit for collecting tax; penalties for noncompliance; powers of Department of Revenue in dealing with delinquents; brackets applicable to taxable transactions; records required.—

(11) The department shall make available in an electronic format or otherwise the tax amounts and brackets applicable to all taxable transactions that occur in counties that have a surtax at a rate other than 1 percent which ~~transactions~~ would otherwise have been transactions taxable at the rate of 6 percent. Likewise, the department shall make available in an electronic format or otherwise the tax amounts and brackets applicable to transactions taxable at *4.35* ~~7~~ percent pursuant to *s. 212.05(1)(e)1.c.* ~~s. 212.05(1)(e)~~ and on transactions which would otherwise have been so taxable in counties which have adopted a discretionary sales surtax.

Section 12. *In complying with the amendments to ss. 203.01 and 212.05, Florida Statutes, relating to the additional tax on electrical power or energy, made by this act, a seller of electrical power or energy may collect a combined rate of 6.95 percent, which consists of the 4.35 percent and 2.6 percent required under ss. 212.05(1)(e)1.c. and 203.01(1)(b)4., Florida Statutes, respectively, if the provider properly reflects the tax collected with respect to the two provisions as required in the return to the Department of Revenue.*

Section 13. 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, for the purpose of implementing the amendments to ss. 203.01, 212.05, 212.12, and 212.20, Florida Statutes, relating to changes to the taxation of electrical power or energy, made by this act. This section expires July 1, 2017.

Section 14. Effective July 1, 2014, paragraphs (c) and (d) of subsection (6) of section 212.20, Florida Statutes, are amended to read:

212.20 Funds collected, disposition; additional powers of department; operational expense; refund of taxes adjudicated unconstitutionally collected.—

(6) Distribution of all proceeds under this chapter*,* ~~and~~ s. 202.18(1)(b) and (2)(b)*, and s. 203.01(1)(a)3. is* ~~shall be~~ as follows:

(c)*1.* Proceeds from the fees imposed under ss. 212.05(1)(h)3. and 212.18(3) shall remain with the General Revenue Fund.

2. The portion of the proceeds which constitutes gross receipts tax imposed pursuant to s. 203.01(1)(a)3. shall be deposited as provided by law and in accordance with s. 9, Art. XII of the State Constitution.

(d) The proceeds of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be distributed as follows:

1. In any fiscal year, the greater of $500 million, minus an amount equal to 4.6 percent of the proceeds of the taxes collected pursuant to chapter 201, or 5.2 percent of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in monthly installments into the General Revenue Fund.

2. After the distribution under subparagraph 1., *8.8794* ~~8.814~~ percent of the amount remitted by a sales tax dealer located within a participating county pursuant to s. 218.61 shall be transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund. Beginning July 1, 2003, the amount to be transferred shall be reduced by 0.1 percent, and the department shall distribute this amount to the Public Employees Relations Commission Trust Fund less $5,000 each month, which shall be added to the amount calculated in subparagraph 3. and distributed accordingly.

3. After the distribution under subparagraphs 1. and 2., *0.0956* ~~0.095~~ percent shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund and distributed pursuant to s. 218.65.

4. After the distributions under subparagraphs 1., 2., and 3., *2.0602* ~~2.0440~~ percent of the available proceeds shall be transferred monthly to the Revenue Sharing Trust Fund for Counties pursuant to s. 218.215.

5. After the distributions under subparagraphs 1., 2., and 3., *1.3514* ~~1.3409~~ percent of the available proceeds shall be transferred monthly to the Revenue Sharing Trust Fund for Municipalities pursuant to s. 218.215. If the total revenue to be distributed pursuant to this subparagraph is at least as great as the amount due from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, no municipality shall receive less than the amount due from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000. If the total proceeds to be distributed are less than the amount received in combination from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, each municipality shall receive an amount proportionate to the amount it was due in state fiscal year 1999-2000.

6. Of the remaining proceeds:

a. In each fiscal year, the sum of $29,915,500 shall be divided into as many equal parts as there are counties in the state, and one part shall be distributed to each county. The distribution among the several counties must begin each fiscal year on or before January 5th and continue monthly for a total of 4 months. If a local or special law required that any moneys accruing to a county in fiscal year 1999-2000 under the then-existing provisions of s. 550.135 be paid directly to the district school board, special district, or a municipal government, such payment must continue until the local or special law is amended or repealed. The state covenants with holders of bonds or other instruments of indebtedness issued by local governments, special districts, or district school boards before July 1, 2000, that it is not the intent of this subparagraph to adversely affect the rights of those holders or relieve local governments, special districts, or district school boards of the duty to meet their obligations as a result of previous pledges or assignments or trusts entered into which obligated funds received from the distribution to county governments under then-existing s. 550.135. This distribution specifically is in lieu of funds distributed under s. 550.135 before July 1, 2000.

b. The department shall distribute $166,667 monthly ~~pursuant to s. 288.1162~~ to each applicant certified as a facility for a new or retained professional sports franchise pursuant to s. 288.1162. Up to $41,667 shall be distributed monthly by the department to each certified applicant as defined in s. 288.11621 for a facility for a spring training franchise. However, not more than $416,670 may be distributed monthly in the aggregate to all certified applicants for facilities for spring training franchises. *The department shall also distribute $166,667 monthly to an applicant certified as a motorsports entertainment complex under s. 288.1171.* Distributions begin 60 days after such certification and continue for not more than 30 years, except as otherwise provided in s. 288.11621. A certified applicant identified in this sub-subparagraph may not receive more in distributions than expended by the applicant for the public purposes provided *under* ~~for in~~ s. 288.1162(5)*,* ~~or~~ s. 288.11621(3)*, or s. 288.1171(6).*

c. Beginning 30 days after notice by the Department of Economic Opportunity to the Department of Revenue that an applicant has been certified as the professional golf hall of fame pursuant to s. 288.1168 and is open to the public, $166,667 shall be distributed monthly, for up to 300 months, to the applicant.

d. Beginning 30 days after notice by the Department of Economic Opportunity to the Department of Revenue that the applicant has been certified as the International Game Fish Association World Center facility pursuant to s. 288.1169, and the facility is open to the public, $83,333 shall be distributed monthly, for up to 168 months, to the applicant. This distribution is subject to reduction pursuant to s. 288.1169. A lump sum payment of $999,996 shall be made~~,~~ after certification and before July 1, 2000.

e. The department shall distribute up to $55,555 monthly to each certified applicant as defined in s. 288.11631 for a facility used by a single spring training franchise, or up to $111,110 monthly to each certified applicant as defined in s. 288.11631 for a facility used by more than one spring training franchise. Monthly distributions begin 60 days after such certification or July 1, 2016, whichever is later, and continue for not more than 30 years, except as otherwise provided in s. 288.11631. A certified applicant identified in this sub-subparagraph may not receive more in distributions than expended by the applicant for the public purposes provided in s. 288.11631(3).

7. All other proceeds must remain in the General Revenue Fund.

Section 15. Effective July 1, 2014, section 212.17, Florida Statutes, is reordered and amended to read:

212.17 *Tax* credits *or refunds* ~~for returned goods, rentals, or admissions; goods acquired for dealer's own use and subsequently resold; additional powers of department.—~~

(1)(a) *If* ~~In the event~~ purchases are returned to a dealer by the purchaser or consumer after the tax imposed by this chapter has been collected from or charged to the account of the consumer or user, the dealer *is* ~~shall be~~ entitled to reimbursement of the amount of tax collected or charged by the dealer, in the manner prescribed by the department.

(b) A registered dealer that purchases property for the dealer's own use, pays tax on acquisition, and sells the property subsequent to acquisition without ~~ever~~ having used the property is entitled to reimbursement, in the manner prescribed by the department, of the amount of tax paid on the property's acquisition.

(c) If the tax has not been remitted by a dealer to the department, the dealer may deduct the same in submitting his or her return upon receipt of a signed statement *by* ~~of~~ the dealer as to the gross amount of such refunds during the period covered by *the* ~~said~~ signed statement, which *may* ~~period shall~~ not be longer than 90 days. The department shall issue to the dealer an official credit memorandum equal to the net amount remitted by the dealer for such tax collected or paid. Such memorandum shall be accepted by the department at full face value from the dealer to whom it is issued *upon*~~, in~~ the remittance *of* ~~for~~ subsequent taxes accrued under ~~the provisions of~~ this chapter. If a dealer has retired from business and ~~has~~ filed a final return, a refund of tax may be made if it can be established to the satisfaction of the department that the tax was not due.

(2) A dealer who has paid the tax imposed by this chapter on tangible personal property sold under a retained title, conditional sale, or similar contract, or under a contract *in which* ~~wherein~~ the dealer retains a security interest in the property pursuant to chapter 679, may take credit or obtain a refund for the tax paid by the dealer on the unpaid balance due him or her when he or she repossesses *the property,* ~~(~~with or without judicial process,~~) the property~~ within 12 months *after* ~~following~~ the month in which the property was repossessed. *If* ~~When~~ such repossessed property is resold, the sale is subject in all respects to the tax imposed by this chapter.

(3) *Except as provided in subsection (4),* a dealer who has paid the tax imposed by this chapter on tangible personal property or services may take a credit or obtain a refund for any tax paid by the dealer on the unpaid balance due on worthless accounts within 12 months *after* ~~following~~ the month in which the bad debt has been charged off for federal income tax purposes. If any accounts so charged off for which a credit or refund has been obtained are *subsequently,* ~~thereafter~~ in whole or in part, paid to the dealer, the amount so paid shall be included in the first return filed after such collection and the tax paid accordingly.

(4) With respect to the payment of taxes on purchases made through a private-label credit card program:

(a) If consumer accounts or receivables are found to be worthless or uncollectible, the dealer may claim a credit for, or obtain a refund of, the tax remitted by the dealer on the unpaid balance due if:

1. The accounts or receivables have been charged off as bad debt on the lender's books and records on or after January 1, 2014;

2. A credit was not previously claimed and a refund was not previously allowed on any portion of the accounts or receivables; and

3. The credit or refund is claimed within 12 months after the month in which the bad debt has been charged off by the lender for federal income tax purposes.

(b) If the dealer or the lender subsequently collects, in whole or in part, the accounts or receivables for which a credit or refund has been granted under paragraph (a), the dealer must include the taxable percentage of the amount collected in the first return filed after the collection and pay the tax on the portion of that amount for which a credit or refund was granted.

(c) The credit or refund allowed includes all credit sale transaction amounts that are outstanding in the specific private-label credit card account or receivable at the time the account or receivable is charged off, regardless of the date on which the credit sale transaction actually occurred.

(d) A dealer may use one of the following methods to determine the amount of the credit or refund:

1. An apportionment method to substantiate the amount of tax imposed under this chapter which is included in the bad debt to which the credit or refund applies. The method must use the dealer's Florida and non-Florida sales, the dealer's taxable and nontaxable sales, and the amount of tax the dealer remitted to this state; or

2. A specified percentage of the accounts or receivables giving rise to the credit or refund, which is derived from a sampling of the dealer's or lender's records in accordance with a methodology agreed upon by the department and the dealer.

(e) For purposes of computing the credit or refund, payments on the accounts or receivables shall be allocated based on the terms and conditions of the contract between the dealer or lender and the consumer.

(f) The credit or refund for tax on bad debt may be claimed on any return filed by an entity related by a direct or indirect common ownership of 50 percent or more.

(g) The amount of the credit or refund that a dealer is eligible to recover under this subsection is limited to 25 percent of the tax paid to the department which is attributable to bad debt.

(h) As used in this subsection, the term:

1. "Dealer's affiliates" means an entity affiliated with the dealer under 26 U.S.C. s. 1504 or an entity that would be an affiliate under that section if the entity were a corporation.

2. "Lender" means a person who owns or has owned a private-label credit card account or an interest in a private-label credit card receivable that:

a. The person purchased directly from a dealer who remitted the tax imposed under this chapter or from the dealer's affiliates, or that was transferred from a third party;

b. The person originated pursuant to that person's contract with a dealer who remitted the tax imposed under this chapter or with the dealer's affiliates; or

c. Is affiliated in the manner described under 26 U.S.C. s. 1504, regardless of whether the different entities are corporations, with a person described in sub-subparagraph a. or sub-subparagraph b. or with an assignee or other transferee of such person.

3. "Private-label credit card" means a charge card or credit card that carries, refers to, or is branded with the name or logo of a dealer and can be used for purchases from the dealer whose name or logo appears on the card or for purchases from the dealer's affiliates or franchises.

(6)~~(4)(a)~~ The department shall*:*

(a) Design, prepare, print and furnish to all dealers, except dealers filing through electronic data interchange, or make available or prescribe to the dealers, all necessary forms for filing returns and instructions to ensure a full collection from dealers and an accounting for the taxes due. *The*~~, but~~ failure of *a* ~~any~~ dealer to secure such forms does not relieve the dealer from the payment of the tax at the time and in the manner provided.

(b) ~~The department shall~~ Prescribe the format and instructions necessary for filing returns in a manner that is initiated through an electronic data interchange to ensure a full collection from dealers and an accounting for the taxes due. The failure of *a* ~~any~~ dealer to use such format does not relieve the dealer from the payment of the tax at the time and in the manner provided.

(7)~~(5)~~ The department and its assistants are ~~hereby~~ authorized and empowered to administer the oath for the purpose of enforcing and administering ~~the provisions of~~ this chapter.

(8)~~(6)~~ The department *may* ~~has authority to~~ adopt rules ~~pursuant to ss. 120.536(1) and 120.54~~ to *administer and* enforce ~~the provisions of~~ this *section* ~~chapter~~.

(5)~~(7)~~ *If* ~~The department, where~~ admissions, license fees, ~~or~~ rental payments, or payments for services are made and ~~thereafter~~ returned to ~~the~~ payors after the taxes ~~thereon~~ have been paid, *the department* shall return or credit the taxpayer for taxes ~~so~~ paid on the moneys returned in the same manner as ~~is~~ provided for returns or credits of taxes *if* ~~where~~ purchases or tangible personal property are returnable to a dealer.

Section 16. Effective July 1, 2014, subsection (2) of section 288.1171, Florida Statutes, is amended, present subsections (4) through (7) of that section are redesignated as subsections (5) through (8), respectively, and amended, and a new subsection (4) is added to that section, to read:

288.1171 Motorsports entertainment complex; definitions; certification; duties.—

(2) The department shall serve as the state agency for screening applicants for *funding under s. 212.20, for* local option funding under s. 218.64(3)*,* and for certifying an applicant as a motorsports entertainment complex. The department shall develop and adopt rules for the receipt and processing of applications for funding under *ss. 212.20 and* ~~s.~~ 218.64(3). The department shall make a determination regarding any application filed by an applicant *within* ~~not later than~~ 120 days after the application is filed.

(4) The department may certify a single applicant as a motorsports entertainment complex for funding under s. 212.20 if the applicant meets all of the following conditions:

(a) The applicant meets the requirements of subsection (3).

(b) The applicant has a verified copy of the approval of a sanctioning body stating that motorsport events are sanctioned to occur at the applicant's complex.

(c) The applicant's facility has at least 50,000 fixed seats.

(d) The applicant has projections, verified by the department, which demonstrate that the motorsports entertainment complex will annually attract paid attendance of more than 100,000 persons.

(e) The applicant has an independent analysis or study, verified by the department, which demonstrates that the amount of revenues generated by the taxes imposed under chapter 212 with respect to the use and operation of the motorsports entertainment complex will annually equal or exceed $2 million.

(f) The applicant has demonstrated that it has provided, is capable of providing, or has financial or other commitments to provide more than one-half of the costs incurred or related to the improvement and development of the complex.

(g) The total cost of construction, reconstruction, expansion, or renovation of the complex exceeds $250 million.

The approved applicant may not seek funding under s. 218.64(3) while receiving funding under s. 212.20.

(5)~~(4)~~ Upon determining that an applicant meets the requirements of subsection (3) *or subsection (4)*, the department shall notify the applicant and the executive director of the Department of Revenue of such certification by means of an official letter granting certification. If the ap-

plicant fails to meet the certification requirements of subsection (3) *or subsection (4)*, the department shall notify the applicant *within* ~~not later than~~ 10 days following such determination.

(6)~~(5)~~ A motorsports entertainment complex that has been previously certified under this section and has received funding under such certification is ineligible for ~~any~~ additional certification.

(7)~~(6)~~ An applicant certified as a motorsports entertainment complex may use funds provided pursuant to *s. 212.20 or* s. 218.64(3) only for the following public purposes:

(a) Paying for the construction, reconstruction, expansion, or renovation of a motorsports entertainment complex.

(b) Paying debt service reserve funds, arbitrage rebate obligations, or other amounts *relating* ~~payable with respect~~ to bonds issued for the construction, reconstruction, expansion, or renovation of the motorsports entertainment complex or for the reimbursement of such costs or the refinancing of bonds issued for such purposes.

(c) Paying for construction, reconstruction, expansion, or renovation of transportation or other infrastructure improvements related to, necessary for, or appurtenant to the motorsports entertainment complex, including~~, without limitation,~~ paying debt service reserve funds, arbitrage rebate obligations, or other amounts *relating* ~~payable with respect~~ to bonds issued for the construction, reconstruction, expansion, or renovation of such transportation or other infrastructure improvements, and for the reimbursement of such costs or the refinancing of bonds issued for such purposes.

(d) Paying for programs of advertising and promotion of or related to the motorsports entertainment complex or the municipality in which the motorsports entertainment complex is located, or the county if the motorsports entertainment complex is located in an unincorporated area, if such programs of advertising and promotion are designed to increase paid attendance at the motorsports entertainment complex or increase tourism in or promote the economic development of the community in which the motorsports entertainment complex is located.

(8)~~(7)~~ ~~The Department of Revenue may audit,~~ As provided in s. *11.45* ~~213.34~~, *the Auditor General may conduct an audit* to verify that the distributions pursuant to this section have been expended as required in this section. ~~Such information is subject to the confidentiality requirements of chapter 213.~~ If the *Auditor General* ~~Department of Revenue~~ determines that the distributions pursuant to certification ~~under this section~~ have not been expended as required by this section, *the Auditor General shall notify the Department of Revenue, which* ~~it~~ may pursue recovery of such funds pursuant to the laws and rules governing the assessment of taxes.

Section 17. Section 288.127, Florida Statutes, is created to read:

288.127 Qualified television loan fund.—

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

(a) "Fund administrator" means a private sector organization under contract with the department to manage and administer the QTV Fund.

(b) "Major broadcaster" means broadcasting organizations that include, but are not limited to, television broadcasting networks, cable television, direct broadcast satellite, telecommunications companies, and internet streaming or other digital media platforms.

(c) "Private investment capital" means capital from private, nongovernmental funding sources that will be coinvested with the QTV Fund in segregated accounts.

(d) "Qualified lending partner" means a financial institution, as defined in s. 655.005, selected by a fund administrator that has demonstrated capability in providing financing to television production and specialized expertise in intellectual property, tax credit programs, customary broadcast license agreements, advertising inventories, and ancillary revenue sources, and a combined portfolio in film, television, and entertainment media of at least $500 million.

(e) "Qualified television content" means series, mini-series, or made-for-TV content produced by a qualified production company that has in place a distribution contract with a major broadcaster, under a customary broadcast license agreement. The term does not include a production that contains content that is obscene, as defined in s. 847.001.

(f) "QTV Fund" means the qualified television loan fund.

(2) PURPOSE.—The purpose of the QTV Fund is to create a public-private partnership in the form of a revolving loan fund to administer a loan program for television production. The QTV Fund shall be privately managed under state oversight to incentivize the use of this state as a site for producing qualified television content and to develop and sustain the workforce and infrastructure for television content production.

(3) CREATION.—The qualified television loan fund is created within the department. The QTV Fund shall be a public fund that is privately managed by the fund administrator under contract with the department. The department shall disburse the funds appropriated for this program to the fund administrator to invest in the QTV Fund during the existence of the program pursuant to this section and the contract between the fund administrator and the department. State funds in the QTV Fund may be used only to enter into loan agreements and to pay any administrative costs or other authorized fees under this section.

(a) The QTV Fund shall be a revolving loan fund that invests and reinvests the principal and interest of the fund in accordance with s. 617.2104 in a manner so as to not subject the funds to state or federal taxes and to be consistent with the investment policy statement adopted by the fund administrator. As production companies repay the principal and interest to the QTV Fund, state funds, less any QTV Fund expenses, shall be returned to the account to be lent to subsequent borrowers.

(b) Funds from the QTV Fund shall be disbursed by the fund administrator through a lending vehicle to make short-term loans pursuant to this section.

(4) FUND ADMINISTRATOR.—

(a) The department shall contract with a fund administrator by September 1, 2014, and award the contract in accordance with the competitive bidding requirements in s. 287.057.

(b) The department shall select as fund administrator a private sector entity that demonstrates the ability to implement the program under this section and that meets the requirements set forth in this section. Preference shall be given to applicants that are headquartered in this state. Additional consideration may be given to applicants that have experience in the management of economic development or job creation-related funds. The qualifications for the fund administrator must include, but are not limited to:

1. A demonstrated track record of managing private sector equity or debt funds in the entertainment and media industries.

2. The ability to demonstrate through a partnership agreement that a qualified lending partner is in place which has the capability of providing leverage of a minimum of 2.5 times the capital amount of the QTV Fund, for financing the production cost of qualified television content in the form of senior debt.

(c) For overseeing and administering the QTV Fund, the fund administrator shall be reimbursed for the costs the fund administrator incurs in establishing and operating the fund related to the state's investment, which shall be paid from state funds in the QTV Fund. Any additional private investment capital in the segregated accounts is responsible for its own management fees. The fund administrator is entitled to a reasonable profit, but such distribution may not be made from the principal funds from the original appropriation.

(d) The fund administrator shall provide services defined under this section for the duration of the QTV Fund term unless removed for cause. Cause shall be further defined under the contract with the fund administrator and must include, but is not limited to, the engagement in fraud or other criminal acts by board members, incapacity, unfitness, neglect of duty, official incompetence and irresponsibility, misfeasance, malfeasance, nonfeasance, or lack of performance.

(5) FUND ADMINISTRATOR POWERS AND DUTIES.—

(a) Authority to contract.—The fund administrator may enter into agreements with qualified lending partners for concurrent lending through the QTV Fund. A loan made by the qualified lending partner must be accounted for separately from the state funds or other private investment capital. Such loan shall be made as senior debt. The fund administrator may raise private investment capital for mezzanine equity and other equity or raise junior capital for concurrent lending through the QTV Fund. However, loans from private investment capital may not be made at more favorable terms and conditions than the terms and conditions of the state funds in the QTV Fund. The state appropriation must be maintained in a separate account from private investment capital and administered in a separate legal investment entity or entities. Private investment capital and loans shall be segregated from each other, and funds may not be commingled.

(b) General duties.—The fund administrator:

1. Shall prudently manage the funds in the QTV Fund as a revolving loan fund.

2. Shall contract with one or more qualified lending partners.

3. Shall provide improvement of the credit profile of a structured financial transaction for qualified production companies that produce qualified television content meeting the criteria in subsection (7).

4. May raise additional private investment capital to be held in separate accounts, in addition to the leverage provided by the qualified lending partner.

5. Shall administer the QTV Fund in accordance with this part.

6. Shall agree to maintain the recipient's books and records relating to funds received from the department according to generally accepted accounting principles and in accordance with s. 215.97(7) and to make those books and records available to the department for inspection upon reasonable notice. The books and records must be maintained with detailed records showing the use of proceeds from loans to fund qualified television content.

7. Shall maintain its registered office in this state throughout the duration of the contract.

(c) Financial reporting.—The fund administrator shall annually submit to the department by February 28 audited financial statements for the preceding tax year which— are audited by an independent certified public accountant after the end of each year in which the fund administrator is under contract with the department. In addition to providing an independent opinion on the annual financial statements, such audit provides a basis for verifying the segregation of state funds from those of any private investment capital.

(d) Program reporting.—The fund administrator shall submit a report to the department by February 28 after the end of each year in which the fund administrator is under contract with the department. The report must include information on the loans made in the preceding calendar year, including:

1. The name of the qualified television content.

2. The names of the counties in which the production occurred.

3. The number of jobs created and retained as a result of the production.

4. The loan amounts, including the amount of private investment capital and funds provided by a qualified lending partner.

5. The loan repayment status for each loan.

6. The number and amounts of any loans with payments past due.

7. The number and amounts of any loans in default.

8. A description of the assets securing the loans.

9. Other information and documentation required by the department.

(e) Plan of accountability.—The fund administrator shall submit an annual plan of accountability of economic development, including a report detailing the job creation resulting from the QTV Fund loans made during the current year and cumulatively since the inception of the program. The fund administrator shall also provide any additional information requested by the department pertaining to economic development and job creation in the state.

(f) Conflict-of-interest statement.—The fund administrator shall provide a conflict-of-interest statement from its governing board certifying that no board member, director, employee, agent, immediate family member thereof, or other person connected to or affiliated with the fund administrator is receiving or will receive any type of compensation or remuneration from a production company that has received or will receive funds from the loan program or from a qualified lending partner. The department may waive this requirement for good cause shown.

(6) LOAN STRUCTURE.—

(a) The QTV Fund may make loans to production companies to fund production costs or provide improvement of the credit profile of a structured financial transaction for qualified television content that meets the criteria requirements of subsection (7). To make a loan, the fund administrator shall consider the types of eligible collateral, the credit worthiness of the project, the producer's track record, the possibility that the project will encourage, enhance, or create economic benefits, and the extent to which assistance would foster innovative public-private partnerships and attract private debt or equity investment.

(b) The QTV Fund loan package shall be secured by contractual and predictable sources of repayment such as domestic and international broadcaster license agreements and other ancillary revenues that are derived from media content rights. Unsecured loans may not be made.

(c) The loans shall be made on the basis of a second lien or primary security rights on the media assets listed in paragraph (b).

(d) The QTV Fund shall provide funding only in conjunction with senior loans provided by a qualified lending partner. Loans from the fund may be subordinated to senior debt from the qualified lending partner and may not exceed 30 percent of the total production funding cost of any particular project.

(e) The production company's repayment of a loan shall be in accordance with the broadcast license agreement and the delivery of qualified television content to the major broadcaster and shall be within 60 days after such delivery.

(f) Loans made by the QTV Fund may not exceed 36 months in duration, except for extenuating circumstances for which the fund administrator may grant an extension upon making written findings to the department specifying the conditions requiring the extension.

(g) The fund administrator or a board member, employee, or agent thereof, or an immediate family member of a board member, employee, or agent, may not have a financial interest in an entity that is awarded a loan under a loan program and may not benefit directly or indirectly from the making of such loan. A loan may not be made to a person if it violates this paragraph. As used in this section, the term "immediate family" means a parent, child, or spouse, or other relative by blood, marriage, or adoption, of a board member, employee, or agent of the loan administrator.

(h) Except for funds appropriated to the department for the loan program, the credit of the state may not be pledged. The state is not liable or obligated in any way for claims against the QTV Fund or against the fund administrator, the qualified lending partner, or the department.

(7) QUALIFIED TELEVISION CONTENT CRITERIA.—The fund administrator must, at a minimum, consider the following criteria for evaluating the qualifying television content:

(a) The content is intended for broadcast by a major broadcaster on a major network, cable, or streaming channel.

(b) The content is produced in this state, or a minimum of 80 percent of the production budget must be spent in this state. This requirement may be amended by the fund administrator upon notice to the department. Such notice must include a specific justification for the change and

must be transmitted to the department in writing. The department has 10 business days to object to the change. If the department does not object within 10 business days, the change is deemed acceptable by the department, and the fund administrator may grant the amendment.

(c) If the content is a series, there is a programming order for at least 13 episodes. This requirement may be amended by the fund administrator upon notice to the department. Such notice must include a specific justification for the change and must be transmitted to the department in writing. The department has 10 business days to object to the change. If the department does not object within 10 business days, the change is deemed acceptable by the department, and the fund administrator may grant the amendment.

(d) The producer must have a contract in place with a major broadcaster to acquire content programming under a customary broadcast license agreement and the contract must cover at least 60 percent of the budget.

(e) The producer must retain a foreign sales agent and must be able to provide the fund administrator with the foreign sales agent's official estimates of foreign and ancillary sales.

(f) The project must be bonded and secured by an industry-approved completion guarantor if the production cost per episode exceeds $1 million. This requirement may be waived if the loan applicant provides the fund administrator with evidence of adequate structure to protect the state's funds.

(8) AUDITOR GENERAL AUDIT.—The Auditor General may conduct operational audits, as defined in s. 11.45, of the QTV Fund and fund administrator. The scope of audit must include, but is not limited to, internal controls evaluations, internal audit functions, reporting and performance requirements for the use of the funds, and compliance with state and federal law. The fund administrator shall provide to the Auditor General any detail or supplemental data required.

(9) RULEMAKING AUTHORITY.—The department may adopt rules to administer this section.

(10) EXPIRATION.—This section expires December 31, 2024, at which point all funds remaining in the QTV Fund revert to the General Revenue Fund.

(11) EMERGENCY RULES.—

(a) The executive director of the department is authorized, and all conditions are deemed met, to adopt emergency rules pursuant to ss. 120.536(1) and 120.54(4) for the purpose of implementing this section.

(b) Notwithstanding any other law, the emergency rules adopted pursuant to paragraph (a) remain in effect for 6 months after adoption and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules.

(c) This subsection expires October 1, 2015.

Section 18. Paragraph (b) of subsection (2) of section 288.0001, Florida Statutes, is amended to read:

288.0001 Economic Development Programs Evaluation.—The Office of Economic and Demographic Research and the Office of Program Policy Analysis and Government Accountability (OPPAGA) shall develop and present to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of the legislative appropriations committees the Economic Development Programs Evaluation.

(2) The Office of Economic and Demographic Research and OPPAGA shall provide a detailed analysis of economic development programs as provided in the following schedule:

(b) By January 1, 2015, and every 3 years thereafter, an analysis of the following:

1. The entertainment industry financial incentive program established under s. 288.1254.

2. The entertainment industry sales tax exemption program established under s. 288.1258.

3. *The* ~~VISIT~~ Florida *Tourism Industry Marketing Corporation* and its programs established or funded under ss. 288.122, 288.1226, 288.12265, and 288.124.

4. The Florida Sports Foundation and related programs established under ss. 288.1162, 288.11621, 288.1166, 288.1167, 288.1168, 288.1169, and 288.1171.

5. The qualified television loan fund established under s. 288.127.

Section 19. Effective January 1, 2015, subsection (5) of section 624.4094, Florida Statutes, is amended to read:

624.4094 Bail bond premiums.—

~~(5) This section does not affect the reporting or payment of insurance premium taxes under ss. 624.509, 624.5091, and 624.5092, and the insurance premium tax and related excise taxes shall continue to be calculated using gross bail bond premiums.~~

Section 20. Effective January 1, 2015, subsection (1) of section 624.509, Florida Statutes, is amended to read:

624.509 Premium tax; rate and computation.—

(1) In addition to the license taxes provided for in this chapter, each insurer shall also annually, and on or before March 1 in each year, except as to wet marine and transportation insurance taxed under s. 624.510, pay to the Department of Revenue a tax on insurance premiums, premiums for title insurance, or assessments, including membership fees and policy fees and gross deposits received from subscribers to reciprocal or interinsurance agreements, and on annuity premiums or considerations, received during the preceding calendar year, the amounts thereof to be determined as set forth in this section, to wit:

(a) An amount equal to 1.75 percent of the gross amount of such receipts on account of life and health insurance policies covering persons resident in this state and on account of all other types of policies and contracts*,* ~~(~~except annuity policies or contracts taxable under paragraph (b) *and bail bond policies or contracts taxable under paragraph (c),*~~)~~ covering property, subjects, or risks located, resident, or to be performed in this state, omitting premiums on reinsurance accepted, and less return premiums or assessments, but without deductions:

1. For reinsurance ceded to other insurers;

2. For moneys paid upon surrender of policies or certificates for cash surrender value;

3. For discounts or refunds for direct or prompt payment of premiums or assessments; and

4. On account of dividends of any nature or amount paid and credited or allowed to holders of insurance policies; certificates; or surety, indemnity, reciprocal, or interinsurance contracts or agreements; ~~and~~

(b) An amount equal to 1 percent of the gross receipts on annuity policies or contracts paid by holders thereof in this state*; and*~~.~~

(c) An amount equal to 1.75 percent of the direct written premiums for bail bonds, excluding any amounts retained by licensed bail bond agents or licensed managing general agents.

Section 21. *(1) The tax levied under chapter 212, Florida Statutes, may not be collected during the period from 12:01 a.m. on August 1, 2014, through 11:59 p.m. on August 3, 2014, on the 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 $75 or less per item. As used in this paragraph, the term "clothing" means:

1. An 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, rollerblades, 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.

(c) Personal computers and related accessories that have a sales price of $750 or less and are purchased for noncommercial home or personal use. As used in this paragraph, the term:

1. "Personal computer" means an electronic device that accepts information in digital or similar form and manipulates such information for a result based on a sequence of instructions. The term includes an electronic book reader and a laptop, desktop, handheld, tablet, or tower computer but does not include a cellular telephone, video game console, digital media receiver, or device that is not primarily designed to process data.

2. "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 but does not include furniture or systems, devices, software, monitors with a television tuner, or other peripherals that are designed or intended primarily for recreational use.

(2) 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, Florida Statutes, within a public lodging establishment as defined in s. 509.013, Florida Statutes, or within an airport as defined in s. 330.27, Florida Statutes.

(3) 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.

Section 22. *For the 2013-2014 fiscal year, the sum of $223,048 in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Revenue for the purpose of administering the provisions of this act relating to the tax exemption for specified school supplies. Funds from the appropriation that remain unexpended or unencumbered as of June 30, 2014, shall revert and be reappropriated for the same purpose in the 2014-2015 fiscal year.*

Section 23. *(1) Effective June 1, 2014, through June 12, 2014, no tax levied under chapter 212, Florida Statutes, may be collected on the sale of:*

(a) A portable self-powered light source selling for $20 or less.

(b) A portable self-powered radio, two-way radio, or weather band 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 to preserve food in the event of a power outage, if the portable generator sells for $750 or less.

(2) The Department of Revenue may, and all conditions are deemed met to, adopt emergency rules under ss. 120.536(1) and 120.54, Florida Statutes, to administer this section.

Section 24. *For the 2013-2014 fiscal year, the sum of $280,912 in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Revenue for purposes of administering the tax exemptions for the purchase of tangible personal property relating to hurricane preparedness specified under this act.*

Section 25. 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 economic development; amending s. 202.11, F.S.; revising the term "prepaid calling arrangement"; amending s. 202.12, F.S.; reducing the tax rate applied to the sale of communications services; amending s. 202.12001, F.S.; conforming rates to the reduction of the communications services tax; amending s. 202.18, F.S.; revising the distribution of tax revenues received; amending s. 203.001. F.S.; conforming rates to the reduction of the communications services tax; amending s. 212.05, F.S.; clarifying and updating which services are included under the definition "prepaid calling arrangement" and subject to a sales tax; conforming provisions to changes made by the act to taxes on electrical power and energy made; providing retroactive application; providing applicability; amending s. 205.0535, F.S.; providing that a county or municipality may repeal or reduce a local business tax by majority vote; amending s. 203.01, F.S.; providing for an additional tax on charges for, or the use of, certain electrical power or energy and the rate for such tax; providing an exemption; providing for the redistribution of certain taxes on electrical power and energy; amending s. 212.12, F.S.; conforming provisions to changes made by the act; providing that a seller of electrical power or energy may combine the collection of certain taxes if properly reflected in its return to the Department of Revenue; providing emergency rules; amending s. 212.20, F.S.; revising the distribution of taxes, including the taxes collected on charges for electrical power and energy; providing for a monthly distribution of a specified amount of sales tax revenue to a complex certified as a motorsports entertainment complex by the Department of Economic Opportunity; amending s. 212.17, F.S.; providing procedures, requirements, and calculation methodologies that allow dealers to obtain tax credits or refunds for taxes paid on worthless or uncollectible private-label credit card accounts or receivables; providing a cap on the amount that may be recovered; providing definitions; amending s. 288.1171, F.S.; authorizing the Department of Economic Opportunity to certify a single applicant as a motorsports entertainment complex if it meets specified criteria; authorizing the Auditor General to verify the expenditure of specified distributions and to notify the Department of Revenue of improperly expended funds so that it may pursue recovery; creating s. 288.127, F.S.; providing definitions; providing a purpose; creating the qualified television loan fund; requiring the Department of Economic Opportunity to contract with a fund administrator; providing fund administrator qualifications; providing for the fund administrator's compensation and removal; specifying the fund administrator powers and duties; providing the structure of the loans; providing qualified television content criteria; permitting the Auditor General to conduct an operational audit of the fund and the fund administrator; authorizing the Department of Economic Opportunity to adopt rules; providing for expiration of the act; providing emergency rulemaking authority; providing for expiration of the emergency rulemaking authority; amending s. 288.0001, F.S.; requiring an analysis of the qualified television loan fund in the Economic Development Programs Evaluation; amending s. 624.4094, F.S.; deleting a provision relating to the reporting or payment of specified insurance premium taxes; amending s. 624.509, F.S.; requiring an insurer to pay to the Department of Revenue a specified amount of the direct written premiums for bail bonds; specifying a period during which the sale of certain clothing, wallets, bags, school supplies, personal computers, and personal computer-related accessories are exempt from the sales tax; providing definitions; providing exceptions; authorizing the Department of Revenue to adopt emergency rules; providing an appropriation; providing an exemption from the sales and use tax for sales during a specified period of certain tangible personal property relating to hurricane preparedness; authorizing the Department of Revenue to adopt emergency rules; providing an appropriation; providing effective dates.

On motion by Senator Negron, further consideration of **HB 5601** with pending **Amendment 1 (965938)** was deferred.

THE PRESIDENT PRESIDING

CS for SB 1724—A bill to be entitled An act relating to human trafficking; creating s. 409.1754, F.S.; requiring the Department of Children and Families to develop or adopt initial screening and assessment instruments; specifying the process for the department to develop or adopt initial screening and assessment instruments; providing factors for placement in safe houses or safe foster homes; authorizing entities to use additional assessment instruments; requiring the department, community-based care lead agencies, and Department of Juvenile Justice staff administering the detention risk assessment instrument to receive specified training; requiring the Department of Children and Families and lead agencies to hold multidisciplinary staffings under certain conditions; requiring the department and lead agencies to develop specific plans and protocols; directing the department, the Department of Juvenile Justice, and lead agencies to participate in coalitions, task forces, or similar organizations to coordinate local responses to human trafficking; requiring the Department of Children and Families to attempt to initiate a task force if none is active in a local area; amending s. 409.1678, F.S.; providing definitions; requiring that safe houses and safe foster homes be certified by the department; providing requirements for certification as a safe house or safe foster home; requiring the department to inspect safe houses and safe foster homes; requiring specified training for persons providing services in safe houses and safe foster homes; authorizing the department to adopt rules; requiring residential treatment centers or hospitals to provide specialized treatment; providing for service providers to obtain federal or local funding under certain conditions; providing for scope of availability of services; amending s. 39.524, F.S.; providing for review of safe harbor placement of a child in a safe house or safe foster home; revising criteria for placement; authorizing placement in settings other than safe houses and safe foster homes under certain conditions; amending s. 394.495, F.S.; including trauma-informed services for sexually exploited children in the child and adolescent mental health system of care; amending ss. 39.401, 796.07, and 985.115, F.S.; conforming cross-references; creating s. 16.617, F.S.; creating the Statewide Council on Human Trafficking within the Department of Legal Affairs; providing the purpose of the council; providing for membership of the council, appointment of members, and reimbursement of members; providing for meetings; requiring the Department of Legal Affairs to provide staff to the council; specifying duties of the council; requiring an annual report to the Legislature by a specified date; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study on commercial exploitation of children in Florida and related topics; requiring an annual report to the Governor and the Legislature; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 1724**, on motion by Senator Sobel, by two-thirds vote **CS for CS for HB 7141** was withdrawn from the Committees on Children, Families, and Elder Affairs; and Appropriations.

On motion by Senator Sobel—

CS for CS for HB 7141—A bill to be entitled An act relating to human trafficking; creating s. 409.1754, F.S.; requiring the Department of Children and Families, in consultation with other agencies, organizations, and individuals, to employ screening and assessment instruments to determine appropriate services for sexually exploited children; providing criteria for placement of such children in safe houses or safe foster homes; permitting certain agencies to use additional assessment instruments; requiring certain employees of the department, community-based care lead agencies, and staff administering the detention risk assessment instrument to receive specialized training; requiring the department and lead agencies to hold multidisciplinary staffings under certain conditions; requiring the department and lead agencies to develop specific plans and protocols; directing the department, the Department of Juvenile Justice, and lead agencies to participate in coalitions, task forces, or similar organizations to coordinate local responses to human trafficking; requiring the department to initiate a local task force under certain circumstances; amending s. 409.1678, F.S.; providing definitions; requiring the department to certify safe houses and safe foster homes and certain residential facilities; providing requirements for certification as a safe house or safe foster home; requiring the department to inspect safe houses and safe foster homes; requiring training for persons providing services in safe houses and safe foster homes; providing rulemaking authority to the department; requiring residential treatment centers or hospitals to provide specialized treatment; providing for service providers to obtain federal or local funding under certain conditions; providing for scope of availability of services; amending s. 39.524, F.S.; providing for review of safe harbor placement of a child in a safe house or safe foster home; revising criteria for placement; authorizing placement in settings other than safe houses and safe foster homes under certain conditions; amending ss. 39.401, 796.07, and 985.115, F.S.; conforming references; amending s. 394.495, F.S.; including trauma-informed services for sexually exploited children in the child and adolescent mental health system of care; requiring the Office of Program Policy Analysis and Government Accountability to conduct studies and submit reports to the Governor and Legislature; creating s. 16.617, F.S.; creating the Statewide Council on Human Trafficking; providing for membership, organization, support, and duties; requiring an annual report; providing for a transfer of general revenue funds and establishing positions; providing an effective date.

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

Senator Altman moved the following amendment:

Amendment 1 (954018) (with title amendment)—Between lines 555 and 556 insert:

Section 10. Section 409.991, Florida Statutes, is created to read:

409.991 Allocation of funds for community-based care lead agencies.—

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

(a) "Core services funding" means all funds allocated to community-based care lead agencies operating under contract with the department pursuant to s. 409.1671, with the following exceptions:

1. Funds appropriated for independent living;

2. Funds appropriated for maintenance adoption subsidies;

3. Funds allocated by the department for protective investigations training;

4. Nonrecurring funds;

5. Designated mental health wrap-around services funds; and

6. Funds for special projects for a designated community-based care lead agency.

(b) "Fair-share funding allocation model" means an allocation model that uses the following factors:

1. Proportion of child abuse hotline workload; and

2. Proportion of children in care;

(c) "Proportion of child abuse hotline workload" means the weighted average of the following subcomponents:

1. The average number of initial and additional child abuse reports received during the most recent calendar year based on child protective investigations trend reports as determined by the department. This subcomponent shall be weighted as 20 percent of the factor.

2. The average count of children in investigations in the most recent calendar year based on child protective investigations trend reports as determined by the department. This subcomponent shall be weighted as 40 percent of the factor.

3. The average count of children in investigations with a verified finding of abuse in the most recent calendar year based on child protective investigations trend reports as determined by the department. This subcomponent shall be weighted as 40 percent of the factor.

(d) "Proportion of children in care" means the proportion of the aggregate number of children in care receiving out-of-home services and the number of children receiving in-home case management services during the most recent calendar year.

1. The subcomponent of out-of-home care shall be weighted as 60 percent of the factor.

2. The subcomponent of in-home case management services shall be weighted as 40 percent of the factor.

(2) The fair-share model proportion shall be calculated based on the following weights:

(b) Proportion of child abuse hotline workload shall be weighted as 70 percent of the total;

(c) Proportion of children in care shall be weighted as 30 percent of the total.

(3) Beginning in the 2014-2015 state fiscal year, the recurring core services funding for each community-based care lead agency shall be based on the prior year recurring base of such funding.

(4) Unless otherwise specified in the General Appropriations Act, any new funds shall be allocated based on the fair-share funding allocation model. New allocations to core services funding shall be allocated only to community-based care lead agencies when such agencies' current funding proportion is less than their proportion of funding based upon the fair-share funding allocation model.

And the title is amended as follows:

Between lines 51 and 52 insert: creating s. 409.991, F.S.; defining terms; providing requirements for the allocation of funds for community-based lead care agencies;

On motion by Senator Sobel, further consideration of **CS for CS for HB 7141** with pending **Amendment 1 (954018)** was deferred.

CS for SB 758—A bill to be entitled An act relating to title insurer reserves; amending s. 625.041, F.S.; specifying that a title insurer is liable for all of its unpaid losses and claims; amending s. 625.111, F.S.; revising and specifying the reserves certain title insurers must set aside; specifying how such reserves will be released; specifying which state law governs the amount of the reserve when a title insurer transfers its domicile to this state; defining "bulk reserve"; amending ss. 624.407 and 624.408, F.S.; conforming cross-references; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 758**, on motion by Senator Lee, by two-thirds vote **CS for CS for HB 805** was withdrawn from the Committees on Banking and Insurance; and Commerce and Tourism.

On motion by Senator Lee—

CS for CS for HB 805—A bill to be entitled An act relating to title insurer reserves; amending s. 625.041, F.S.; revising criteria with respect to liabilities charged against assets in determinations of financial condition; amending s. 625.111, F.S.; specifying the reserves certain title insurers must set aside after a certain date; specifying the manner in which reserves must be released; specifying which state law governs the amount of the reserve for a title insurer who transfers domicile to this state; providing that a domestic title insurer is not required to record separate bulk reserves; requiring a domestic title insurer to obtain approval from the Office of Insurance Regulation before using or recording a bulk reserve; revising and providing definitions; amending ss. 624.407 and 624.408, F.S.; conforming cross-references; providing an effective date.

—a companion measure, was substituted for **CS for SB 758** and read the second time by title.

Senator Lee moved the following amendment which was adopted:

Amendment 1 (543720) (with title amendment)—Delete line 299 and insert:

Section 5. Effective January 1, 2015, subsection (8) of section 624.509, Florida Statutes, is amended to read:

624.509 Premium tax; rate and computation.—

(8) ~~From and after July 1, 1980,~~ The premium tax authorized by this section *may* ~~shall~~ not be imposed *on:* ~~upon~~

(a) Any portion of the title insurance premium, as defined in s. 627.7711, retained by a title insurance agent or agency. It is the intent of the Legislature that the continuation of this exemption be contingent on title insurers adding employees to their payroll. Between July 1, 2014, and July 1, 2016, title insurers currently holding a valid certificate of authority from this state shall, in the aggregate, add a minimum of 600 Florida-based employees to their payroll, as verified by the Department of Economic Opportunity. The department shall submit such verification to the President of the Senate and the Speaker of the House of Representatives by October 1, 2016. This paragraph expires December 31, 2017, unless reenacted by the Legislature before that date; or

(b) Receipts of annuity premiums or considerations paid by holders in this state if the tax savings derived are credited to the annuity holders. Upon request by the Department of Revenue, *an* ~~any~~ insurer availing itself of this provision shall submit to the department evidence *that* ~~which~~ establishes that the tax savings derived have been credited to annuity holders. As used in this *paragraph* ~~subsection~~, the term "holders" *includes* ~~shall be deemed to include~~ employers contributing to an employee's pension, annuity, or profit-sharing plan.

Section 6. Subsection (2) of section 627.7711, Florida Statutes, is amended to read:

627.7711 Definitions.—As used in this part, the term:

(2) "Premium" means the charge, as specified by rule of the commission, *which* ~~that~~ is made by a title insurer for a title insurance policy, including the charge for performance of primary title services by a title insurer or title insurance agent or agency, and incurring the risks incident to such policy, under the several classifications of title insurance contracts and forms~~, and upon which charge a premium tax is paid under s. 624.509~~. As used in this part or in any other law, with respect to title insurance, the word "premium" does not include a commission.

Section 7. 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 lines 17-18 and insert: conforming cross-references; amending s. 624.509, F.S.; revising provisions relating to premium taxes paid by insurers; providing that the tax does not apply to any portion of the premium retained by a title insurance agent or agency; providing legislative intent; requiring certified title insurers to add a specified number of jobs within a certain time; providing for expiration; amending s. 627.7711, F.S.; conforming provisions to changes made by the act; providing effective dates.

Pursuant to Rule 4.19, **CS for CS for HB 805** as amended was placed on the calendar of Bills on Third Reading.

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

CS for CS for HB 7141—A bill to be entitled An act relating to human trafficking; creating s. 409.1754, F.S.; requiring the Department of Children and Families, in consultation with other agencies, organizations, and individuals, to employ screening and assessment instruments to determine appropriate services for sexually exploited children; providing criteria for placement of such children in safe houses or safe foster homes; permitting certain agencies to use additional assessment instruments; requiring certain employees of the department, community-based care lead agencies, and staff administering the detention risk assessment instrument to receive specialized training; requiring the department and lead agencies to hold multidisciplinary staffings under certain conditions; requiring the department and lead agencies to develop specific plans and protocols; directing the department, the Department of Juvenile Justice, and lead agencies to participate in coalitions, task forces, or similar organizations to coordinate local responses to human trafficking; requiring the department to initiate a local task force under certain circumstances; amending s. 409.1678, F.S.; providing definitions; requiring the department to certify safe houses and safe foster homes and certain residential facilities; providing requirements for certification as a safe house or safe foster home; requiring the de-

partment to inspect safe houses and safe foster homes; requiring training for persons providing services in safe houses and safe foster homes; providing rulemaking authority to the department; requiring residential treatment centers or hospitals to provide specialized treatment; providing for service providers to obtain federal or local funding under certain conditions; providing for scope of availability of services; amending s. 39.524, F.S.; providing for review of safe harbor placement of a child in a safe house or safe foster home; revising criteria for placement; authorizing placement in settings other than safe houses and safe foster homes under certain conditions; amending ss. 39.401, 796.07, and 985.115, F.S.; conforming references; amending s. 394.495, F.S.; including trauma-informed services for sexually exploited children in the child and adolescent mental health system of care; requiring the Office of Program Policy Analysis and Government Accountability to conduct studies and submit reports to the Governor and Legislature; creating s. 16.617, F.S.; creating the Statewide Council on Human Trafficking; providing for membership, organization, support, and duties; requiring an annual report; providing for a transfer of general revenue funds and establishing positions; providing an effective date.

—which was previously considered this day. Pending **Amendment 1 (954018)** by Senator Altman was withdrawn.

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

Senator Sobel moved the following amendment:

Amendment 2 (544228) (with title amendment)—Between lines 555 and 556 insert:

Section 10. Section 409.997, Florida Statutes, is created to read:

409.997 Child welfare results-oriented accountability program.—

(1) The department and its contract providers, including lead agencies, community-based care providers, and other community partners participating in the state's child protection and child welfare system, share the responsibility for achieving the outcome goals specified in s. 409.986(2).

(2) The department shall contract with a qualified consultant or organization with expertise in child welfare by August 31, 2014, to prepare a plan for development and implementation of a comprehensive, results-oriented accountability program consistent with this section. The plan, which must be submitted to the Governor, the President of the Senate, and the Speaker of the House by February 1, 2015, shall:

(a) Identify essential data sets;

(b) Assess the availability and validity of essential data;

(c) Propose options for aggregating the available data;

(d) Specify valid and reliable measures for each outcome goal;

(e) Describe specific steps and analytical procedures necessary for the computation of the outcome measures;

(f) Propose formats, presentations, and other methods of disseminating the accountability information;

(g) Describe specific activities and procedures for integrating the accountability information into the quality assurance and performance monitoring activities of the department and its child welfare partner organizations;

(h) Propose a timeline and work plan for implementation of the accountability program and provide an estimate of associated costs; and

(i) Identify any other significant considerations that may have a material effect on the implementation of the accountability program required by this section.

This subsection expires June 30, 2015.

(3) The purpose of the results-oriented accountability program is to monitor and measure the use of resources, the quality and amount of services provided, and child and family outcomes. The program includes data analysis, research review, and evaluation. The program shall produce an assessment of individual entities' performance, as well as the performance of groups of entities working together on a local, regional, and statewide basis to provide an integrated system of care. Data analyzed and communicated through the accountability program shall inform the department's development and maintenance of an inclusive, interactive, and evidence-supported program of quality improvement which promotes individual skill building as well as organizational learning. Additionally, outcome data generated by the program may be used as the basis for payment of performance incentives if funds for such payments are made available through the General Appropriations Act. The information compiled and utilized in the accountability program must incorporate, at a minimum:

(a) Valid and reliable outcome measures for each of the goals specified in this subsection. The outcome data set must consist of a limited number of understandable measures using available data to quantify outcomes as children move through the system of care. Such measures may aggregate multiple variables that affect the overall achievement of the outcome goals. Valid and reliable measures must be based on adequate sample sizes, be gathered over suitable time periods, and reflect authentic rather than spurious results, and may not be susceptible to manipulation.

(b) Regular and periodic monitoring activities that track the identified outcome measures on a statewide, regional, and provider-specific basis. Monitoring reports must identify trends and chart progress toward achievement of the goals specified in this subsection. The accountability program may not rank or compare performance among community-based care regions unless adequate and specific adjustments are adopted which account for the diversity in regions' demographics, resources, and other relevant characteristics. The requirements of the monitoring program may be incorporated into the department's quality assurance program.

(c) An analytical framework that builds on the results of the outcomes monitoring procedures and assesses the statistical validity of observed associations between child welfare interventions and the measured outcomes. The analysis must use quantitative methods to adjust for variations in demographic or other conditions. The analysis must include longitudinal studies to evaluate longer term outcomes, such as continued safety, family permanence, and transition to self-sufficiency. The analysis may also include qualitative research methods to provide insight into statistical patterns.

(d) A program of research review to identify interventions that are supported by evidence as causally linked to improved outcomes.

(e) An ongoing process of evaluation to determine the efficacy and effectiveness of various interventions. Efficacy evaluation is intended to determine the validity of a causal relationship between an intervention and an outcome. Effectiveness evaluation is intended to determine the extent to which the results can be generalized.

(f) Procedures for making the results of the accountability program transparent for all parties involved in the child welfare system as well as policymakers and the public, which shall be updated at least quarterly and published on the department's website in a manner that allows custom searches of the performance data. The presentation of the data shall provide a comprehensible, visual report card for the state and each community-based care region, indicating the current status of the outcomes relative to each goal and trends in that status over time. The presentation shall identify and report outcome measures that assess the performance of the department, the community-based care lead agencies, and their subcontractors working together to provide an integrated system of care.

(g) An annual performance report that is provided to interested parties including the dependency judge or judges in the community-based care service area. The report shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by October 1 of each year.

(4) Subject to a specific appropriation to implement the accountability program developed under subsection (2), the department shall establish a technical advisory panel consisting of representatives from the Florida Institute for Child Welfare established pursuant to s. 1004.615, lead agencies, community-based care providers, other contract providers, community alliances, and family representatives. The President of the Senate and the Speaker of the House of Representatives shall each ap-

point a member to serve as a legislative liaison to the panel. The technical advisory panel shall advise the department on the implementation of the results-oriented accountability program.

Section 11. *In the event that SB 1666 or similar legislation is passed during the 2014 Legislative Session and becomes law, and such legislation creates s. 409.997, Florida Statutes, the provisions of this act which create s. 409.997, Florida Statutes, shall supersede the provisions of SB 1666. For the 2014-2015 fiscal year, the recurring sum of $4.8 million is appropriated from the General Revenue Fund to implement s. 39.5085(2)(a)3., Florida Statutes, as part of the Relative Caregiver Program as provided in SB 1666, if such legislation or similar legislation is passed during the 2014 Legislative Session and becomes law. For the 2014-2015 fiscal year, the recurring sum of $400,000 is appropriated from the General Revenue Fund for travel, per diem, and other expenses for the critical incident rapid response teams created pursuant to s. 39.2015, Florida Statutes, as provided in SB 1666, if such legislation or similar legislation is passed during the 2014 Legislative Session and becomes law. Two full-time equivalent positions, associated salary rate of 171,500, along with the recurring sum of $257,670 and nonrecurring sum of $7,330 are appropriated from the General Revenue Fund to establish the assistant secretary and administrative support positions as provided in SB 1666, if such legislation or similar legislation is passed during the 2014 Legislative Session and becomes law. There is also appropriated the nonrecurring sums from the General Revenue Fund of $500,000 for the Student Loan Forgiveness Program as provided in SB 1666, if such legislation or similar legislation is passed during the 2014 Legislative Session and becomes law, and $300,000 to contract for child welfare results-oriented accountability system outcomes as provided in this act.*

And the title is amended as follows:

Between lines 51 and 52 insert: creating s. 409.997, F.S.; requiring the department to contract with a specified entity to prepare a plan for the development and implementation of a comprehensive, results-oriented accountability program; requiring the plan to be submitted to the Governor and the Legislature by a specified date; providing requirements for the plan and the program; requiring the department to establish a technical advisory panel consisting of specified representatives; providing appropriations and authorizing positions;

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

Senator Grimsley moved the following amendment to **Amendment 2 (544228)** which was adopted:

Amendment 2A (577024)—Delete lines 9-12 and insert:

(1) The department, the community-based care lead agencies, and the lead agencies' subcontractors share the responsibility for achieving

Amendment 2 (544228) as amended was adopted.

Pursuant to Rule 4.19, **CS for CS for HB 7141** as amended was placed on the calendar of Bills on Third Reading.

SB 1084—A bill to be entitled An act relating to public assistance fraud; amending s. 414.39, F.S.; providing enhanced criminal penalties if the value of public assistance or identification wrongfully received, retained, misappropriated, sought, or used is of an aggregate value exceeding specified amounts; providing for a reward for a report of original information relating to a violation of the state's public assistance fraud laws if the information and report meet specified requirements; amending s. 414.095, F.S.; limiting to a specified period the use of temporary cash assistance benefits out of state; requiring rulemaking; requiring that a parent or caretaker relative who has been disqualified due to fraud have a protective payee designated to receive temporary cash assistance benefits for eligible children; providing requirements for protective payees; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 1084**, on motion by Senator Evers, by two-thirds vote **CS for HB 515** was withdrawn from the Committees on Criminal Justice; Appropriations Subcommittee on Health and Human Services; and Appropriations.

On motion by Senator Evers—

CS for HB 515—A bill to be entitled An act relating to public assistance fraud; amending s. 414.39, F.S.; providing enhanced criminal penalties if the value of public assistance or identification wrongfully received, retained, misappropriated, sought, or used is of an aggregate value exceeding specified amounts; providing for a reward for a report of original information relating to a violation of the state's public assistance fraud laws if the information and report meet specified requirements; amending s. 414.095, F.S.; limiting to a specified period the use of temporary cash assistance benefits out of state; requiring rulemaking; requiring that a parent or caretaker relative who has been disqualified due to fraud have a protective payee designated to receive temporary cash assistance benefits for eligible children; providing requirements for protective payees; providing appropriations and authorizing positions; providing an effective date.

—a companion measure, was substituted for **SB 1084** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 515** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for CS for SB 746** was deferred.

CS for CS for SB 872—A bill to be entitled An act relating to Alzheimer's disease; amending s. 252.355, F.S.; requiring the Division of Emergency Management, in coordination with local emergency management agencies, to maintain a registry of persons with special needs; requiring the division to develop and maintain a special needs shelter registration program by a specified date; requiring specified agencies and authorizing specified health care providers to provide registration information to special needs clients or their caregivers and to assist emergency management agencies in registering persons for special needs shelters; amending s. 381.0303, F.S.; providing additional staffing requirements for special needs shelters; requiring special needs shelters to establish designated shelter areas for persons with Alzheimer's disease or related forms of dementia; authorizing the Department of Health, in coordination with the division, to adopt rules relating to standards for the special needs registration program; creating s. 381.82, F.S.; establishing the Ed and Ethel Moore Alzheimer's Disease Research Program within the department; requiring the program to provide grants and fellowships for research relating to Alzheimer's disease; creating the Alzheimer's Disease Research Grant Advisory Board; providing for appointment and terms of members; providing for organization, duties, and operating procedures of the board; requiring the department to provide staff to assist the board in carrying out its duties; requiring the board to annually submit recommendations for proposals to be funded; requiring a report be submitted to the Governor, Legislature, and State Surgeon General; exempting certain activities of the board from the Administrative Procedures Act; authorizing the department to adopt rules; providing that implementation of the program is subject to appropriation; amending s. 430.502, F.S.; updating the name of the memory disorder clinic established in Brevard County; requiring the Department of Elderly Affairs to develop minimum performance standards for memory disorder clinics to receive base-level annual funding; requiring the department to provide incentive-based funding, subject to appropriation, for certain memory disorder clinics; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 872**, on motion by Senator Richter, by two-thirds vote **CS for CS for HB 709** was withdrawn from the Committees on Health Policy; Governmental Oversight and Accountability; and Appropriations.

On motion by Senator Richter—

CS for CS for HB 709—A bill to be entitled An act relating to Alzheimer's disease; amending s. 252.355, F.S.; requiring the Division of Emergency Management, in coordination with local emergency management agencies, to maintain a registry of persons with special needs; requiring the division to develop and maintain a special needs shelter registration program by a specified date; requiring specified agencies and authorizing specified health care providers to provide registration

information to special needs clients or their caregivers and to assist emergency management agencies in registering persons for special needs shelters; amending s. 381.0303, F.S.; providing additional staffing requirements for special needs shelters; requiring special needs shelters to establish designated shelter areas for persons with Alzheimer's disease or related forms of dementia; authorizing the Department of Health, in coordination with the division, to adopt rules relating to standards for the special needs registration program; creating s. 381.82, F.S.; establishing the Ed and Ethel Moore Alzheimer's Disease Research Program within the department; requiring the program to provide grants and fellowships for research relating to Alzheimer's disease; creating the Alzheimer's Disease Research Grant Advisory Board; providing for appointment and terms of members; providing for organization, duties, and operating procedures of the board; requiring the department to provide staff to assist the board in carrying out its duties; requiring the board to annually submit recommendations for proposals to be funded; requiring a report to the Governor, Legislature, and State Surgeon General; exempting certain activities of the board from the Administrative Procedure Act; authorizing the department to adopt rules; providing that implementation of the program is subject to appropriation; amending s. 430.502, F.S.; updating the name of the memory disorder clinic established in Brevard County; requiring the Department of Elderly Affairs to develop minimum performance standards for memory disorder clinics to receive base-level annual funding; requiring the department to provide incentive-based funding, subject to appropriation, for certain memory disorder clinics; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 872** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 709** was placed on the calendar of Bills on Third Reading.

CS for CS for CS for SB 746—A bill to be entitled An act relating to the Health Care Clinic Act; amending s. 400.9905, F.S.; redefining the term "clinic"; exempting certain federally certified clinics from licensure under the act; amending s. 400.995, F.S.; providing that a clinic is subject to penalties if it engages physicians whose licenses have been suspended or revoked; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for CS for SB 746**, on motion by Senator Sobel, by two-thirds vote **CS for CS for HB 7113** was withdrawn from the Committees on Health Policy; Appropriations Subcommittee on Health and Human Services; and Appropriations.

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

CS for CS for HB 7113—A bill to be entitled An act relating to health care; amending s. 395.1051, F.S.; requiring a hospital to notify obstetrical physicians before the hospital closes its obstetrical department or ceases to provide obstetrical services; permitting a hospital that has operated as a Level I, Level II, or pediatric trauma center for a specified period to continue operating at that trauma center level under certain conditions, notwithstanding any other provision of law; making a hospital that complies with such requirements eligible for renewal of its 7-year approval period under s. 395.4025(6); permitting a hospital that has operated as a Level I, Level II, or pediatric trauma center for a specified period and is verified by the Department of Health on or before a certain date to continue operating at that trauma center level under certain conditions, notwithstanding any other provision of law; making a hospital that complies with such requirements eligible for renewal of its 7-year approval period under s. 395.4025(6); amending s. 395.401, F.S.; restricting trauma service fees to $15,000 until July 1, 2015; amending s. 395.402, F.S.; deleting factors to be considered by the department in conducting an assessment of the trauma system; assigning Collier County to trauma service area 15 rather than area 17; amending s. 395.4025, F.S.; permitting a trauma center or hospital located in the same trauma service area to protest a decision by the department to approve another trauma center; establishing a moratorium on the approval of additional trauma centers until the earlier of July 1, 2015, or upon the effective date a rule adopted by the department allocating the number of trauma centers needed for each trauma service area; requiring a trauma center to post its trauma activation fee in the trauma center and on its website; creating s. 456.47, F.S.; defining terms; providing for certain practice standards for telehealth providers; providing for the maintenance and confidentiality of medical records; requiring the registration of health care professionals not licensed in this state to use telehealth to deliver health care services; providing registration requirements; prohibiting registrants from opening an office or providing in-person health care services in this state; requiring a registrant to notify the appropriate board or the department of certain actions against the registrant's professional license; prohibiting a health care professional with a revoked license from being registered as a telehealth provider; providing exemptions to the registration requirement; providing rulemaking authority; amending s. 408.036, F.S.; providing an exemption from certificate-of-need requirements for the relocation of a specified percentage of acute care hospital beds from a licensed hospital to another location; requiring certain information to be included in a request for exemption; amending s. 381.026, F.S.; including independent nurse practitioners within the definition of "health care provider"; amending s. 382.008, F.S.; authorizing independent nurse practitioners to certify causes of death and to sign, correct, and file death certificates; amending s. 394.463, F.S.; authorizing an independent nurse practitioner to execute a certificate to require, under the Baker Act, an involuntary examination of a person; authorizing a qualified independent nurse practitioner to examine a person at a receiving facility and approve the release of a person at the receiving facility under the Baker Act; amending s. 456.048, F.S.; requiring independent nurse practitioners to maintain medical malpractice insurance or provide proof of financial responsibility; exempting independent nurse practitioners from such requirements under certain circumstances; amending s. 456.44, F.S.; providing certain requirements for independent nurse practitioners who prescribe controlled substances for the treatment of chronic nonmalignant pain; amending s. 464.003, F.S.; revising the definition of the term "advanced or specialized nursing practice" to require a joint committee to establish an exclusionary formulary of controlled substances; defining the term "independent nurse practitioner"; amending s. 464.012, F.S.; authorizing advanced registered nurse practitioners to perform certain acts as they relate to controlled substances; providing limitations; amending s. 464.0125, F.S., providing for the registration of qualified advanced registered nurse practitioners as independent nurse practitioners; authorizing registered independent nurse practitioners to perform certain acts; requiring advanced registered nurse practitioners registered as independent nurse practitioners to include their registered status on their practitioner profiles; requiring independent nurse practitioners to complete a certain amount of continuing education in pharmacology for biennial renewal of registration; aligning the biennial renewal cycle period for registration for independent nurse practitioners with the advanced registered nurse practitioner licensure renewal cycle; authorizing the Board of Nursing to establish fees by rule; providing the board with rulemaking authority; amending s. 464.015, F.S.; providing title protection for independent nurse practitioners; creating s. 464.0155, F.S., requiring independent nurse practitioners to report adverse incidents to the Board of Nursing in a certain manner; defining the term "adverse incident"; providing for board review of the adverse incident; authorizing the board to take disciplinary action for adverse incidents; amending s. 464.018, F.S.; adding certain acts to an existing list of acts for which nurses may be administratively disciplined; amending s. 893.02, F.S.; redefining the term "practitioner" to include independent nurse practitioners; amending s. 960.28, F.S.; conforming a cross-reference; amending s. 288.901, F.S.; requiring Enterprise Florida, Inc., to collaborate with the Department of Economic Opportunity to market this state as a health care destination; amending s. 288.923, F.S.; directing the Division of Tourism Marketing to include the promotion of medical tourism in its marketing plan; creating s. 288.924, F.S.; requiring the medical tourism plan to promote national and international awareness of the qualifications, scope of services, and specialized expertise of health care providers in this state and to include an initiative to showcase qualified health care providers; requiring a specified amount of funds appropriated to the Florida Tourism Industry Marketing Corporation to be allocated for the medical tourism marketing plan; requiring the Florida Tourism Industry Marketing Corporation to create a matching grant program; specifying criteria for the grant program; requiring that a specified amount of funds appropriated to the Florida Tourism Industry Marketing Corporation be allocated for the grant program; amending s. 456.072, F.S.; providing additional grounds for discipline of a licensee of the department by a regulatory board; requiring the suspension and fining of an independent nurse practitioner for prescribing or dispensing a controlled substance in a certain manner; amending s. 893.055, F.S.; revising definitions; revising provisions relating to the database of con-

trolled substance dispensing information; revising program funding requirements; requiring a prescriber to access and view certain patient information in the database before initially prescribing a controlled substance; providing requirements related to the release of identifying information; providing requirements for the release of information shared with a state attorney in response to a discovery demand; providing procedures for the release of information to a law enforcement agency during an active investigation; requiring the department to enter into a user agreement with a law enforcement agency requesting the release of information; providing requirements for the user agreement; requiring a law enforcement agency under a user agreement to conduct annual audits; providing for the restriction, suspension, or termination of a user agreement; revising information retention requirements; revising provisions required in a contract with a direct-support organization; requiring the state to use certain properties and funds to support the program; providing for the adoption of specific rules by the department; amending s. 893.0551, F.S.; conforming references; amending s. 154.11, F.S.; authorizing a public health trust to execute contracts and other instruments with certain organizations without prior approval by the governing body of the county; amending s. 458.3485, F.S.; deleting a provision specifying entities authorized to certify medical assistants; amending s. 456.42, F.S.; requiring written prescriptions for specified controlled substances to be dated in a specified format; amending s. 465.014, F.S.; providing the number of registered pharmacy technicians a licensed pharmacist may supervise if approved by the Board of Pharmacy after considering certain factors; requiring the board to authorize a licensed pharmacist to supervise more than three pharmacy technicians if a licensee is employed by certain entities; requiring a licensee to provide the board with notice of employment status under certain circumstances; providing an appropriation to the Department of Health to fund the administration of the prescription drug monitoring program; amending s. 400.141, F.S.; revising provisions for administration and management of nursing home facilities; amending s. 465.189, F.S.; authorizing pharmacists to administer meningococcal and shingles vaccines under certain circumstances; amending ss. 458.347 and 459.022, F.S.; increasing the number of licensed physician assistants that a physician may supervise at any one time; providing an exception; revising circumstances under which a physician assistant is authorized to prescribe or dispense medication; revising requirements for medications prescribed or dispensed by physician assistants; revising application requirements for licensure as a physician assistant and license renewal; amending ss. 458.348 and 459.025, F.S.; defining the term "nonablative aesthetic skin care services"; authorizing a physician assistant who has completed specified education and clinical training requirements, or who has specified work or clinical experience, to perform nonablative aesthetic skin care services under the supervision of a physician; providing that a physician must complete a specified number of education and clinical training hours to be qualified to supervise physician assistants performing certain services; amending s. 400.9905, F.S.; providing an exemption from licensure under part X of chapter 400, F.S., in certain circumstances; providing effective dates.

—a companion measure, was substituted for **CS for CS for CS for SB 746** and read the second time by title.

Senator Sobel moved the following amendment which was adopted:

Amendment 1 (831186) (with title amendment)—Before line 218 insert:

Section 1. Present subsections (10) and (11) of section 394.9082, Florida Statutes, are renumbered as subsections (11) and (12), respectively, and a new subsection (10) is added to that section, to read:

394.9082 Behavioral health managing entities.—

(10) CRISIS STABILIZATION SERVICES UTILIZATION DATABASE.—The department shall develop, implement, and maintain standards under which a managing entity shall collect utilization data from all public receiving facilities situated within its geographic service area. As used in this subsection, the term "public receiving facility" means an entity that meets the licensure requirements of and is designated by the department to operate as a public receiving facility under s. 394.875 and that operates as a licensed crisis stabilization unit.

(a) The department shall develop standards and protocols for managing entities and public receiving facilities to be used for data collection, storage, transmittal, and analysis. The standards and protocols must allow for compatibility of data and data transmittal between public receiving facilities, managing entities, and the department for the implementation and requirements of this subsection. The department shall require managing entities contracted under this section to comply with this subsection by August 1, 2014.

(b) A managing entity shall require a public receiving facility within its provider network to submit data, in real time or at least daily, to the managing entity for:

1. All admissions and discharges of clients receiving public receiving facility services who qualify as indigent, as defined in s. 394.4787; and

2. Current active census of total licensed beds, the number of beds purchased by the department, the number of clients qualifying as indigent occupying those beds, and the total number of unoccupied licensed beds regardless of funding.

(c) A managing entity shall require a public receiving facility within its provider network to submit data, on a monthly basis, to the managing entity which aggregates the daily data submitted under paragraph (b). The managing entity shall reconcile the data in the monthly submission to the data received by the managing entity under paragraph (b) to check for consistency. If the monthly aggregate data submitted by a public receiving facility under this paragraph is inconsistent with the daily data submitted under paragraph (b), the managing entity shall consult with the public receiving facility to make corrections as necessary to ensure accurate data.

(d) A managing entity shall require a public receiving facility within its provider network to submit data, on an annual basis, to the managing entity which aggregates the data submitted and reconciled under paragraph (c). The managing entity shall reconcile the data in the annual submission to the data received and reconciled by the managing entity under paragraph (c) to check for consistency. If the annual aggregate data submitted by a public receiving facility under this paragraph is inconsistent with the data received and reconciled under paragraph (c), the managing entity shall consult with the public receiving facility to make corrections as necessary to ensure accurate data.

(e) After ensuring accurate data under paragraphs (c) and (d), the managing entity shall submit the data to the department on a monthly and annual basis. The department shall create a statewide database for the data described under paragraph (b) and submitted under this paragraph for the purpose of analyzing the payments for and the use of crisis stabilization services funded by the Baker Act on a statewide basis and on an individual public receiving facility basis.

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

(g) The department shall submit a report by January 31, 2015, and annually thereafter, to the Governor, the President of the Senate, and the Speaker of the House of Representatives which provides details on the implementation of this subsection, including the status of the data collection process and a detailed analysis of the data collected under this subsection.

(h) The implementation of this subsection is subject to specific appropriations provided to the department under the General Appropriations Act.

And the title is amended as follows:

Delete line 2 and insert: An act relating to health care; amending s. 394.9082, F.S.; requiring the Department of Children and Families to develop standards and protocols for the collection, storage, transmittal, and analysis of utilization data from public receiving facilities; defining the term "public receiving facility"; requiring the department to require compliance by managing entities by a specified date; requiring a managing entity to require public receiving facilities in its provider network to submit certain data within specified timeframes; requiring managing entities to reconcile data to ensure accuracy; requiring managing entities to submit certain data to the department within specified timeframes; requiring the department to create a statewide database; requiring the department to adopt rules; requiring the department to submit an annual report to the Governor and the Legislature; providing that implementation is subject to specific appropriations; amending s. 395.1051,

Senator Hays moved the following amendment which was adopted:

Amendment 2 (914160) (with title amendment)—Before line 218 insert:

Section 1. Subsection (4) of section 322.142, Florida Statutes, is amended to read:

322.142 Color photographic or digital imaged licenses.—

(4) The department may maintain a film negative or print file. The department shall maintain a record of the digital image and signature of the licensees, together with other data required by the department for identification and retrieval. Reproductions from the file or digital record are exempt from the provisions of s. 119.07(1) and shall be made and issued only:

(a) For departmental administrative purposes;

(b) For the issuance of duplicate licenses;

(c) In response to law enforcement agency requests;

(d) To the Department of Business and Professional Regulation pursuant to an interagency agreement for the purpose of accessing digital images for reproduction of licenses issued by the Department of Business and Professional Regulation;

(e) To the Department of State pursuant to an interagency agreement to facilitate determinations of eligibility of voter registration applicants and registered voters in accordance with ss. 98.045 and 98.075;

(f) To the Department of Revenue pursuant to an interagency agreement for use in establishing paternity and establishing, modifying, or enforcing support obligations in Title IV-D cases;

(g) To the Department of Children and Families pursuant to an interagency agreement to conduct protective investigations under part III of chapter 39 and chapter 415;

(h) To the Department of Children and Families pursuant to an interagency agreement specifying the number of employees in each of that department's regions to be granted access to the records for use as verification of identity to expedite the determination of eligibility for public assistance and for use in public assistance fraud investigations;

(i) To the Department of Financial Services pursuant to an interagency agreement to facilitate the location of owners of unclaimed property, the validation of unclaimed property claims, and the identification of fraudulent or false claims;

(j) To district medical examiners pursuant to an interagency agreement for the purpose of identifying a deceased individual, determining cause of death, and notifying next of kin of any investigations, including autopsies and other laboratory examinations, authorized in s. 406.11; ~~or~~

(k) To the following persons for the purpose of identifying a person as part of the official work of a court:

1. A justice or judge of this state;

2. An employee of the state courts system who works in a position that is designated in writing for access by the Chief Justice of the Supreme Court or a chief judge of a district or circuit court, or by his or her designee; or

3. A government employee who performs functions on behalf of the state courts system in a position that is designated in writing for access by the Chief Justice or a chief judge, or by his or her designee*; or*

(l) To the Department of Health pursuant to an interagency agreement to access digital images to verify the identity of an individual during an investigation under chapter 456, and for the reproduction of licenses issued by the Department of Health.

And the title is amended as follows:

Delete line 2 and insert: An act relating to health care; amending s. 322.142, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to provide reproductions of specified records to the Department of Health under certain circumstances; amending s. 395.1051,

Senator Grimsley moved the following amendment which was adopted:

Amendment 3 (711330) (with title amendment)—Delete lines 233-391 and insert:

Section 2. Present paragraphs (k) through (o) of subsection (1) of section 395.401, Florida Statutes, are redesignated as paragraphs (l) through (p), respectively, and a new paragraph (k) is added to that subsection, to read:

395.401 Trauma services system plans; approval of trauma centers and pediatric trauma centers; procedures; renewal.—

(1)

(k) A hospital operating a trauma center may not charge a trauma activation fee greater than $15,000. This paragraph expires on July 1, 2015.

Section 3. Subsections (2) and (4) of section 395.402, Florida Statutes, are amended, and subsection (5) is added to that section, to read:

395.402 Trauma service areas; number and location of trauma centers.—

(2) Trauma service areas as defined in this section are to be utilized until the Department of Health completes an assessment of the trauma system and reports its finding to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the substantive legislative committees. The report shall be submitted by February 1, 2005. The department shall review the existing trauma system and determine whether it is effective in providing trauma care uniformly throughout the state. The assessment shall:

~~(a) Consider aligning trauma service areas within the trauma region boundaries as established in July 2004.~~

(a)~~(b)~~ Review the number and level of trauma centers needed for each trauma service area to provide a statewide integrated trauma system.

(b)~~(c)~~ Establish criteria for determining the number and level of trauma centers needed to serve the population in a defined trauma service area or region.

(c)~~(d)~~ Consider including criteria within trauma center approval standards based upon the number of trauma victims served within a service area.

~~(e) Review the Regional Domestic Security Task Force structure and determine whether integrating the trauma system planning with interagency regional emergency and disaster planning efforts is feasible and identify any duplication of efforts between the two entities.~~

(d)~~(f)~~ Make recommendations regarding a continued revenue source which shall include a local participation requirement.

(e)~~(g)~~ Make recommendations regarding a formula for the distribution of funds identified for trauma centers which shall address incentives for new centers where needed and the need to maintain effective trauma care in areas served by existing centers, with consideration for the volume of trauma patients served, and the amount of charity care provided.

(4) Annually thereafter, the department shall review the assignment of the 67 counties to trauma service areas, in addition to the requirements of *subsections (2)* ~~paragraphs (2)(b)-(g)~~ and ~~subsection~~ (3). County assignments are made for the purpose of developing a system of trauma centers. Revisions made by the department shall *consider* ~~take into consideration~~ the recommendations made as part of the regional trauma system plans approved by the department and the recommendations made as part of the state trauma system plan. *If* ~~In cases where~~ a trauma service area is located within the boundaries of more than one trauma region, the trauma service area's needs, response capability, and system requirements shall be considered by each trauma region served

by that trauma service area in its regional system plan. ~~Until the department completes the February 2005 assessment, the assignment of counties shall remain as established in this section.~~

(a) The following trauma service areas are hereby established:

1. Trauma service area 1 shall consist of Escambia, Okaloosa, Santa Rosa, and Walton Counties.

2. Trauma service area 2 shall consist of Bay, Gulf, Holmes, and Washington Counties.

3. Trauma service area 3 shall consist of Calhoun, Franklin, Gadsden, Jackson, Jefferson, Leon, Liberty, Madison, Taylor, and Wakulla Counties.

4. Trauma service area 4 shall consist of Alachua, Bradford, Columbia, Dixie, Gilchrist, Hamilton, Lafayette, Levy, Putnam, Suwannee, and Union Counties.

5. Trauma service area 5 shall consist of Baker, Clay, Duval, Nassau, and St. Johns Counties.

6. Trauma service area 6 shall consist of Citrus, Hernando, and Marion Counties.

7. Trauma service area 7 shall consist of Flagler and Volusia Counties.

8. Trauma service area 8 shall consist of Lake, Orange, Osceola, Seminole, and Sumter Counties.

9. Trauma service area 9 shall consist of Pasco and Pinellas Counties.

10. Trauma service area 10 shall consist of Hillsborough County.

11. Trauma service area 11 shall consist of Hardee, Highlands, and Polk Counties.

12. Trauma service area 12 shall consist of Brevard and Indian River Counties.

13. Trauma service area 13 shall consist of DeSoto, Manatee, and Sarasota Counties.

14. Trauma service area 14 shall consist of Martin, Okeechobee, and St. Lucie Counties.

15. Trauma service area 15 shall consist of Charlotte, Glades, Hendry, and Lee Counties.

16. Trauma service area 16 shall consist of Palm Beach County.

17. Trauma service area 17 shall consist of Collier County.

18. Trauma service area 18 shall consist of Broward County.

19. Trauma service area 19 shall consist of Miami-Dade and Monroe Counties.

(b) Each trauma service area should have at least one Level I or Level II trauma center. The department shall allocate, by rule, the number of trauma centers needed for each trauma service area.

(c) There *may* ~~shall~~ be no more than ~~a total of~~ 44 trauma centers in the state.

(5) By October 1, 2014, the department shall convene the Florida Trauma System Plan Advisory Committee in order to review the Trauma System Consultation Report issued by the American College of Surgeons Committee on Trauma dated February 2-5, 2013. Based on this review, the advisory council shall submit recommendations, including recommended statutory changes, to the President of the Senate and the Speaker of the House of Representatives by February 1, 2015. The advisory council may make recommendations to the State Surgeon General regarding the continuing development of the state trauma system. The advisory council shall consist of the following nine representatives of an inclusive trauma system appointed by the State Surgeon General:

(a) A trauma patient, or a family member of a trauma patient, who has sustained and recovered from severe injuries;

(b) A member of the Florida Committee on Trauma;

(c) A member of the Association of Florida Trauma Coordinators;

(d) A chief executive officer of a nontrauma acute care hospital who is a member of the Florida Hospital Association;

(e) A member of the Florida Emergency Medical Services Advisory Council;

(f) A member of the Florida Injury Prevention Advisory Council;

(g) A member of the Brain and Spinal Cord Injury Program Advisory Council;

(h) A member of the Florida Chamber of Commerce; and

(i) A member of the Florida Health Insurance Advisory Board.

Section 4. Subsection (7) of section 395.4025, Florida Statutes, is amended, and subsections (15) and (16) are added to that section, to read:

395.4025 Trauma centers; selection; quality assurance; records.—

(7) *A* ~~Any~~ hospital that *has submitted an application for selection as a trauma center may* ~~wishes to~~ protest *an adverse* ~~a~~ decision made by the department based on the department's preliminary*, provisional,* or in-depth review of *its application,* ~~applications~~ or on the recommendations of the site visit review team pursuant to this section*, and* shall proceed as provided *under* ~~in~~ chapter 120. Hearings held under this subsection shall be conducted in the same manner as provided in ss. 120.569 and 120.57. Cases filed under chapter 120 may combine all disputes between parties.

(15) Notwithstanding any other law, a hospital designated as a provisional or verified as a Level I, Level II, or pediatric trauma center after the enactment of chapter 2004-259, Laws of Florida, whose approval has not been revoked may continue to operate at the same trauma center level until the approval period in subsection (6) expires if the hospital continues to meet the other requirements of part II of this chapter related to trauma center standards and patient outcomes. A hospital that meets the requirements of this section is eligible for renewal of its 7-year approval period pursuant to subsection (6).

(16) Except as otherwise provided in this act, the department may not verify, designate, or provisionally approve any hospital to operate as a trauma center through the procedures established in subsections (1)-(14), unless the hospital is designated as a provisional Level I trauma center and is seeking to be verified as a Level I trauma center as of July 1, 2014. This subsection expires on the earlier of July 1, 2015, or upon the entry of a final order affirming the validity of a proposed rule of the department allocating the number of trauma centers needed for each trauma service area as provided in s. 395.402(4).

And the title is amended as follows:

Delete lines 6-37 and insert: amending s. 395.401, F.S.; limiting trauma service fees to a certain amount; providing for future expiration; conforming a cross-reference; amending s. 395.402, F.S.; revising provisions relating to the contents of the Department of Health trauma system assessment; requiring the Department of Health to convene the Florida Trauma System Plan Advisory Committee by a specified date; requiring the advisory council to review the Trauma System Consultation Report and make recommendations to the Legislature by a specified date; authorizing the advisory council to make recommendations to the State Surgeon General; designating the membership of the advisory council; amending s. 395.4025, F.S.; specifying that only applicants for trauma centers may protest an adverse decision made by the department; authorizing certain provisional and verified trauma centers to continue operating and to apply for renewal; restricting the department from verifying, designating, or provisionally approving certain hospitals as trauma centers; providing for future expiration; creating s. 456.47, F.S.; defining terms;

Senator Diaz de la Portilla moved the following amendment which failed:

Amendment 4 (340216) (with title amendment)—Between lines 391 and 392 insert:

Section 6. Section 395.4027, Florida Statutes, is created to read:

395.4027 Florida Teletrauma Pilot Project.—

(1) DEFINITION.—As used in this section, the term "teletrauma health care" means the remote management or assistance in management of the care of a trauma patient using telemedicine technology to allow the remote presence of a health care provider from a Level I trauma center in geographic areas in which such trauma centers are not available.

(2) FLORIDA TELETRAUMA PILOT PROJECT.—

(a) A pilot project is created to allow a teaching hospital with multiple hospitals operating under a single license which is in a county with a population of more than two million people and also serves as the surgical training facility for branches of the United States military to provide trauma services at any of its hospitals through the use of telemedicine from its existing Level I trauma center, provided that the hospitals that provide these services meet the requirements for staffing and infrastructure of a Level II trauma center.

(b) Additional trauma centers may not apply or be verified in the impacted trauma service area for the duration of the pilot project.

(3) EXPIRATION.—The authorization for the pilot project and this section expire December 31, 2021.

Section 7. Section 395.4045, Florida Statutes, is amended to read:

395.4045 Emergency medical service providers; trauma transport protocols; transport of trauma alert victims to trauma centers *or teletrauma hospitals*; interfacility transfer.—

(1) Each emergency medical services provider licensed under chapter 401 shall transport trauma alert victims to hospitals approved as trauma centers *or participating in the teletrauma pilot project pursuant to s. 395.4027*, except as may be provided for either in the department-approved trauma transport protocol of the trauma agency for the geographical area in which the emergency medical services licensee provides services or, if no such department-approved trauma transport protocol is in effect, as provided for in a department-approved provider's trauma transport protocol.

(2) A trauma agency may develop a uniform trauma transport protocol that is applicable to the emergency medical services licensees providing services within the geographical boundaries of the trauma agency*, including hospitals participating in the teletrauma pilot project under s. 395.4027*. Development of a uniform trauma protocol by a trauma agency shall be through consultation with interested parties, including, but not limited to, each approved trauma center; physicians specializing in trauma care, emergency care, and surgery in the region; each trauma system administrator in the region; each emergency medical service provider in the region licensed under chapter 401, and such providers' respective medical directors.

(3) Trauma alert victims shall be identified through the use of a trauma scoring system, including adult and pediatric assessment as specified in rule of the department. The rule shall also include the requirements of licensed emergency medical services providers for performing and documenting these assessments.

(4) The department shall specify by rule the subjects and the minimum criteria related to prehospital trauma transport;~~,~~ trauma center*, teletrauma center,* or hospital destination determinations;~~,~~ and interfacility trauma transfer transport by an emergency medical services provider to be included in a trauma agency's or emergency medical service provider's trauma transport protocol and shall approve or disapprove each such protocol. Trauma transport protocol rules pertaining to the air transportation of trauma victims shall be consistent with, but not limited to, applicable Federal Aviation Administration regulation. Emergency medical services licensees and trauma agencies shall be subject to monitoring by the department, under ss. 395.401(3) and 401.31(1) for compliance with requirements, as applicable, regarding trauma transport protocols and the transport of trauma victims.

(5) If there is no department-approved trauma agency trauma transport protocol for the geographical area in which the emergency medical services license applicant intends to provide services, as provided for in subsection (1), each applicant for licensure as an emergency medical services provider, under chapter 401, must submit and obtain department approval of a trauma transport protocol prior to the department granting a license. The department shall prescribe by rule the submission and approval process for an applicant's trauma transport protocols whether the applicant will be using a trauma agency's or its own trauma transport protocol.

(6) If an air ambulance service is available in the trauma service area in which an emergency medical service provider is located, trauma transport protocols shall not provide for transport outside of the trauma service area unless otherwise provided for by written mutual agreement. If air ambulance service is not available and there is no agreement for interagency transport of trauma patients between two adjacent local or regional trauma agencies, both of which include at least one approved trauma center, then the transport of a trauma patient with an immediately life-threatening condition shall be to the most appropriate trauma center as defined pursuant to trauma transport protocols approved by the department. The provisions of this subsection shall apply only to those counties with a population in excess of 1 million residents.

(7) Prior to an interfacility trauma transfer, the emergency medical services provider's medical director or his or her designee must agree, pursuant to protocols and procedures in the emergency medical services provider's trauma transport protocol, that the staff of the transport vehicle has the medical skills, equipment, and resources to provide anticipated patient care as proposed by the transferring physician. The emergency medical services provider's medical director or his or her designee may require appropriate staffing, equipment, and resources to ensure proper patient care and safety during transfer.

(8) The department shall adopt and enforce all rules necessary to administer this section. The department shall adopt and enforce rules to specify the submission and approval process for trauma transport protocols or modifications to trauma transport protocols by trauma agencies and licensed emergency medical services providers.

And the title is amended as follows:

Delete line 37 and insert: website; creating s. 395.4027, F.S.; establishing the Florida Teletrauma Pilot Project; defining the term "teletrauma health care"; authorizing certain hospitals to provide remote care to trauma patients at satellite hospitals under certain circumstances; prohibiting the application or verification of additional trauma centers in the impacted trauma service area for the duration of the pilot project; providing for future expiration of the pilot project; amending s. 395.4045, F.S.; requiring emergency medical service providers to transport trauma alert victims to hospitals participating in the teletrauma pilot project; revising the authorized uniform trauma transport protocol; requiring the Department of Health to specify by rule certain subjects and criteria related to the transport of trauma victims to and from a teletrauma center; creating s. 456.47, F.S.; defining terms;

Senator Hays moved the following amendment which was adopted:

Amendment 5 (171214) (with title amendment)—Between lines 391 and 392 insert:

Section 6. Present subsections (5) through (11) of section 456.025, Florida Statutes, are redesignated as subsections (4) through (10), respectively, and present subsections (4) and (6) are amended to read:

456.025 Fees; receipts; disposition.—

~~(4) Each board, or the department if there is no board, may charge a fee not to exceed $25, as determined by rule, for the issuance of a wall certificate pursuant to s. 456.013(2) requested by a licensee who was licensed prior to July 1, 1998, or for the issuance of a duplicate wall certificate requested by any licensee.~~

(5)~~(6)~~ If the cash balance of the trust fund at the end of any fiscal year exceeds the total appropriation provided for the regulation of the health care professions in the prior fiscal year, the boards, in consulta-

tion with the department, may lower the license renewal fees. *When the department determines, based on long-range estimates of revenue, that a profession's trust fund balance exceeds the amount required to cover necessary functions, each board, or the department when there is no board, may adopt rules to administer the waiver of initial application fees, initial licensure fees, unlicensed activity fees, or renewal fees for that profession. The waiver of renewal fees may not exceed 2 years.*

And the title is amended as follows:

Delete line 37 and insert: website; amending s. 456.025, F.S.; deleting a fee provision for the issuance of wall certificates for various health profession licenses; authorizing the boards or the department to adopt rules waiving certain fees for a specified period in certain circumstances; creating s. 456.47, F.S.; defining terms;

Senator Flores moved the following amendment:

Amendment 6 (837200)—Between lines 462 and 463 insert:

4. Maintains professional liability coverage, that includes coverage for telehealth services, in the amount and manner consistent with s.458.320(1)(b) or in the amount of the professional liability coverage requirements established by applicable law in the telehealth provider's licensing jurisdiction, whichever coverage amount is greater.

Senator Hays moved the following amendments which were adopted:

Amendment 7 (849052) (with directory and title amendments)—Delete lines 548-1234.

Delete lines 1384-1394.

And the directory clause is amended as follows:

Delete lines 1371-1373 and insert:

Section 24. Paragraph (oo) is added to subsection (1) of section 456.072, Florida Statutes, to read:

And the title is amended as follows:

Delete lines 58-116 and insert: request for exemption; amending

Delete lines 139-142 and insert: by a regulatory board; amending s. 893.055, F.S.; revising

Amendment 8 (710998) (with title amendment)—Between lines 1192 and 1193 insert:

Section 19. Subsection (7) of section 464.203, Florida Statutes, is amended to read:

464.203 Certified nursing assistants; certification requirement.—

(7) A certified nursing assistant shall complete *24* ~~12~~ hours of in-service training *every 2 years* ~~during each calendar year~~. The certified nursing assistant *is* ~~shall be~~ responsible for maintaining documentation demonstrating compliance with these provisions. ~~The Council on Certified Nursing Assistants, in accordance with s. 464.2085(2) (b), shall propose rules to implement this subsection.~~

Section 20. *Section 464.2085, Florida Statutes, is repealed.*

And the title is amended as follows:

Between lines 113 and 114 insert: s. 464.203, F.S.; revising certified nursing assistant inservice training requirements; repealing s. 464.2085, F.S., relating to the creation, membership, and duties of the Council on Certified Nursing Assistants; amending

Senator Bean moved the following amendment which was adopted:

Amendment 9 (443058) (with title amendment)—Delete lines 1235-1370 and insert:

Section 21. Paragraph (b) of subsection (2) of section 288.0001, Florida Statutes, is amended to read:

288.0001 Economic Development Programs Evaluation.—The Office of Economic and Demographic Research and the Office of Program Policy Analysis and Government Accountability (OPPAGA) shall develop and present to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of the legislative appropriations committees the Economic Development Programs Evaluation.

(2) The Office of Economic and Demographic Research and OPPAGA shall provide a detailed analysis of economic development programs as provided in the following schedule:

(b) By January 1, 2015, and every 3 years thereafter, an analysis of the following:

1. The entertainment industry financial incentive program established under s. 288.1254.

2. The entertainment industry sales tax exemption program established under s. 288.1258.

3. VISIT Florida and its programs established or funded under ss. 288.122, 288.1226, 288.12265, ~~and~~ 288.124*, and 288.924*.

4. The Florida Sports Foundation and related programs established under ss. 288.1162, 288.11621, 288.1166, 288.1167, 288.1168, 288.1169, and 288.1171.

Section 22. Subsection (2) of section 288.901, Florida Statutes, is amended to read:

288.901 Enterprise Florida, Inc.—

(2) PURPOSES.—Enterprise Florida, Inc., shall act as the economic development organization for the state, *using* ~~utilizing~~ private sector and public sector expertise in collaboration with the department to:

(a) Increase private investment in Florida;

(b) Advance international and domestic trade opportunities;

(c) Market the state both as a probusiness location for new investment and as an unparalleled tourist destination;

(d) Revitalize Florida's space and aerospace industries, and promote emerging complementary industries;

(e) Promote opportunities for minority-owned businesses;

(f) Assist and market professional and amateur sport teams and sporting events in Florida; ~~and~~

(g) Assist, promote, and enhance economic opportunities in this state's rural and urban communities*; and*

(h) Market the state as a health care destination by using the medical tourism initiatives as described in s. 288.924 to promote quality health care services in this state.

Section 23. Paragraph (c) of subsection (4) of section 288.923, Florida Statutes, is amended to read:

288.923 Division of Tourism Marketing; definitions; responsibilities.—

(4) The division's responsibilities and duties include, but are not limited to:

(c) Developing a 4-year marketing plan.

1. At a minimum, the marketing plan shall discuss the following:

a. Continuation of overall tourism growth in this state.

b. Expansion to new or under-represented tourist markets.

c. Maintenance of traditional and loyal tourist markets.

d. Coordination of efforts with county destination marketing organizations, other local government marketing groups, privately owned attractions and destinations, and other private sector partners to create

a seamless, four-season advertising campaign for the state and its regions.

e. Development of innovative techniques or promotions to build repeat visitation by targeted segments of the tourist population.

f. Consideration of innovative sources of state funding for tourism marketing.

g. Promotion of nature-based tourism and heritage tourism.

h. Promotion of medical tourism, as provided under s. 288.924.

i.~~h.~~ Development of a component to address emergency response to natural and manmade disasters from a marketing standpoint.

2. The plan shall be annual in construction and ongoing in nature. Any annual revisions of the plan shall carry forward the concepts of the remaining 3-year portion of the plan and consider a continuum portion to preserve the 4-year timeframe of the plan. The plan also shall include recommendations for specific performance standards and measurable outcomes for the division and direct-support organization. The department, in consultation with the board of directors of Enterprise Florida, Inc., shall base the actual performance metrics on these recommendations.

3. The 4-year marketing plan shall be developed in collaboration with the Florida Tourism Industry Marketing Corporation. The plan shall be annually reviewed and approved by the board of directors of Enterprise Florida, Inc.

Section 24. Section 288.924, Florida Statutes, is created to read:

288.924 Medical tourism.—

(1) MEDICAL TOURISM MARKETING PLAN.—The Division of Tourism Marketing shall include within the 4-year marketing plan required under s. 288.923(4)(c) specific initiatives to advance this state as a destination for quality health care services. The plan must:

(a) Promote national and international awareness of the qualifications, scope of services, and specialized expertise of health care providers throughout this state;

(b) Promote national and international awareness of medical-related conferences, training, or other business opportunities to attract practitioners from the medical field to destinations in this state; and

(c) Include an initiative that showcases selected, qualified providers offering bundled packages of health care and support services for defined care episodes. The selection of providers to be showcased must be conducted through a solicitation of proposals from Florida hospitals and other licensed providers for plans that describe available services, provider qualifications, and special arrangements for food, lodging, transportation, or other support services and amenities that may be provided to visiting patients and their families. A single health care provider may submit a proposal describing the available health care services that will be offered through a network of multiple providers and explaining any support services or other amenities associated with the care episode. The Florida Tourism Industry Marketing Corporation shall assess the qualifications and credentials of providers submitting proposals. To the extent funding is available, all qualified providers shall be selected to be showcased in the initiative. To be qualified, a health care provider must:

1. Have a full, active, and unencumbered Florida license and ensure that all health care providers participating in the proposal have full, active, and unencumbered Florida licenses;

2. Have a current accreditation that is not conditional or provisional from a nationally recognized accrediting body;

3. Be recognized as a Cancer Center of Excellence under s. 381.925 or have a current national or international recognition in another specialty area, if such recognition is given through a specific qualifying process; and

4. Meet other criteria as determined by the Florida Tourism Industry Marketing Corporation in collaboration with the Agency for Health Care Administration and the Department of Health.

(2) ALLOCATION OF FUNDS FOR MARKETING PLAN.—Annually, at least $3.5 million of the funds appropriated in the General Appropriations Act to the Florida Tourism Industry Marketing Corporation shall be allocated for the development and implementation of the medical tourism marketing plan.

(3) MEDICAL TOURISM MATCHING GRANTS.—The Florida Tourism Industry Marketing Corporation shall create a matching grant program to provide funding to local or regional economic development organizations for targeted medical tourism marketing initiatives. The initiatives must promote and advance Florida as a destination for quality health care services. Selection of recipients of a matching grant shall be based on the following criteria:

(a) The providers involved in the local initiative must meet the criteria specified in subsection (1).

(b) The local or regional economic development organization must demonstrate an ability to involve a variety of businesses in a collaborative effort to welcome and support patients and their families who travel to this state to obtain medical services.

(c) The cash or in-kind services available from the local or regional economic development organization must be at least equal to the amount of available state financial support.

(4) ALLOCATION OF FUNDS FOR MATCHING GRANTS.—Annually, at least $1.5 million of the funds appropriated in the General Appropriations Act to the Florida Tourism Industry Marketing Corporation shall be allocated for the matching grant program.

And the title is amended as follows:

Delete lines 117-136 and insert: s. 288.0001, F.S.; requiring an analysis of medical tourism in the Economic Development Programs Evaluation; amending s. 288.901, F.S.; requiring Enterprise Florida, Inc., to collaborate with the Department of Economic Opportunity to market this state as a health care destination; amending s. 288.923, F.S.; requiring the Division of Tourism Marketing to include in its 4-year plan a discussion of the promotion of medical tourism; creating s. 288.924, F.S.; requiring the plan to promote national and international awareness of the qualifications, scope of services, and specialized expertise of health care providers in this state, to promote national and international awareness of certain business opportunities to attract practitioners to destinations in this state, and to include an initiative to showcase qualified health care providers; requiring a specified amount of funds appropriated to the Florida Tourism Industry Marketing Corporation to be allocated for the medical tourism marketing plan; requiring the Florida Tourism Industry Marketing Corporation to create a matching grant program; specifying criteria for the grant program; requiring that a specified amount of funds appropriated to the Florida Tourism Industry Marketing Corporation be allocated for the grant program;

Senator Sobel moved the following amendment:

Amendment 10 (933990) (with title amendment)—Between lines 1370 and 1371 insert:

Section 24. Section 394.4574, Florida Statutes, is amended to read:

394.4574 ~~Department~~ Responsibilities for *coordination of services for* a mental health resident who resides in an assisted living facility that holds a limited mental health license.—

(1) *As used in this section,* the term *"mental health resident"* ~~"mental health resident," for purposes of this section,~~ means an individual who receives social security disability income due to a mental disorder as determined by the Social Security Administration or receives supplemental security income due to a mental disorder as determined by the Social Security Administration and receives optional state supplementation.

(2) *Medicaid managed care plans are responsible for Medicaid-enrolled mental health residents, and managing entities under contract with the department are responsible for mental health residents who are not enrolled in a Medicaid health plan. A Medicaid managed care plan or a managing entity, as appropriate, shall* ~~The department must~~ ensure that:

(a) A mental health resident has been assessed by a psychiatrist, clinical psychologist, clinical social worker, or psychiatric nurse, or an individual who is supervised by one of these professionals, and determined to be appropriate to reside in an assisted living facility. The documentation must be provided to the administrator of the facility within 30 days after the mental health resident has been admitted to the facility. An evaluation completed upon discharge from a state mental hospital meets the requirements of this subsection related to appropriateness for placement as a mental health resident if it was completed within 90 days *before* ~~prior to~~ admission to the facility.

(b) A cooperative agreement, as required in s. 429.075, is developed *by* ~~between~~ the mental health care services provider that serves a mental health resident and the administrator of the assisted living facility with a limited mental health license in which the mental health resident is living. ~~Any entity that provides Medicaid prepaid health plan services shall ensure the appropriate coordination of health care services with an assisted living facility in cases where a Medicaid recipient is both a member of the entity's prepaid health plan and a resident of the assisted living facility. If the entity is at risk for Medicaid targeted case management and behavioral health services, the entity shall inform the assisted living facility of the procedures to follow should an emergent condition arise.~~

(c) The community living support plan, as defined in s. 429.02, has been prepared by a mental health resident and *his or her* ~~a~~ mental health case manager ~~of that resident~~ in consultation with the administrator of the facility or the administrator's designee. The plan must be *completed and* provided to the administrator of the assisted living facility with a limited mental health license in which the mental health resident lives *within 30 days after the resident's admission*. The support plan and the agreement may be in one document.

(d) The assisted living facility with a limited mental health license is provided with documentation that the individual meets the definition of a mental health resident.

(e) The mental health services provider assigns a case manager to each mental health resident *for whom the entity is responsible* ~~who lives in an assisted living facility with a limited mental health license~~. The case manager *shall coordinate* ~~is responsible for coordinating~~ the development ~~of~~ and implementation of the community living support plan defined in s. 429.02. The plan must be updated at least annually*, or when there is a significant change in the resident's behavioral health status, such as an inpatient admission or a change in medication, level of service, or residence. Each case manager shall keep a record of the date and time of any face-to-face interaction with the resident and make the record available to the responsible entity for inspection. The record must be retained for at least 2 years after the date of the most recent interaction*.

(f) Adequate and consistent monitoring and enforcement of community living support plans and cooperative agreements are conducted by the resident's case manager.

(g) Concerns are reported to the appropriate regulatory oversight organization if a regulated provider fails to deliver appropriate services or otherwise acts in a manner that has the potential to result in harm to the resident.

(3) The Secretary of Children and *Families* ~~Family Services~~, in consultation with the Agency for Health Care Administration, shall ~~annually~~ require each district administrator to develop, with community input, *a detailed annual plan that demonstrates* ~~detailed plans that demonstrate~~ how the district will ensure the provision of state-funded mental health and substance abuse treatment services to residents of assisted living facilities that hold a limited mental health license. *This plan* ~~These plans~~ must be consistent with the substance abuse and mental health district plan developed pursuant to s. 394.75 and must address case management services; access to consumer-operated drop-in centers; access to services during evenings, weekends, and holidays; supervision of the clinical needs of the residents; and access to emergency psychiatric care.

Section 25. Subsection (1) of section 400.0074, Florida Statutes, is amended, and paragraph (h) is added to subsection (2) of that section, to read:

400.0074 Local ombudsman council onsite administrative assessments.—

(1) In addition to any specific investigation conducted pursuant to a complaint, the local council shall conduct, at least annually, an onsite administrative assessment of each nursing home, assisted living facility, and adult family-care home within its jurisdiction. This administrative assessment *must be comprehensive in nature and must* ~~shall~~ focus on factors affecting *residents'* ~~the~~ rights, health, safety, and welfare ~~of the residents~~. Each local council is encouraged to conduct a similar onsite administrative assessment of each additional long-term care facility within its jurisdiction.

(2) An onsite administrative assessment conducted by a local council shall be subject to the following conditions:

(h) The local council shall conduct an exit consultation with the facility administrator or administrator designee to discuss issues and concerns in areas affecting residents' rights, health, safety, and welfare and, if needed, make recommendations for improvement.

Section 26. Subsection (2) of section 400.0078, Florida Statutes, is amended to read:

400.0078 Citizen access to State Long-Term Care Ombudsman Program services.—

(2) ~~Every resident or representative of a resident shall receive,~~ Upon admission to a long-term care facility, *each resident or representative of a resident must receive* information regarding the purpose of the State Long-Term Care Ombudsman Program, the statewide toll-free telephone number for receiving complaints, *information that retaliatory action cannot be taken against a resident for presenting grievances or for exercising any other resident right,* and other relevant information regarding how to contact the program. *Each resident or his or her representative* ~~Residents or their representatives~~ must be furnished additional copies of this information upon request.

Section 27. Subsection (13) of section 429.02, Florida Statutes, is amended to read:

429.02 Definitions.—When used in this part, the term:

(13) "Limited nursing services" means acts that may be performed *by a person licensed under* ~~pursuant to~~ part I of chapter 464 ~~by persons licensed thereunder while carrying out their professional duties but limited to those acts which the department specifies by rule~~. ~~Acts which may be specified by rule as allowable~~ Limited nursing services shall be for persons who meet the admission criteria established by the department for assisted living facilities and shall not be complex enough to require 24-hour nursing supervision and may include such services as the application and care of routine dressings, and care of casts, braces, and splints.

Section 28. Paragraphs (b) and (c) of subsection (3) of section 429.07, Florida Statutes, are amended to read:

429.07 License required; fee.—

(3) In addition to the requirements of s. 408.806, each license granted by the agency must state the type of care for which the license is granted. Licenses shall be issued for one or more of the following categories of care: standard, extended congregate care, limited nursing services, or limited mental health.

(b) An extended congregate care license shall be issued to *each facility that has been licensed as an assisted living facility for 2 or more years and that provides services* ~~facilities providing~~, directly or through contract, ~~services~~ beyond those authorized in paragraph (a), including services performed by persons licensed under part I of chapter 464 and supportive services, as defined by rule, to persons who would otherwise be disqualified from continued residence in a facility licensed under this part. *An extended congregate care license may be issued to a facility that has a provisional extended congregate care license and meets the requirements for licensure under subparagraph 2. The primary purpose of extended congregate care services is to allow residents the option of remaining in a familiar setting from which they would otherwise be disqualified for continued residency as they become more impaired. A facility licensed to provide extended congregate care services may also admit an*

individual who exceeds the admission criteria for a facility with a standard license, if he or she is determined appropriate for admission to the extended congregate care facility.

1. In order for extended congregate care services to be provided, the agency must first determine that all requirements established in law and rule are met and must specifically designate, on the facility's license, that such services may be provided and whether the designation applies to all or part of the facility. *This* ~~Such~~ designation may be made at the time of initial licensure or *licensure renewal* ~~relicensure~~, or upon request in writing by a licensee under this part and part II of chapter 408. The notification of approval or the denial of the request shall be made in accordance with part II of chapter 408. *Each* existing *facility that qualifies* ~~facilities qualifying~~ to provide extended congregate care services must have maintained a standard license and may not have been subject to administrative sanctions during the previous 2 years, or since initial licensure if the facility has been licensed for less than 2 years, for any of the following reasons:

a. A class I or class II violation;

b. Three or more repeat or recurring class III violations of identical or similar resident care standards from which a pattern of noncompliance is found by the agency;

c. Three or more class III violations that were not corrected in accordance with the corrective action plan approved by the agency;

d. Violation of resident care standards which results in requiring the facility to employ the services of a consultant pharmacist or consultant dietitian;

e. Denial, suspension, or revocation of a license for another facility licensed under this part in which the applicant for an extended congregate care license has at least 25 percent ownership interest; or

f. Imposition of a moratorium pursuant to this part or part II of chapter 408 or initiation of injunctive proceedings.

The agency may deny or revoke a facility's extended congregate care license for not meeting the criteria for an extended congregate care license as provided in this subparagraph.

2. If an assisted living facility has been licensed for less than 2 years, the initial extended congregate care license must be provisional and may not exceed 6 months. Within the first 3 months after the provisional license is issued, the licensee shall notify the agency, in writing, when it has admitted at least one extended congregate care resident, after which an unannounced inspection shall be made to determine compliance with requirements of an extended congregate care license. Failure to admit an extended congregate care resident within the first 3 months shall render the extended congregate care license void. A licensee that has a provisional extended congregate care license which demonstrates compliance with all of the requirements of an extended congregate care license during the inspection shall be issued an extended congregate care license. In addition to sanctions authorized under this part, if violations are found during the inspection and the licensee fails to demonstrate compliance with all assisted living requirements during a followup inspection, the licensee shall immediately suspend extended congregate care services, and the provisional extended congregate care license expires. The agency may extend the provisional license for not more than 1 month in order to complete a followup visit.

3.~~2.~~ A facility that is licensed to provide extended congregate care services shall maintain a written progress report on each person who receives services which describes the type, amount, duration, scope, and outcome of services that are rendered and the general status of the resident's health. A registered nurse, or appropriate designee, representing the agency shall visit the facility at least *twice a year* ~~quarterly~~ to monitor residents who are receiving extended congregate care services and to determine if the facility is in compliance with this part, part II of chapter 408, and relevant rules. One of the visits may be in conjunction with the regular survey. The monitoring visits may be provided through contractual arrangements with appropriate community agencies. A registered nurse shall serve as part of the team that inspects the facility. The agency may waive one of the required yearly monitoring visits for a facility that has*:*

a. Held an extended congregate care license for at least 24 months; ~~been licensed for at least 24 months to provide extended congregate care services, if, during the inspection, the registered nurse determines that extended congregate care services are being provided appropriately, and if the facility has~~

b. No class I or class II violations and no uncorrected class III violations*; and*~~.~~

c. No ombudsman council complaints that resulted in a citation for licensure ~~The agency must first consult with the long term care ombudsman council for the area in which the facility is located to determine if any complaints have been made and substantiated about the quality of services or care. The agency may not waive one of the required yearly monitoring visits if complaints have been made and substantiated.~~

4.~~3.~~ A facility that is licensed to provide extended congregate care services must:

a. Demonstrate the capability to meet unanticipated resident service needs.

b. Offer a physical environment that promotes a homelike setting, provides for resident privacy, promotes resident independence, and allows sufficient congregate space as defined by rule.

c. Have sufficient staff available, taking into account the physical plant and firesafety features of the building, to assist with the evacuation of residents in an emergency.

d. Adopt and follow policies and procedures that maximize resident independence, dignity, choice, and decisionmaking to permit residents to age in place, so that moves due to changes in functional status are minimized or avoided.

e. Allow residents or, if applicable, a resident's representative, designee, surrogate, guardian, or attorney in fact to make a variety of personal choices, participate in developing service plans, and share responsibility in decisionmaking.

f. Implement the concept of managed risk.

g. Provide, directly or through contract, the services of a person licensed under part I of chapter 464.

h. In addition to the training mandated in s. 429.52, provide specialized training as defined by rule for facility staff.

5.~~4.~~ A facility that is licensed to provide extended congregate care services is exempt from the criteria for continued residency set forth in rules adopted under s. 429.41. A licensed facility must adopt its own requirements within guidelines for continued residency set forth by rule. However, the facility may not serve residents who require 24-hour nursing supervision. A licensed facility that provides extended congregate care services must also provide each resident with a written copy of facility policies governing admission and retention.

~~5. The primary purpose of extended congregate care services is to allow residents, as they become more impaired, the option of remaining in a familiar setting from which they would otherwise be disqualified for continued residency. A facility licensed to provide extended congregate care services may also admit an individual who exceeds the admission criteria for a facility with a standard license, if the individual is determined appropriate for admission to the extended congregate care facility.~~

6. Before the admission of an individual to a facility licensed to provide extended congregate care services, the individual must undergo a medical examination as provided in s. 429.26(4) and the facility must develop a preliminary service plan for the individual.

7. *If* ~~When~~ a facility can no longer provide or arrange for services in accordance with the resident's service plan and needs and the facility's policy, the facility *must* ~~shall~~ make arrangements for relocating the person in accordance with s. 429.28(1)(k).

~~8. Failure to provide extended congregate care services may result in denial of extended congregate care license renewal.~~

(c) A limited nursing services license shall be issued to a facility that provides services beyond those authorized in paragraph (a) and as specified in this paragraph.

1. In order for limited nursing services to be provided in a facility licensed under this part, the agency must first determine that all requirements established in law and rule are met and must specifically designate, on the facility's license, that such services may be provided. *This* ~~Such~~ designation may be made at the time of initial licensure or *licensure renewal* ~~relicensure~~, or upon request in writing by a licensee under this part and part II of chapter 408. Notification of approval or denial of such request shall be made in accordance with part II of chapter 408. *An* existing *facility that qualifies* ~~facilities qualifying~~ to provide limited nursing services *must* ~~shall~~ have maintained a standard license and may not have been subject to administrative sanctions that affect the health, safety, and welfare of residents for the previous 2 years or since initial licensure if the facility has been licensed for less than 2 years.

2. *A facility* ~~Facilities~~ that *is* ~~are~~ licensed to provide limited nursing services shall maintain a written progress report on each person who receives such nursing services. *The*~~, which~~ report *must describe* ~~describes~~ the type, amount, duration, scope, and outcome of services that are rendered and the general status of the resident's health. A registered nurse representing the agency shall visit *the facility* ~~such facilities~~ at least *annually* ~~twice a year~~ to monitor residents who are receiving limited nursing services and to determine if the facility is in compliance with applicable provisions of this part, part II of chapter 408, and related rules. The monitoring visits may be provided through contractual arrangements with appropriate community agencies. A registered nurse shall also serve as part of the team that inspects such facility. *Visits may be in conjunction with other agency inspections. The agency may waive the required yearly monitoring visit for a facility that has:*

a. Had a limited nursing services license for at least 24 months;

b. No class I or class II violations and no uncorrected class III violations; and

c. No ombudsman council complaints that resulted in a citation for licensure.

3. A person who receives limited nursing services under this part must meet the admission criteria established by the agency for assisted living facilities. When a resident no longer meets the admission criteria for a facility licensed under this part, arrangements for relocating the person shall be made in accordance with s. 429.28(1)(k), unless the facility is licensed to provide extended congregate care services.

Section 29. Section 429.075, Florida Statutes, is amended to read:

429.075 Limited mental health license.—An assisted living facility that serves *one* ~~three~~ or more mental health residents must obtain a limited mental health license.

(1) To obtain a limited mental health license, a facility must hold a standard license as an assisted living facility, must not have any current uncorrected ~~deficiencies or~~ violations, and must ensure that, within 6 months after receiving a limited mental health license, the facility administrator and the staff of the facility who are in direct contact with mental health residents must complete training of no less than 6 hours related to their duties. *This* ~~Such~~ designation may be made at the time of initial licensure or relicensure or upon request in writing by a licensee under this part and part II of chapter 408. Notification of approval or denial of such request shall be made in accordance with this part, part II of chapter 408, and applicable rules. This training *must* ~~will~~ be provided by or approved by the Department of Children and *Families* ~~Family Services~~.

(2) *A facility that is* ~~Facilities~~ licensed to provide services to mental health residents *must* ~~shall~~ provide appropriate supervision and staffing to provide for the health, safety, and welfare of such residents.

(3) A facility that has a limited mental health license must:

(a) Have a copy of each mental health resident's community living support plan and the cooperative agreement with the mental health care services provider *or provide written evidence that a request for the community living support plan and the cooperative agreement was sent to the Medicaid managed care plan or managing entity under contract with the Department of Children and Families within 72 hours after admission*. The support plan and the agreement may be combined.

(b) Have documentation ~~that is~~ provided by the Department of Children and *Families* ~~Family Services~~ that each mental health resident has been assessed and determined to be able to live in the community in an assisted living facility *that has* ~~with~~ a limited mental health license *or provide written evidence that a request for documentation was sent to the Department of Children and Families within 72 hours after admission*.

(c) Make the community living support plan available for inspection by the resident, the resident's legal guardian *or*~~, the resident's~~ health care surrogate, and other individuals who have a lawful basis for reviewing this document.

(d) Assist the mental health resident in carrying out the activities identified in the individual's community living support plan.

(4) A facility *that has* ~~with~~ a limited mental health license may enter into a cooperative agreement with a private mental health provider. For purposes of the limited mental health license, the private mental health provider may act as the case manager.

Section 30. Section 429.14, Florida Statutes, is amended to read:

429.14 Administrative penalties.—

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

(a) An intentional or negligent act seriously affecting the health, safety, or welfare of a resident of the facility.

(b) *A* ~~The~~ determination by the agency that the owner lacks the financial ability to provide continuing adequate care to residents.

(c) Misappropriation or conversion of the property of a resident of the facility.

(d) Failure to follow the criteria and procedures provided under part I of chapter 394 relating to the transportation, voluntary admission, and involuntary examination of a facility resident.

(e) A citation *for* ~~of~~ any of the following *violations* ~~deficiencies~~ as specified in s. 429.19:

1. One or more cited class I *violations* ~~deficiencies~~.

2. Three or more cited class II *violations* ~~deficiencies~~.

3. Five or more cited class III *violations* ~~deficiencies~~ that have been cited on a single survey and have not been corrected within the times specified.

(f) Failure to comply with the background screening standards of this part, s. 408.809(1), or chapter 435.

(g) Violation of a moratorium.

(h) Failure of the license applicant, the licensee during *licensure renewal* ~~relicensure~~, or a licensee that holds a provisional license to meet the minimum license requirements of this part, or related rules, at the time of license application or renewal.

(i) An intentional or negligent life-threatening act in violation of the uniform firesafety standards for assisted living facilities or other firesafety standards *which* ~~that~~ threatens the health, safety, or welfare of a resident of a facility, as communicated to the agency by the local authority having jurisdiction or the State Fire Marshal.

(j) Knowingly operating any unlicensed facility or providing without a license any service that must be licensed under this chapter or chapter 400.

(k) Any act constituting a ground upon which application for a license may be denied.

(2) Upon notification by the local authority having jurisdiction or by the State Fire Marshal, the agency may deny or revoke the license of an assisted living facility that fails to correct cited fire code violations that affect or threaten the health, safety, or welfare of a resident of a facility.

(3) The agency may deny *or revoke* a license *of an* ~~to any~~ applicant or controlling interest as defined in part II of chapter 408 which has or had a *25 percent* ~~25 percent~~ or greater financial or ownership interest in any other facility *that is* licensed under this part, or in any entity licensed by this state or another state to provide health or residential care, *if that* ~~which~~ facility or entity during the 5 years *before* ~~prior to~~ the application for a license closed due to financial inability to operate; had a receiver appointed or a license denied, suspended, or revoked; was subject to a moratorium; or had an injunctive proceeding initiated against it.

(4) The agency shall deny or revoke the license of an assisted living facility *if:*

(a) There are two moratoria, issued pursuant to this part or part II of chapter 408, within a 2-year period which are imposed by final order;

(b) The facility is cited for two or more class I violations arising from unrelated circumstances during the same survey or investigation; or

(c) The facility is cited for two or more class I violations arising from separate surveys or investigations within a 2-year period ~~that has two or more class I violations that are similar or identical to violations identified by the agency during a survey, inspection, monitoring visit, or complaint investigation occurring within the previous 2 years~~.

(5) An action taken by the agency to suspend, deny, or revoke a facility's license under this part or part II of chapter 408, in which the agency claims that the facility owner or an employee of the facility has threatened the health, safety, or welfare of a resident of the facility*, must* be heard by the Division of Administrative Hearings of the Department of Management Services within 120 days after receipt of the facility's request for a hearing, unless that time limitation is waived by both parties. The administrative law judge *shall* ~~must~~ render a decision within 30 days after receipt of a proposed recommended order.

(6) *As provided under s. 408.814,* the agency shall *impose an immediate moratorium on an assisted living facility that fails to provide the agency access to the facility or prohibits the agency from conducting a regulatory inspection. The licensee may not restrict agency staff in accessing and copying records or in conducting confidential interviews with facility staff or any individual who receives services from the facility* ~~provide to the Division of Hotels and Restaurants of the Department of Business and Professional Regulation, on a monthly basis, a list of those assisted living facilities that have had their licenses denied, suspended, or revoked or that are involved in an appellate proceeding pursuant to s. 120.60 related to the denial, suspension, or revocation of a license~~.

(7) Agency notification of a license suspension or revocation, or denial of a license renewal, shall be posted and visible to the public at the facility.

(8) If a facility is required to relocate some or all of its residents due to agency action, that facility is exempt from the 45 days' notice requirement imposed under s. 429.28(1)(k). This subsection does not exempt the facility from any deadlines for corrective action set by the agency.

Section 31. Paragraphs (a) and (b) of subsection (2) of section 429.178, Florida Statutes, are amended to read:

429.178 Special care for persons with Alzheimer's disease or other related disorders.—

(2)(a) An individual who is employed by a facility that provides special care for residents *who have* ~~with~~ Alzheimer's disease or other related disorders, and who has regular contact with such residents, must complete up to 4 hours of initial dementia-specific training developed or approved by the department. The training *must* ~~shall~~ be completed within 3 months after beginning employment and *satisfy* ~~shall satisfy~~ the core training requirements of *s. 429.52(3)(g)* ~~s. 429.52(2)(g)~~.

(b) A direct caregiver who is employed by a facility that provides special care for residents *who have* ~~with~~ Alzheimer's disease or other related disorders~~,~~ and ~~who~~ provides direct care to such residents~~,~~ must complete the required initial training and 4 additional hours of training developed or approved by the department. The training *must* ~~shall~~ be completed within 9 months after beginning employment and *satisfy* ~~shall satisfy~~ the core training requirements of *s. 429.52(3)(g)* ~~s. 429.52(2)(g)~~.

Section 32. Section 429.19, Florida Statutes, is amended to read:

429.19 Violations; imposition of administrative fines; grounds.—

(1) In addition to the requirements of part II of chapter 408, the agency shall impose an administrative fine in the manner provided in chapter 120 for the violation of any provision of this part, part II of chapter 408, and applicable rules by an assisted living facility, for the actions of any person subject to level 2 background screening under s. 408.809, for the actions of any facility employee, or for an intentional or negligent act seriously affecting the health, safety, or welfare of a resident of the facility.

(2) Each violation of this part and adopted rules *must* ~~shall~~ be classified according to the nature of the violation and the gravity of its probable effect on facility residents. *The scope of a violation may be cited as an isolated, patterned, or widespread deficiency. An isolated deficiency is a deficiency affecting one or a very limited number of residents, or involving one or a very limited number of staff, or a situation that occurred only occasionally or in a very limited number of locations. A patterned deficiency is a deficiency in which more than a very limited number of residents are affected, or more than a very limited number of staff are affected, or the situation has occurred in several locations, or the same resident or residents have been affected by repeated occurrences of the same deficient practice but the effect of the deficient practice is not found to be pervasive throughout the facility. A widespread deficiency is a deficiency in which the problems causing the deficiency are pervasive in the facility or represent systemic failure that has affected or has the potential to affect a large portion of the facility's residents.*

(a) The agency shall indicate the classification on the written notice of the violation as follows:

1.~~(a)~~ Class "I" violations are defined in s. 408.813. The agency shall impose an administrative fine for a cited class I violation *of $5,000 for an isolated deficiency; $7,500 for a patterned deficiency; and $10,000 for a widespread deficiency. If the agency has knowledge of a class I violation that occurred within 12 months before an inspection, a fine must be levied for that violation, regardless of whether the noncompliance is corrected before the inspection* ~~in an amount not less than $5,000 and not exceeding $10,000 for each violation~~.

2.~~(b)~~ Class "II" violations are defined in s. 408.813. The agency shall impose an administrative fine for a cited class II violation *of $1,000 for an isolated deficiency; $3,000 for a patterned deficiency; and $5,000 for a widespread deficiency* ~~in an amount not less than $1,000 and not exceeding $5,000 for each violation~~.

3.~~(c)~~ Class "III" violations are defined in s. 408.813. The agency shall impose an administrative fine for a cited class III violation *of $500 for an isolated deficiency; $750 for a patterned deficiency; and $1,000 for a widespread deficiency* ~~in an amount not less than $500 and not exceeding $1,000 for each violation~~.

4.~~(d)~~ Class "IV" violations are defined in s. 408.813. The agency shall impose an administrative fine for a cited class IV violation *of $100 for an isolated deficiency; $150 for a patterned deficiency; and $200 for a widespread deficiency* ~~in an amount not less than $100 and not exceeding $200 for each violation~~.

(b) Any fine imposed for a class I violation or a class II violation must be doubled if a facility was previously cited for one or more class I or class II violations during the agency's last licensure inspection or any inspection or complaint investigation since the last licensure inspection.

(c) Notwithstanding s. 408.813(2)(c) and (d) and s. 408.832, a fine must be imposed for each class III or class IV violation, regardless of correction, if a facility was previously cited for one or more class III or

class IV violations during the agency's last licensure inspection or any inspection or complaint investigation since the last licensure inspection for the same regulatory violation. A fine imposed for class III or class IV violations must be doubled if a facility was previously cited for one or more class III or class IV violations during the agency's last two licensure inspections for the same regulatory violation.

(d) Notwithstanding the fine amounts specified in subparagraphs (a) 1.-4., and regardless of the class of violation cited, the agency shall impose an administrative fine of $500 on a facility that is found not to be in compliance with the background screening requirements as provided in s. 408.809.

~~(3) For purposes of this section, in determining if a penalty is to be imposed and in fixing the amount of the fine, the agency shall consider the following factors:~~

~~(a) The gravity of the violation, including the probability that death or serious physical or emotional harm to a resident will result or has resulted, the severity of the action or potential harm, and the extent to which the provisions of the applicable laws or rules were violated.~~

~~(b) Actions taken by the owner or administrator to correct violations.~~

~~(c) Any previous violations.~~

~~(d) The financial benefit to the facility of committing or continuing the violation.~~

~~(e) The licensed capacity of the facility.~~

(3)~~(4)~~ Each day of continuing violation after the date *established by the agency* ~~fixed~~ for *correction* ~~termination~~ of the violation~~, as ordered by the agency,~~ constitutes an additional, separate, and distinct violation.

(4)~~(5)~~ *An* ~~Any~~ action taken to correct a violation shall be documented in writing by the owner or administrator of the facility and verified through followup visits by agency personnel. The agency may impose a fine and, in the case of an owner-operated facility, revoke or deny a facility's license when a facility administrator fraudulently misrepresents action taken to correct a violation.

(5)~~(6)~~ *A* ~~Any~~ facility whose owner fails to apply for a change-of-ownership license in accordance with part II of chapter 408 and operates the facility under the new ownership is subject to a fine of $5,000.

(6)~~(7)~~ In addition to any administrative fines imposed, the agency may assess a survey fee, equal to the lesser of one half of the facility's biennial license and bed fee or $500, to cover the cost of conducting initial complaint investigations that result in the finding of a violation that was the subject of the complaint or monitoring visits conducted under s. 429.28(3)(c) to verify the correction of the violations.

(7)~~(8)~~ During an inspection, the agency shall make a reasonable attempt to discuss each violation with the owner or administrator of the facility, *before* ~~prior to~~ written notification.

(8)~~(9)~~ The agency shall develop and disseminate an annual list of all facilities sanctioned or fined for violations of state standards, the number and class of violations involved, the penalties imposed, and the current status of cases. The list shall be disseminated, at no charge, to the Department of Elderly Affairs, the Department of Health, the Department of Children and *Families* ~~Family Services~~, the Agency for Persons with Disabilities, the area agencies on aging, the Florida Statewide Advocacy Council, and the state and local ombudsman councils. The Department of Children and *Families* ~~Family Services~~ shall disseminate the list to service providers under contract to the department who are responsible for referring persons to a facility for residency. The agency may charge a fee commensurate with the cost of printing and postage to other interested parties requesting a copy of this list. This information may be provided electronically or through the agency's *website* ~~Internet site~~.

Section 33. Subsection (3) and paragraph (c) of subsection (4) of section 429.256, Florida Statutes, are amended to read:

429.256 Assistance with self-administration of medication.—

(3) Assistance with self-administration of medication includes:

(a) Taking the medication, in its previously dispensed, properly labeled container, *including an insulin syringe that is prefilled with the proper dosage by a pharmacist and an insulin pen that is prefilled by the manufacturer,* from where it is stored, and bringing it to the resident.

(b) In the presence of the resident, reading the label, opening the container, removing a prescribed amount of medication from the container, and closing the container.

(c) Placing an oral dosage in the resident's hand or placing the dosage in another container and helping the resident by lifting the container to his or her mouth.

(d) Applying topical medications.

(e) Returning the medication container to proper storage.

(f) Keeping a record of when a resident receives assistance with self-administration under this section.

(g) Assisting with the use of a nebulizer, including removing the cap of a nebulizer, opening the unit dose of nebulizer solution, and pouring the prescribed premeasured dose of medication into the dispensing cup of the nebulizer.

(h) Using a glucometer to perform blood-glucose level checks.

(i) Assisting with putting on and taking off antiembolism stockings.

(j) Assisting with applying and removing an oxygen cannula, but not with titrating the prescribed oxygen settings.

(k) Assisting with the use of a continuous positive airway pressure (CPAP) device, but not with titrating the prescribed setting of the device.

(l) Assisting with measuring vital signs.

(m) Assisting with colostomy bags.

(4) Assistance with self-administration does not include:

~~(e) Administration of medications through intermittent positive pressure breathing machines or a nebulizer.~~

Section 34. Subsections (2), (5), and (6) of section 429.28, Florida Statutes, are amended to read:

429.28 Resident bill of rights.—

(2) The administrator of a facility shall ensure that a written notice of the rights, obligations, and prohibitions set forth in this part is posted in a prominent place in each facility and read or explained to residents who cannot read. *The* ~~This~~ notice *must* ~~shall~~ include the name, address, and telephone numbers of the local ombudsman council*, the* ~~and~~ central abuse hotline*,* and, *if* ~~when~~ applicable, *Disability Rights Florida* ~~the Advocacy Center for Persons with Disabilities, Inc., and the Florida local advocacy council~~, where complaints may be lodged. *The notice must state that a complaint made to the Office of State Long-Term Care Ombudsman or a local long-term care ombudsman council, the names and identities of the residents involved in the complaint, and the identity of complainants are kept confidential pursuant to s. 400.0077 and that retaliatory action cannot be taken against a resident for presenting grievances or for exercising any other resident right.* The facility must ensure a resident's access to a telephone to call the local ombudsman council, central abuse hotline, *and Disability Rights Florida* ~~Advocacy Center for Persons with Disabilities, Inc., and the Florida local advocacy council~~.

(5) *A* ~~No~~ facility or employee of a facility may *not* serve notice upon a resident to leave the premises or take any other retaliatory action against any person who:

(a) Exercises any right set forth in this section.

(b) Appears as a witness in any hearing, inside or outside the facility.

(c) Files a civil action alleging a violation of the provisions of this part or notifies a state attorney or the Attorney General of a possible violation of such provisions.

(6) *A* ~~Any~~ facility *that* ~~which~~ terminates the residency of an individual who participated in activities specified in subsection (5) *must* ~~shall~~ show good cause in a court of competent jurisdiction. *If good cause is not shown, the agency shall impose a fine of $2,500 in addition to any other penalty assessed against the facility.*

Section 35. Section 429.34, Florida Statutes, is amended to read:

429.34 Right of entry and inspection.—

(1) In addition to the requirements of s. 408.811, any duly designated officer or employee of the department, the Department of Children and *Families* ~~Family Services~~, the Medicaid Fraud Control Unit of the Office of the Attorney General, the state or local fire marshal, or a member of the state or local long-term care ombudsman council *has* ~~shall have~~ the right to enter unannounced upon and into the premises of any facility licensed pursuant to this part in order to determine the state of compliance with ~~the provisions of~~ this part, part II of chapter 408, and applicable rules. Data collected by the state or local long-term care ombudsman councils or the state or local advocacy councils may be used by the agency in investigations involving violations of regulatory standards. *A person specified in this section who knows or has reasonable cause to suspect that a vulnerable adult has been or is being abused, neglected, or exploited shall immediately report such knowledge or suspicion to the central abuse hotline pursuant to chapter 415.*

(2) The agency shall inspect each licensed assisted living facility at least once every 24 months to determine compliance with this chapter and related rules. If an assisted living facility is cited for one or more class I violations or two or more class II violations arising from separate surveys within a 60-day period or due to unrelated circumstances during the same survey, the agency must conduct an additional licensure inspection within 6 months. In addition to any fines imposed on the facility under s. 429.19, the licensee shall pay a fee for the cost of the additional inspection equivalent to the standard assisted living facility license and per-bed fees, without exception for beds designated for recipients of optional state supplementation. The agency shall adjust the fee in accordance with s. 408.805.

Section 36. Subsection (2) of section 429.41, Florida Statutes, is amended to read:

429.41 Rules establishing standards.—

(2) In adopting any rules pursuant to this part, the department, in conjunction with the agency, shall make distinct standards for facilities based upon facility size; the types of care provided; the physical and mental capabilities and needs of residents; the type, frequency, and amount of services and care offered; and the staffing characteristics of the facility. Rules developed pursuant to this section *may* ~~shall~~ not restrict the use of shared staffing and shared programming in facilities that are part of retirement communities that provide multiple levels of care and otherwise meet the requirements of law and rule. *If a continuing care facility licensed under chapter 651 or a retirement community offering multiple levels of care obtains a license pursuant to this chapter for a building or part of a building designated for independent living, staffing requirements established in rule apply only to residents who receive personal services, limited nursing services, or extended congregate care services under this part. Such facilities shall retain a log listing the names and unit number for residents receiving these services. The log must be available to surveyors upon request.* Except for uniform firesafety standards, the department shall adopt by rule separate and distinct standards for facilities with 16 or fewer beds and for facilities with 17 or more beds. The standards for facilities with 16 or fewer beds *must* ~~shall~~ be appropriate for a noninstitutional residential environment*;* ~~,~~ *however,* ~~provided that~~ the structure *may not be* ~~is no~~ more than two stories in height and all persons who cannot exit the facility unassisted in an emergency *must* reside on the first floor. The department, in conjunction with the agency, may make other distinctions among types of facilities as necessary to enforce the provisions of this part. Where appropriate, the agency shall offer alternate solutions for complying with established standards, based on distinctions made by the department and the agency relative to the physical characteristics of facilities and the types of care offered ~~therein~~.

Section 37. Present subsections (1) through (11) of section 429.52, Florida Statutes, are redesignated as subsections (2) through (12), respectively, a new subsection (1) is added to that section, and present subsections (5) and (9) of that section are amended, to read:

429.52 Staff training and educational programs; core educational requirement.—

(1) Effective October 1, 2014, each new assisted living facility employee who has not previously completed core training must attend a preservice orientation provided by the facility before interacting with residents. The preservice orientation must be at least 2 hours in duration and cover topics that help the employee provide responsible care and respond to the needs of facility residents. Upon completion, the employee and the administrator of the facility must sign a statement that the employee completed the required preservice orientation. The facility must keep the signed statement in the employee's personnel record.

(6)~~(5)~~ Staff involved with the management of medications and assisting with the self-administration of medications under s. 429.256 must complete a minimum of *6* ~~4~~ additional hours of training provided by a registered nurse, licensed pharmacist, or department staff. The department shall establish by rule the minimum requirements of this additional training.

(10)~~(9)~~ The training required by this section *other than the preservice orientation must* ~~shall~~ be conducted by persons registered with the department as having the requisite experience and credentials to conduct the training. A person seeking to register as a trainer must provide the department with proof of completion of the minimum core training education requirements, successful passage of the competency test established under this section, and proof of compliance with the continuing education requirement in subsection *(5)* ~~(4)~~.

Section 38. *The Legislature finds that consistent regulation of assisted living facilities benefits residents and operators of such facilities. To determine whether surveys are consistent between surveys and surveyors, the Office of Program Policy Analysis and Government Accountability (OPPAGA) shall conduct a study of intersurveyor reliability for assisted living facilities. By November 1, 2014, OPPAGA shall report its findings to the Governor, the President of the Senate, and the Speaker of the House of Representatives and make any recommendations for improving intersurveyor reliability.*

Section 39. Section 429.55, Florida Statutes, is created to read:

429.55 Public access to data; rating system and comment page.—

(1) The Legislature finds that consumers need additional information on the quality of care and service in assisted living facilities in order to select the best facility for themselves or their loved ones.

(2) By March 1, 2015, the agency shall implement a rating system for assisted living facilities based on facility inspections, violations, complaints, and agency visits to assist consumers and residents. The agency may adopt rules to administer this subsection.

(3) By November 1, 2014, the agency shall provide, maintain, and update at least quarterly, electronically accessible data on assisted living facilities. Such data must be searchable, downloadable, and available in generally accepted formats. The agency shall include all content in its possession on November 1, 2014, on the website and add additional content from facilities when the facility license is renewed. At a minimum, such data must include:

(a) Information on each assisted living facility licensed under this part, including:

1. The name and address of the facility.

2. The number and type of licensed beds in the facility.

3. The types of licenses held by the facility.

4. The facility's license expiration date and status.

5. Proprietary or nonproprietary status of the licensee.

6. Any affiliation with a company or other organization owning or managing more than one assisted living facility in this state.

7. The total number of clients that the facility is licensed to serve and the most recently available occupancy levels.

8. The number of private and semiprivate rooms offered.

9. The bed-hold policy.

10. The religious affiliation, if any, of the assisted living facility.

11. The languages spoken by the staff.

12. Availability of nurses.

13. Forms of payment accepted, including, but not limited to, Medicaid, Medicaid long-term managed care, private insurance, health maintenance organization, United States Department of Veterans Affairs, CHAMPUS program, or workers' compensation coverage.

14. Indication if the licensee is operating under bankruptcy protection.

15. Recreational and other programs available.

16. Special care units or programs offered.

17. Whether the facility is a part of a retirement community that offers other services pursuant to this part or part III of this chapter, part II or part III of chapter 400, or chapter 651.

18. Links to the State Long-Term Care Ombudsman Program website and the program's statewide toll-free telephone number.

19. Links to the websites of the providers or their affiliates.

20. Other relevant information that the agency currently collects.

(b) A list of the facility's violations, including, for each violation:

1. A summary of the violation presented in a manner understandable by the general public;

2. Any sanctions imposed by final order; and

3. The date the corrective action was confirmed by the agency.

(c) Links to inspection reports on file with the agency.

(4) The agency shall provide a monitored comment webpage that allows members of the public to comment on specific assisted living facilities licensed to operate in this state. At a minimum, the comment webpage must allow members of the public to identify themselves, provide comments on their experiences with, or observations of, an assisted living facility, and view others' comments.

(a) The agency shall review comments for profanities and redact any profanities before posting the comments to the webpage. After redacting any profanities, the agency shall post all comments, and shall retain all comments as they were originally submitted, which are subject to the requirements of chapter 119 and which shall be retained by the agency for inspection by the public without further redaction pursuant to retention schedules and disposal processes for such records.

(b) A controlling interest, as defined in s. 408.803 in an assisted living facility, or an employee or owner of an assisted living facility, is prohibited from posting comments on the page. A controlling interest, employee, or owner may respond to comments on the page, and the agency shall ensure that such responses are identified as being from a representative of the facility.

(5) The agency may provide links to third-party websites that use the data published pursuant to this section to assist consumers in evaluating the quality of care and service in assisted living facilities.

Section 40. *For the 2014-2015 fiscal year, the sums of $156,943 in recurring funds and $7,546 in nonrecurring funds from the Health Care Trust Fund and two full-time equivalent senior attorney positions with associated salary rate of 103,652 are appropriated to the Agency for Health Care Administration for the purpose of implementing the regulatory provisions of this act.*

Section 41. *For the 2014-2015 fiscal year, for the purpose of implementing and maintaining the public information website enhancements provided under this act:*

(1) The sums of $72,435 in recurring funds and $3,773 in nonrecurring funds from the Health Care Trust Fund and one full-time equivalent health services and facilities consultant position with associated salary rate of 46,560 are appropriated to the Agency for Health Care Administration;

(2) The sums of $30,000 in recurring funds and $15,000 in nonrecurring funds from the Health Care Trust Fund are appropriated to the Agency for Health Care Administration for software purchase, installation, and maintenance services; and

(3) The sums of $2,474 in recurring funds and $82,806 in nonrecurring funds from the Health Care Trust Fund are appropriated to the Agency for Health Care Administration for contracted services.

And the title is amended as follows:

Between lines 136 and 137 insert: amending s. 394.4574, F.S.; providing that Medicaid managed care plans are responsible for enrolled mental health residents; providing that managing entities under contract with the Department of Children and Families are responsible for mental health residents who are not enrolled with a Medicaid managed care plan; deleting a provision to conform to changes made by the act; requiring that the community living support plan be completed and provided to the administrator of a facility after the mental health resident's admission; requiring the community living support plan to be updated when there is a significant change to the mental health resident's behavioral health; requiring the case manager assigned to a mental health resident of an assisted living facility that holds a limited mental health license to keep a record of the date and time of face-to-face interactions with the resident and to make the record available to the responsible entity for inspection; requiring that the record be maintained for a specified time; requiring the responsible entity to ensure that there is adequate and consistent monitoring and enforcement of community living support plans and cooperative agreements and that concerns are reported to the appropriate regulatory oversight organization under certain circumstances; amending s. 400.0074, F.S.; requiring that an administrative assessment conducted by a local council be comprehensive in nature and focus on factors affecting the rights, health, safety, and welfare of residents in the facilities; requiring a local council to conduct an exit consultation with the facility administrator or administrator designee to discuss issues and concerns in areas affecting the rights, health, safety, and welfare of residents and make recommendations for improvement; amending s. 400.0078, F.S.; requiring that a resident or a representative of a resident of a long-term care facility be informed that retaliatory action cannot be taken against a resident for presenting grievances or for exercising any other resident right; amending s. 429.02, F.S.; revising the definition of the term "limited nursing services"; amending s. 429.07, F.S.; revising the requirement that an extended congregate care license be issued to certain facilities that have been licensed as assisted living facilities under certain circumstances and authorizing the issuance of such license if a specified condition is met; providing the purpose of an extended congregate care license; providing that the initial extended congregate care license of an assisted living facility is provisional under certain circumstances; requiring a licensee to notify the Agency for Health Care Administration if it accepts a resident who qualifies for extended congregate care services; requiring the agency to inspect the facility for compliance with the requirements of an extended congregate care license; requiring the issuance of an extended congregate care license under certain circumstances; requiring the licensee to immediately suspend extended congregate care services under certain circumstances; requiring a registered nurse representing the agency to visit the facility at least twice a year, rather than quarterly, to monitor residents who are receiving extended congregate care services; authorizing the agency to waive one of the required yearly monitoring visits under certain circumstances; authorizing the agency to deny or revoke a facility's extended congregate care license; requiring a registered nurse representing the agency to visit the facility at least annually, rather than twice a year, to monitor residents who are receiving limited nursing services; providing that such monitoring visits may be conducted in conjunction with other inspections by the agency; authorizing the agency to waive the required yearly monitoring visit for a facility that is licensed to provide limited nursing services under certain circumstances; amending

s. 429.075, F.S.; requiring an assisted living facility that serves one or more mental health residents to obtain a limited mental health license; revising the methods employed by a limited mental health facility relating to placement requirements to include providing written evidence that a request for a community living support plan, a cooperative agreement, and assessment documentation was sent to the Department of Children and Families within 72 hours after admission; amending s. 429.14, F.S.; revising the circumstances under which the agency may deny, revoke, or suspend the license of an assisted living facility and impose an administrative fine; requiring the agency to deny or revoke the license of an assisted living facility under certain circumstances; requiring the agency to impose an immediate moratorium on the license of an assisted living facility under certain circumstances; deleting a provision requiring the agency to provide a list of facilities with denied, suspended, or revoked licenses to the Department of Business and Professional Regulation; exempting a facility from the 45-day notice requirement if it is required to relocate some or all of its residents; amending s. 429.178, F.S.; conforming cross-references; amending s. 429.19, F.S.; revising the amounts and uses of administrative fines; requiring the agency to levy a fine for violations that are corrected before an inspection if noncompliance occurred within a specified period of time; deleting factors that the agency is required to consider in determining penalties and fines; amending s. 429.256, F.S.; revising the term "assistance with self-administration of medication" as it relates to the Assisted Living Facilities Act; amending s. 429.28, F.S.; providing notice requirements to inform facility residents that the identity of the resident and complainant in any complaint made to the State Long-Term Care Ombudsman Program or a local long-term care ombudsman council is confidential and that retaliatory action may not be taken against a resident for presenting grievances or for exercising any other resident right; requiring that a facility that terminates an individual's residency after the filing of a complaint be fined if good cause is not shown for the termination; amending s. 429.34, F.S.; requiring certain persons to report elder abuse in assisted living facilities; requiring the agency to regularly inspect every licensed assisted living facility; requiring the agency to conduct more frequent inspections under certain circumstances; requiring the licensee to pay a fee for the cost of additional inspections; requiring the agency to annually adjust the fee; amending s. 429.41, F.S.; providing that certain staffing requirements apply only to residents in continuing care facilities who are receiving relevant services; amending s. 429.52, F.S.; requiring each newly hired employee of an assisted living facility to attend a preservice orientation provided by the assisted living facility; requiring the employee and administrator to sign a statement that the employee completed the required preservice orientation and keep the signed statement in the employee's personnel record; requiring 2 additional hours of training for assistance with medication; conforming a cross-reference; requiring the Office of Program Policy Analysis and Government Accountability to study the reliability of facility surveys and submit to the Governor and the Legislature its findings and recommendations; creating s. 429.55, F.S.; requiring the Agency for Health Care Administration to implement a rating system of assisted living facilities by a specified date; authorizing the agency to adopt rules; requiring the Agency for Health Care Administration to provide specified data on assisted living facilities by a certain date; requiring the agency to include all content in its possession on a specified date on the website; providing minimum requirements for the data; authorizing the agency to create a comment webpage regarding assisted living facilities; providing minimum requirements; authorizing the agency to provide links to certain third-party websites; providing appropriations and authorizing positions;

Senator Sobel moved the following amendment to **Amendment 10 (933990)** which was adopted:

Amendment 10A (143102)—Delete lines 622-632 and insert:

(c) Notwithstanding ss. 408.813(2)(c) and 408.832, if a facility is cited for 10 or more class III violations during an inspection or survey, the agency shall impose a fine for each violation.

Amendment 10 (933990) as amended was adopted.

Senator Bean moved the following amendment which was adopted:

Amendment 11 (779530) (with directory and title amendments)—Delete lines 1374-1383.

Delete line 1480 and insert:

(3) Within 7 days after the date that a controlled

Delete lines 1553-1556 and insert:
prescription history. A health care

And the directory clause is amended as follows:

Delete lines 1371-1373 and insert:

Section 24. Subsection (7) of section 456.072, Florida Statutes, is amended to read:

And the title is amended as follows:

Delete lines 137-148 and insert: amending s. 456.072, F.S.; requiring the suspension and fining of an independent nurse practitioner for prescribing or dispensing a controlled substance in a certain manner; amending s. 893.055, F.S.; revising definitions; revising provisions relating to the database of controlled substance dispensing information; revising program funding requirements; providing

Senators Diaz de la Portilla and Garcia offered the following amendment which was moved by Senator Diaz de la Portilla and adopted:

Amendment 12 (424622) (with title amendment)—Delete lines 1806-1821.

And the title is amended as follows:

Delete lines 167-171 and insert: 893.0551, F.S.; conforming cross-references; amending s. 458.3485, F.S.;

Senator Bean moved the following amendment which was adopted:

Amendment 13 (342638) (with title amendment)—Between lines 1845 and 1846 insert:

Section 30. Paragraph (d) of subsection (2) of section 893.04, Florida Statutes, is amended to read:

893.04 Pharmacist and practitioner.—

(2)

(d) Each written prescription prescribed by a practitioner in this state for a controlled substance listed in Schedule II, Schedule III, or Schedule IV must include both a written and a numerical notation of the quantity of the controlled substance prescribed ~~on the face of the prescription~~ and a notation of the date *in numerical, month/day/year format, or*~~,~~ with the abbreviated month written out*, or the month written out in whole* ~~on the face of the prescription~~. A pharmacist may, upon verification by the prescriber, document any information required by this paragraph. If the prescriber is not available to verify a prescription, the pharmacist may dispense the controlled substance but may insist that the person to whom the controlled substance is dispensed provide valid photographic identification. If a prescription includes a numerical notation of the quantity of the controlled substance or date, but does not include the quantity or date written out in textual format, the pharmacist may dispense the controlled substance without verification by the prescriber of the quantity or date if the pharmacy previously dispensed another prescription for the person to whom the prescription was written.

And the title is amended as follows:

Delete line 173 and insert: certify medical assistants; amending ss. 456.42 and 893.04, F.S.;

Senator Hays moved the following amendment which was adopted:

Amendment 14 (108586)—Delete line 1955 and insert:
not supervise more than *five* ~~four~~ currently licensed physician

Delete line 2149 and insert:
not supervise more than *five* ~~four~~ currently licensed physician

Senator Sobel moved the following amendment which was adopted:

Amendment 15 (291640) (with title amendment)—Delete lines 2341-2346 and insert:

(4) "Clinic" means an entity *that provides* ~~where~~ health care services ~~are provided~~ to individuals and *that receives remuneration* ~~which tenders charges for reimbursement~~ for such services, including a mobile clinic and a portable equipment provider. As used in this part, the term does not include and the licensure requirements of this part do not apply to:

And the title is amended as follows:

Between lines 211 and 212 insert: revising the definition of "clinic";

Senator Grimsley moved the following amendments which were adopted:

Amendment 16 (691856) (with title amendment)—Between lines 2509 and 2510 insert:

Section 39. Paragraph (a) of subsection (6) of section 395.003, Florida Statutes, is amended to read:

395.003 Licensure; denial, suspension, and revocation.—

(6)(a) A specialty hospital may not provide any service or regularly serve any population group beyond those services or groups specified in its license. A ~~specialty-licensed children's~~ hospital that is authorized to provide pediatric cardiac catheterization and pediatric open-heart surgery services may provide cardiovascular service to adults who, as children, were previously served by the hospital for congenital heart disease, or to ~~those~~ patients who are referred *only* for a specialized procedure ~~only~~ for congenital heart disease by an adult hospital, without obtaining additional licensure as a provider of adult cardiovascular services. The agency may request documentation as needed to support patient selection and treatment. This subsection does not apply to a specialty-licensed children's hospital that is already licensed to provide adult cardiovascular services.

And the title is amended as follows:

Delete line 213 and insert: chapter 400, F.S., in certain circumstances; amending s. 395.003, F.S.; revising provisions relating to the provision of cardiovascular services by a hospital; providing

Amendment 17 (925472) (with title amendment)—Between lines 2509 and 2510 insert:

Section 39. Paragraph (c) of subsection (2) of section 409.967, Florida Statutes, is 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 *of comparing* ~~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.

2. *If establishing a prescribed drug formulary or preferred drug list, a managed care plan shall:*

a. Provide a broad range of therapeutic options for the treatment of disease states which are consistent with the general needs of an outpatient population. If feasible, the formulary or preferred drug list must include at least two products in a therapeutic class.

b. ~~Each managed care plan must~~ Publish *the* ~~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 *shall* ~~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.~~

3. For *enrollees* ~~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. Notwithstanding any other law, in order to establish uniformity in the submission of prior authorization forms, effective January 1, 2015, a managed care plan shall use a single standardized form for obtaining prior authorization for a medical procedure, course of treatment, or prescription drug benefit. The form may not exceed two pages in length, excluding any instructions or guiding documentation.

a. The managed care plan shall make the form available electronically and online to practitioners. The prescribing provider may electronically submit the completed prior authorization form to the managed care plan.

b. If the managed care plan contracts with a pharmacy benefits manager to perform prior authorization services for a medical procedure, course of treatment, or prescription drug benefit, the pharmacy benefits manager must use and accept the standardized prior authorization form.

c. A completed prior authorization request submitted by a health care provider using the standardized prior authorization form is deemed approved upon receipt by the managed care plan unless the managed care plan responds otherwise within 3 business days.

5. If medications for the treatment of a medical condition are restricted for use by a managed care plan by a step-therapy or fail-first protocol, the prescribing provider must have access to a clear and convenient process to request an override of the protocol from the managed care plan.

a. The managed care plan shall grant an override within 72 hours if the prescribing provider documents that:

(I) Based on sound clinical evidence, the preferred treatment required under the step-therapy or fail-first protocol has been ineffective in the treatment of the enrollee's disease or medical condition; or

(II) Based on sound clinical evidence or medical and scientific evidence, the preferred treatment required under the step-therapy or fail-first protocol:

(A) Is expected or is likely to be ineffective based on known relevant physical or mental characteristics of the enrollee and known characteristics of the drug regimen; or

(B) Will cause or will likely cause an adverse reaction or other physical harm to the enrollee.

b. If the prescribing provider allows the enrollee to enter the step-therapy or fail-first protocol recommended by the managed care plan, the duration of the step-therapy or fail-first protocol may not exceed the customary period for use of the medication if the prescribing provider demonstrates such treatment to be clinically ineffective. If the managed care plan can, through sound clinical evidence, demonstrate that the originally prescribed medication is likely to require more than the customary period to provide any relief or amelioration to the enrollee, the

step-therapy or fail-first protocol may be extended for an additional period, but no longer than the original customary period for use of the medication. Notwithstanding this provision, a step-therapy or fail-first protocol shall be terminated if the prescribing provider determines that the enrollee is having an adverse reaction or is suffering from other physical harm resulting from the use of the medication.

Section 40. Section 627.42392, Florida Statutes, is created to read:

627.42392 Prior authorization.—

(1) Notwithstanding any other law, in order to establish uniformity in the submission of prior authorization forms, effective January 1, 2015, a health insurer that delivers, issues for delivery, renews, amends, or continues an individual or group health insurance policy in this state, including a policy issued to a small employer as defined in s. 627.6699, shall use a single standardized form for obtaining prior authorization for a medical procedure, course of treatment, or prescription drug benefit. The form may not exceed two pages in length, excluding any instructions or guiding documentation.

(a) The health insurer shall make the form available electronically and online to practitioners. The prescribing provider may submit the completed prior authorization form electronically to the health insurer.

(b) If the health insurer contracts with a pharmacy benefits manager to perform prior authorization services for a medical procedure, course of treatment, or prescription drug benefit, the pharmacy benefits manager must use and accept the standardized prior authorization form.

(c) A completed prior authorization request submitted by a health care provider using the standardized prior authorization form is deemed approved upon receipt by the health insurer unless the health insurer responds otherwise within 3 business days.

(2) This section does not apply to a grandfathered health plan as defined in s. 627.402.

Section 41. Section 627.42393, Florida Statutes, is created to read:

627.42393 Medication protocol override.—If an individual or group health insurance policy, including a policy issued by a small employer as defined in s. 627.6699, restricts medications for the treatment of a medical condition by a step-therapy or fail-first protocol, the prescribing provider must have access to a clear and convenient process to request an override of the protocol from the health insurer.

(1) The health insurer shall authorize an override of the protocol within 72 hours if the prescribing provider documents that:

(a) Based on sound clinical evidence, the preferred treatment required under the step-therapy or fail-first protocol has been ineffective in the treatment of the insured's disease or medical condition; or

(b) Based on sound clinical evidence or medical and scientific evidence, the preferred treatment required under the step-therapy or fail-first protocol:

1. Is expected or is likely to be ineffective based on known relevant physical or mental characteristics of the insured and known characteristics of the drug regimen; or

2. Will cause or is likely to cause an adverse reaction or other physical harm to the insured.

(2) If the prescribing provider allows the insured to enter the step-therapy or fail-first protocol recommended by the health insurer, the duration of the step-therapy or fail-first protocol may not exceed the customary period for use of the medication if the prescribing provider demonstrates such treatment to be clinically ineffective. If the health insurer can, through sound clinical evidence, demonstrate that the originally prescribed medication is likely to require more than the customary period for such medication to provide any relief or amelioration to the insured, the step-therapy or fail-first protocol may be extended for an additional period of time, but no longer than the original customary period for the medication. Notwithstanding this provision, a step-therapy or fail-first protocol shall be terminated if the prescribing provider determines that the insured is having an adverse reaction or is suffering from other physical harm resulting from the use of the medication.

(3) This section does not apply to grandfathered health plans, as defined in s. 627.402.

Section 42. Subsection (11) of section 627.6131, Florida Statutes, is amended to read:

627.6131 Payment of claims.—

(11) A health insurer may not retroactively deny a claim because of insured ineligibility*:*

(a) More than 1 year after the date of payment of the claim*; or*

(b) If, under a policy compliant with the federal Patient Protection and Affordable Care Act, as amended by the Health Care and Education Reconciliation Act of 2010, and the regulations adopted pursuant to those acts, the health insurer verified the eligibility of the insured at the time of treatment and provided an authorization number, unless, at the time eligibility was verified, the provider was notified that the insured was delinquent in paying the premium.

Section 43. Subsection (2) of section 627.6471, Florida Statutes, is amended to read:

627.6471 Contracts for reduced rates of payment; limitations; coinsurance and deductibles.—

(2) *An* ~~Any~~ insurer issuing a policy of health insurance in this state~~,~~ which ~~insurance~~ includes coverage for the services of a preferred provider *shall*~~, must~~ provide each policyholder and certificateholder with a current list of preferred providers*, shall* ~~and must~~ make the list available for public inspection during regular business hours at the principal office of the insurer within the state*, and shall post a link to the list of preferred providers on the home page of the insurer's website. Changes to the list of preferred providers must be reflected on the insurer's website within 24 hours.*

Section 44. Paragraph (c) of subsection (2) of section 627.6515, Florida Statutes, is amended to read:

627.6515 Out-of-state groups.—

(2) Except as otherwise provided in this part, this part does not apply to a group health insurance policy issued or delivered outside this state under which a resident of this state is provided coverage if:

(c) The policy provides the benefits specified in ss. 627.419, *627.42392, 627.42393,* 627.6574, 627.6575, 627.6579, 627.6612, 627.66121, 627.66122, 627.6613, 627.667, 627.6675, 627.6691, and 627.66911, and complies with the requirements of s. 627.66996.

Section 45. Subsection (10) of section 641.3155, Florida Statutes, is amended to read:

641.3155 Prompt payment of claims.—

(10) A health maintenance organization may not retroactively deny a claim because of subscriber ineligibility*:*

(a) More than 1 year after the date of payment of the claim*; or*

(b) If, under a policy in compliance with the federal Patient Protection and Affordable Care Act, as amended by the Health Care and Education Reconciliation Act of 2010, and the regulations adopted pursuant to those acts, the health maintenance organization verified the eligibility of the subscriber at the time of treatment and provided an authorization number, unless, at the time eligibility was verified, the provider was notified that the subscriber was delinquent in paying the premium.

Section 46. Section 641.393, Florida Statutes, is created to read:

641.393 Prior authorization.—Notwithstanding any other law, in order to establish uniformity in the submission of prior authorization forms, effective January 1, 2015, a health maintenance organization shall use a single standardized form for obtaining prior authorization for prescription drug benefits. The form may not exceed two pages in length, excluding any instructions or guiding documentation.

(1) A health maintenance organization shall make the form available electronically and online to practitioners. A health care provider may electronically submit the completed form to the health maintenance organization.

(2) If a health maintenance organization contracts with a pharmacy benefits manager to perform prior authorization services for prescription drug benefits, the pharmacy benefits manager must use and accept the standardized prior authorization form.

(3) A completed prior authorization request submitted by a health care provider using the standardized prior authorization form required under this section is deemed approved upon receipt by the health maintenance organization unless the health maintenance organization responds otherwise within 3 business days.

(4) This section does not apply to grandfathered health plans, as defined in s. 627.402.

Section 47. Section 641.394, Florida Statutes, is created to read:

641.394 Medication protocol override.—If a health maintenance organization contract restricts medications for the treatment of a medical condition by a step-therapy or fail-first protocol, the prescribing provider shall have access to a clear and convenient process to request an override of the protocol from the health maintenance organization.

(1) The health maintenance organization shall grant an override within 72 hours if the prescribing provider documents that:

(a) Based on sound clinical evidence, the preferred treatment required under the step-therapy or fail-first protocol has been ineffective in the treatment of the subscriber's disease or medical condition; or

(b) Based on sound clinical evidence or medical and scientific evidence, the preferred treatment required under the step-therapy or fail-first protocol:

1. Is expected or is likely to be ineffective based on known relevant physical or mental characteristics of the subscriber and known characteristics of the drug regimen; or

2. Will cause or is likely to cause an adverse reaction or other physical harm to the subscriber.

(2) If the prescribing provider allows the subscriber to enter the step-therapy or fail-first protocol recommended by the health maintenance organization, the duration of the step-therapy or fail-first protocol may not exceed the customary period for use of the medication if the prescribing provider demonstrates such treatment to be clinically ineffective. If the health maintenance organization can, through sound clinical evidence, demonstrate that the originally prescribed medication is likely to require more than the customary period to provide any relief or amelioration to the subscriber, the step-therapy or fail-first protocol may be extended for an additional period, but no longer than the original customary period for use of the medication. Notwithstanding this provision, a step-therapy or fail-first protocol shall be terminated if the prescribing provider determines that the subscriber is having an adverse reaction or is suffering from other physical harm resulting from the use of the medication.

(3) This section does not apply to grandfathered health plans, as defined in s. 627.402.

And the title is amended as follows:

Delete line 213 and insert: chapter 400, F.S., in certain circumstances; amending s. 409.967, F.S.; revising contract requirements for Medicaid managed care programs; providing requirements for plans establishing a drug formulary or preferred drug list; requiring the use of a standardized prior authorization form; providing requirements for the form and for the availability and submission of the form; requiring a pharmacy benefits manager to use and accept the form under certain circumstances; establishing a process for providers to override certain treatment restrictions; providing requirements for approval of such overrides; providing an exception to the override protocol in certain circumstances; creating s. 627.42392, F.S.; requiring health insurers to use a standardized prior authorization form; providing requirements for the form and for the availability and submission of the form; requiring a pharmacy benefits manager to use and accept the form under certain circumstances; providing an exemption; creating s. 627.42393, F.S.; establishing a process for providers to override certain treatment restrictions; providing requirements for approval of such overrides; providing an exception to the override protocol in certain circumstances; providing an exemption; amending s. 627.6131, F.S.; prohibiting an insurer from retroactively denying a claim in certain circumstances; amending s. 627.6471, F.S.; requiring insurers to post preferred provider information on a website; specifying that changes to such a website must be made within a certain time; amending s. 627.6515, F.S.; applying provisions relating to prior authorization and override protocols to out-of-state groups; amending s. 641.3155, F.S.; prohibiting a health maintenance organization from retroactively denying a claim in certain circumstances; creating s. 641.393, F.S.; requiring the use of a standardized prior authorization form by a health maintenance organization; providing requirements for the availability and submission of the form; requiring a pharmacy benefits manager to use and accept the form under certain circumstances; providing an exemption; creating s. 641.394, F.S.; establishing a process for providers to override certain treatment restrictions; providing requirements for approval of such overrides; providing an exception to the override protocol in certain circumstances; providing an exemption; providing

Senator Garcia moved the following amendments which were adopted:

Amendment 18 (356888) (with title amendment)—Between lines 2509 and 2510 insert:

Section 39. Part XI of chapter 400, Florida Statutes, consisting of sections 400.997 through 400.9985, is created to read:

PART XI
TRANSITIONAL LIVING FACILITIES

400.997 Legislative intent.—It is the intent of the Legislature to provide for the licensure of transitional living facilities and require the development, establishment, and enforcement of basic standards by the Agency for Health Care Administration to ensure quality of care and services to clients in transitional living facilities. It is the policy of the state that the least restrictive appropriate available treatment be used based on the individual needs and best interest of the client, consistent with optimum improvement of the client's condition. The goal of a transitional living program for persons who have brain or spinal cord injuries is to assist each person who has such an injury to achieve a higher level of independent functioning and to enable the person to reenter the community. It is also the policy of the state that the restraint or seclusion of a client is justified only as an emergency safety measure used in response to danger to the client or others. It is therefore the intent of the Legislature to achieve an ongoing reduction in the use of restraint or seclusion in programs and facilities that serve persons who have brain or spinal cord injuries.

400.9971 Definitions.—As used in this part, the term:

(1) "Agency" means the Agency for Health Care Administration.

(2) "Chemical restraint" means a pharmacologic drug that physically limits, restricts, or deprives a person of movement or mobility, is used for client protection or safety, and is not required for the treatment of medical conditions or symptoms.

(3) "Client's representative" means the parent of a child client or the client's guardian, designated representative, designee, surrogate, or attorney in fact.

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

(5) "Physical restraint" means a manual method to restrict freedom of movement of or normal access to a person's body, or a physical or mechanical device, material, or equipment attached or adjacent to the person's body that the person cannot easily remove and that restricts freedom of movement of or normal access to the person's body, including, but not limited to, a half-bed rail, a full-bed rail, a geriatric chair, or a Posey restraint. The term includes any device that is not specifically manufactured as a restraint but is altered, arranged, or otherwise used for this purpose. The term does not include bandage material used for the purpose of binding a wound or injury.

(6) "Seclusion" means the physical segregation of a person in any fashion or the involuntary isolation of a person in a room or area from which the person is prevented from leaving. Such prevention may be accomplished by imposition of a physical barrier or by action of a staff member to prevent the person from leaving the room or area. For purposes of this part, the term does not mean isolation due to a person's medical condition or symptoms.

(7) "Transitional living facility" means a site where specialized health care services are provided to persons who have brain or spinal cord injuries, including, but not limited to, rehabilitative services, behavior modification, community reentry training, aids for independent living, and counseling.

400.9972 License required; fee; application.—

(1) The requirements of part II of chapter 408 apply to the provision of services that require licensure pursuant to this part and part II of chapter 408 and to entities licensed by or applying for licensure from the agency pursuant to this part. A license issued by the agency is required for the operation of a transitional living facility in this state. However, this part does not require a provider licensed by the agency to obtain a separate transitional living facility license to serve persons who have brain or spinal cord injuries as long as the services provided are within the scope of the provider's license.

(2) In accordance with this part, an applicant or a licensee shall pay a fee for each license application submitted under this part. The license fee shall consist of a $4,588 license fee and a $90 per-bed fee per biennium and shall conform to the annual adjustment authorized in s. 408.805.

(3) An applicant for licensure must provide:

(a) The location of the facility for which the license is sought and documentation, signed by the appropriate local government official, which states that the applicant has met local zoning requirements.

(b) Proof of liability insurance as defined in s. 624.605(1)(b).

(c) Proof of compliance with local zoning requirements, including compliance with the requirements of chapter 419 if the proposed facility is a community residential home.

(d) Proof that the facility has received a satisfactory firesafety inspection.

(e) Documentation that the facility has received a satisfactory sanitation inspection by the county health department.

(4) The applicant's proposed facility must attain and continuously maintain accreditation by an accrediting organization that specializes in evaluating rehabilitation facilities whose standards incorporate licensure regulations comparable to those required by the state. An applicant for licensure as a transitional living facility must acquire accreditation within 12 months after issuance of an initial license. The agency shall accept the accreditation survey report of the accrediting organization in lieu of conducting a licensure inspection if the standards included in the survey report are determined by the agency to document that the facility substantially complies with state licensure requirements. Within 10 days after receiving the accreditation survey report, the applicant shall submit to the agency a copy of the report and evidence of the accreditation decision as a result of the report. The agency may conduct an inspection of a transitional living facility to ensure compliance with the licensure requirements of this part, to validate the inspection process of the accrediting organization, to respond to licensure complaints, or to protect the public health and safety.

400.9973 Client admission, transfer, and discharge.—

(1) A transitional living facility shall have written policies and procedures governing the admission, transfer, and discharge of clients.

(2) The admission of a client to a transitional living facility must be in accordance with the licensee's policies and procedures.

(3) A client admitted to a transitional living facility must have a brain or spinal cord injury, such as a lesion to the spinal cord or cauda equina syndrome, with evidence of significant involvement of at least two of the following deficits or dysfunctions:

(a) A motor deficit.

(b) A sensory deficit.

(c) Bowel and bladder dysfunction.

(d) An acquired internal or external injury to the skull, the brain, or the brain's covering, whether caused by a traumatic or nontraumatic event, which produces an altered state of consciousness or an anatomic motor, sensory, cognitive, or behavioral deficit.

(4) A client whose medical condition and diagnosis do not positively identify a cause of the client's condition, whose symptoms are inconsistent with the known cause of injury, or whose recovery is inconsistent with the known medical condition may be admitted to a transitional living facility for evaluation for a period not to exceed 90 days.

(5) A client admitted to a transitional living facility must be admitted upon prescription by a licensed physician, physician assistant, or advanced registered nurse practitioner and must remain under the care of a licensed physician, physician assistant, or advanced registered nurse practitioner for the duration of the client's stay in the facility.

(6) A transitional living facility may not admit a person whose primary admitting diagnosis is mental illness or an intellectual or developmental disability.

(7) A person may not be admitted to a transitional living facility if the person:

(a) Presents significant risk of infection to other clients or personnel. A health care practitioner must provide documentation that the person is free of apparent signs and symptoms of communicable disease;

(b) Is a danger to himself or herself or others as determined by a physician, physician assistant, or advanced registered nurse practitioner or a mental health practitioner licensed under chapter 490 or chapter 491, unless the facility provides adequate staffing and support to ensure patient safety;

(c) Is bedridden; or

(d) Requires 24-hour nursing supervision.

(8) If the client meets the admission criteria, the medical or nursing director of the facility must complete an initial evaluation of the client's functional skills, behavioral status, cognitive status, educational or vocational potential, medical status, psychosocial status, sensorimotor capacity, and other related skills and abilities within the first 72 hours after the client's admission to the facility. An initial comprehensive treatment plan that delineates services to be provided and appropriate sources for such services must be implemented within the first 4 days after admission.

(9) A transitional living facility shall develop a discharge plan for each client before or upon admission to the facility. The discharge plan must identify the intended discharge site and possible alternative discharge sites. For each discharge site identified, the discharge plan must identify the skills, behaviors, and other conditions that the client must achieve to be eligible for discharge. A discharge plan must be reviewed and updated as necessary but at least once monthly.

(10) A transitional living facility shall discharge a client as soon as practicable when the client no longer requires the specialized services described in s. 400.9971(7), when the client is not making measurable progress in accordance with the client's comprehensive treatment plan, or when the transitional living facility is no longer the most appropriate and least restrictive treatment option.

(11) A transitional living facility shall provide at least 30 days' notice to a client of transfer or discharge plans, including the location of an acceptable transfer location if the client is unable to live independently. This subsection does not apply if a client voluntarily terminates residency.

400.9974 Client comprehensive treatment plans; client services.—

(1) A transitional living facility shall develop a comprehensive treatment plan for each client as soon as practicable but no later than 30 days after the initial comprehensive treatment plan is developed. The com-

prehensive treatment plan must be developed by an interdisciplinary team consisting of the case manager, the program director, the advanced registered nurse practitioner, and appropriate therapists. The client or, if appropriate, the client's representative must be included in developing the comprehensive treatment plan. The comprehensive treatment plan must be reviewed and updated if the client fails to meet projected improvements outlined in the plan or if a significant change in the client's condition occurs. The comprehensive treatment plan must be reviewed and updated at least once monthly.

(2) The comprehensive treatment plan must include:

(a) Orders obtained from the physician, physician assistant, or advanced registered nurse practitioner and the client's diagnosis, medical history, physical examination, and rehabilitative or restorative needs.

(b) A preliminary nursing evaluation, including orders for immediate care provided by the physician, physician assistant, or advanced registered nurse practitioner, which shall be completed when the client is admitted.

(c) A comprehensive, accurate, reproducible, and standardized assessment of the client's functional capability; the treatments designed to achieve skills, behaviors, and other conditions necessary for the client to return to the community; and specific measurable goals.

(d) Steps necessary for the client to achieve transition into the community and estimated length of time to achieve those goals.

(3) The client or, if appropriate, the client's representative must consent to the continued treatment at the transitional living facility. Consent may be for a period of up to 3 months. If such consent is not given, the transitional living facility shall discharge the client as soon as practicable.

(4) A client must receive the professional program services needed to implement the client's comprehensive treatment plan.

(5) The licensee must employ qualified professional staff to carry out and monitor the various professional interventions in accordance with the stated goals and objectives of the client's comprehensive treatment plan.

(6) A client must receive a continuous treatment program that includes appropriate, consistent implementation of specialized and general training, treatment, health services, and related services and that is directed toward:

(a) The acquisition of the behaviors and skills necessary for the client to function with as much self-determination and independence as possible.

(b) The prevention or deceleration of regression or loss of current optimal functional status.

(c) The management of behavioral issues that preclude independent functioning in the community.

400.9975 Licensee responsibilities.—

(1) The licensee shall ensure that each client:

(a) Lives in a safe environment free from abuse, neglect, and exploitation.

(b) Is treated with consideration and respect and with due recognition of personal dignity, individuality, and the need for privacy.

(c) Retains and uses his or her own clothes and other personal property in his or her immediate living quarters to maintain individuality and personal dignity, except when the licensee demonstrates that such retention and use would be unsafe, impractical, or an infringement upon the rights of other clients.

(d) Has unrestricted private communication, including receiving and sending unopened correspondence, access to a telephone, and visits with any person of his or her choice. Upon request, the licensee shall modify visiting hours for caregivers and guests. The facility shall restrict communication in accordance with any court order or written instruction of a client's representative. Any restriction on a client's communication for therapeutic reasons shall be documented and reviewed at least weekly and shall be removed as soon as no longer clinically indicated. The basis for the restriction shall be explained to the client and, if applicable, the client's representative. The client shall retain the right to call the central abuse hotline, the agency, and Disability Rights Florida at any time.

(e) Has the opportunity to participate in and benefit from community services and activities to achieve the highest possible level of independence, autonomy, and interaction within the community.

(f) Has the opportunity to manage his or her financial affairs unless the client or, if applicable, the client's representative authorizes the administrator of the facility to provide safekeeping for funds as provided under this part.

(g) Has reasonable opportunity for regular exercise more than once per week and to be outdoors at regular and frequent intervals except when prevented by inclement weather.

(h) Has the opportunity to exercise civil and religious liberties, including the right to independent personal decisions. However, a religious belief or practice, including attendance at religious services, may not be imposed upon any client.

(i) Has access to adequate and appropriate health care consistent with established and recognized community standards.

(j) Has the opportunity to present grievances and recommend changes in policies, procedures, and services to the staff of the licensee, governing officials, or any other person without restraint, interference, coercion, discrimination, or reprisal. A licensee shall establish a grievance procedure to facilitate a client's ability to present grievances, including a system for investigating, tracking, managing, and responding to complaints by a client or, if applicable, the client's representative and an appeals process. The appeals process must include access to Disability Rights Florida and other advocates and the right to be a member of, be active in, and associate with advocacy or special interest groups.

(2) The licensee shall:

(a) Promote participation of the client's representative in the process of providing treatment to the client unless the representative's participation is unobtainable or inappropriate.

(b) Answer communications from the client's family, guardians, and friends promptly and appropriately.

(c) Promote visits by persons with a relationship to the client at any reasonable hour, without requiring prior notice, in any area of the facility that provides direct care services to the client, consistent with the client's and other clients' privacy, unless the interdisciplinary team determines that such a visit would not be appropriate.

(d) Promote opportunities for the client to leave the facility for visits, trips, or vacations.

(e) Promptly notify the client's representative of a significant incident or change in the client's condition, including, but not limited to, serious illness, accident, abuse, unauthorized absence, or death.

(3) The administrator of a facility shall ensure that a written notice of licensee responsibilities is posted in a prominent place in each building where clients reside and is read or explained to clients who cannot read. This notice shall be provided to clients in a manner that is clearly legible, shall include the statewide toll-free telephone number for reporting complaints to the agency, and shall include the words: "To report a complaint regarding the services you receive, please call toll-free ...[telephone number]... or Disability Rights Florida ...[telephone number]...." The statewide toll-free telephone number for the central abuse hotline shall be provided to clients in a manner that is clearly legible and shall include the words: "To report abuse, neglect, or exploitation, please call toll-free ...[telephone number]...." The licensee shall ensure a client's access to a telephone where telephone numbers are posted as required by this subsection.

(4) A licensee or employee of a facility may not serve notice upon a client to leave the premises or take any other retaliatory action against another person solely because of the following:

(a) The client or other person files an internal or external complaint or grievance regarding the facility.

(b) The client or other person appears as a witness in a hearing inside or outside the facility.

(5) Before or at the time of admission, the client and, if applicable, the client's representative shall receive a copy of the licensee's responsibilities, including grievance procedures and telephone numbers, as provided in this section.

(6) The licensee must develop and implement policies and procedures governing the release of client information, including consent necessary from the client or, if applicable, the client's representative.

400.9976 Administration of medication.—

(1) An individual medication administration record must be maintained for each client. A dose of medication, including a self-administered dose, shall be properly recorded in the client's record. A client who self-administers medication shall be given a pill organizer. Medication must be placed in the pill organizer by a nurse. A nurse shall document the date and time that medication is placed into each client's pill organizer. All medications must be administered in compliance with orders of a physician, physician assistant, or advanced registered nurse practitioner.

(2) If an interdisciplinary team determines that self-administration of medication is an appropriate objective, and if the physician, physician assistant, or advanced registered nurse practitioner does not specify otherwise, the client must be instructed by the physician, physician assistant, or advanced registered nurse practitioner to self-administer his or her medication without the assistance of a staff person. All forms of self-administration of medication, including administration orally, by injection, and by suppository, shall be included in the training. The client's physician, physician assistant, or advanced registered nurse practitioner must be informed of the interdisciplinary team's decision that self-administration of medication is an objective for the client. A client may not self-administer medication until he or she demonstrates the competency to take the correct medication in the correct dosage at the correct time, to respond to missed doses, and to contact the appropriate person with questions.

(3) Medication administration discrepancies and adverse drug reactions must be recorded and reported immediately to a physician, physician assistant, or advanced registered nurse practitioner.

400.9977 Assistance with medication.—

(1) Notwithstanding any provision of part I of chapter 464, the Nurse Practice Act, unlicensed direct care services staff who provide services to clients in a facility licensed under this chapter or chapter 429 may administer prescribed, prepackaged, and premeasured medications under the general supervision of a registered nurse as provided under this section and applicable rules.

(2) Training required by this section and applicable rules shall be conducted by a registered nurse licensed under chapter 464, a physician licensed under chapter 458 or chapter 459, or a pharmacist licensed under chapter 465.

(3) A facility that allows unlicensed direct care service staff to administer medications pursuant to this section shall:

(a) Develop and implement policies and procedures that include a plan to ensure the safe handling, storage, and administration of prescription medications.

(b) Maintain written evidence of the expressed and informed consent for each client.

(c) Maintain a copy of the written prescription, including the name of the medication, the dosage, and the administration schedule and termination date.

(d) Maintain documentation of compliance with required training.

(4) The agency shall adopt rules to implement this section.

400.9978 Protection of clients from abuse, neglect, mistreatment, and exploitation.—The licensee shall develop and implement policies and procedures for the screening and training of employees; the protection of clients; and the prevention, identification, investigation, and reporting of abuse, neglect, mistreatment, and exploitation. The licensee shall identify clients whose personal histories render them at risk for abusing other clients, develop intervention strategies to prevent occurrences of abuse, monitor clients for changes that would trigger abusive behavior, and reassess the interventions on a regular basis. A licensee shall:

(1) Screen each potential employee for a history of abuse, neglect, mistreatment, or exploitation of clients. The screening shall include an attempt to obtain information from previous and current employers and verification of screening information by the appropriate licensing boards.

(2) Train employees through orientation and ongoing sessions regarding issues related to abuse prohibition practices, including identification of abuse, neglect, mistreatment, and exploitation; appropriate interventions to address aggressive or catastrophic reactions of clients; the process for reporting allegations without fear of reprisal; and recognition of signs of frustration and stress that may lead to abuse.

(3) Provide clients, families, and staff with information regarding how and to whom they may report concerns, incidents, and grievances without fear of retribution and provide feedback regarding the concerns that are expressed. A licensee shall identify, correct, and intervene in situations in which abuse, neglect, mistreatment, or exploitation is likely to occur, including:

(a) Evaluating the physical environment of the facility to identify characteristics that may make abuse or neglect more likely to occur, such as secluded areas.

(b) Providing sufficient staff on each shift to meet the needs of the clients and ensuring that the assigned staff have knowledge of each client's care needs.

(c) Identifying inappropriate staff behaviors, such as using derogatory language, rough handling of clients, ignoring clients while giving care, and directing clients who need toileting assistance to urinate or defecate in their beds.

(d) Assessing, monitoring, and planning care for clients with needs and behaviors that might lead to conflict or neglect, such as a history of aggressive behaviors including entering other clients' rooms without permission, exhibiting self-injurious behaviors or communication disorders, requiring intensive nursing care, or being totally dependent on staff.

(4) Identify events, such as suspicious bruising of clients, occurrences, patterns, and trends that may constitute abuse and determine the direction of the investigation.

(5) Investigate alleged violations and different types of incidents, identify the staff member responsible for initial reporting, and report results to the proper authorities. The licensee shall analyze the incidents to determine whether policies and procedures need to be changed to prevent further incidents and take necessary corrective actions.

(6) Protect clients from harm during an investigation.

(7) Report alleged violations and substantiated incidents, as required under chapters 39 and 415, to the licensing authorities and all other agencies, as required, and report any knowledge of actions by a court of law that would indicate an employee is unfit for service.

400.9979 Restraint and seclusion; client safety.—

(1) A facility shall provide a therapeutic milieu that supports a culture of individual empowerment and responsibility. The health and safety of the client shall be the facility's primary concern at all times.

(2) The use of physical restraints must be ordered and documented by a physician, physician assistant, or advanced registered nurse practitioner and must be consistent with the policies and procedures adopted by the facility. The client or, if applicable, the client's representative shall be informed of the facility's physical restraint policies and procedures when the client is admitted.

(3) The use of chemical restraints shall be limited to prescribed dosages of medications as ordered by a physician, physician assistant, or advanced registered nurse practitioner and must be consistent with the client's diagnosis and the policies and procedures adopted by the facility. The client and, if applicable, the client's representative shall be informed of the facility's chemical restraint policies and procedures when the client is admitted.

(4) Based on the assessment by a physician, physician assistant, or advanced registered nurse practitioner, if a client exhibits symptoms that present an immediate risk of injury or death to himself or herself or others, a physician, physician assistant, or advanced registered nurse practitioner may issue an emergency treatment order to immediately administer rapid-response psychotropic medications or other chemical restraints. Each emergency treatment order must be documented and maintained in the client's record.

(a) An emergency treatment order is not effective for more than 24 hours.

(b) Whenever a client is medicated under this subsection, the client's representative or a responsible party and the client's physician, physician assistant, or advanced registered nurse practitioner shall be notified as soon as practicable.

(5) A client who is prescribed and receives a medication that can serve as a chemical restraint for a purpose other than an emergency treatment order must be evaluated by his or her physician, physician assistant, or advanced registered nurse practitioner at least monthly to assess:

(a) The continued need for the medication.

(b) The level of the medication in the client's blood.

(c) The need for adjustments to the prescription.

(6) The licensee shall ensure that clients are free from unnecessary drugs and physical restraints and are provided treatment to reduce dependency on drugs and physical restraints.

(7) The licensee may only employ physical restraints and seclusion as authorized by the facility's written policies, which shall comply with this section and applicable rules.

(8) Interventions to manage dangerous client behavior shall be employed with sufficient safeguards and supervision to ensure that the safety, welfare, and civil and human rights of a client are adequately protected.

(9) A facility shall notify the parent, guardian, or, if applicable, the client's representative when restraint or seclusion is employed. The facility must provide the notification within 24 hours after the restraint or seclusion is employed. Reasonable efforts must be taken to notify the parent, guardian, or, if applicable, the client's representative by telephone or e-mail, or both, and these efforts must be documented.

(10) The agency may adopt rules that establish standards and procedures for the use of restraints, restraint positioning, seclusion, and emergency treatment orders for psychotropic medications, restraint, and seclusion. These rules must include duration of restraint, staff training, observation of the client during restraint, and documentation and reporting standards.

400.998 Personnel background screening; administration and management procedures.—

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

(2) The licensee shall maintain personnel records for each staff member that contain, at a minimum, documentation of background screening, a job description, documentation of compliance with the training requirements of this part and applicable rules, the employment application, references, a copy of each job performance evaluation, and, for each staff member who performs services for which licensure or certification is required, a copy of all licenses or certification held by that staff member.

(3) The licensee must:

(a) Develop and implement infection control policies and procedures and include the policies and procedures in the licensee's policy manual.

(b) Maintain liability insurance as defined in s. 624.605(1)(b).

(c) Designate one person as an administrator to be responsible and accountable for the overall management of the facility.

(d) Designate in writing a person to be responsible for the facility when the administrator is absent from the facility for more than 24 hours.

(e) Designate in writing a program director to be responsible for supervising the therapeutic and behavioral staff, determining the levels of supervision, and determining room placement for each client.

(f) Designate in writing a person to be responsible when the program director is absent from the facility for more than 24 hours.

(g) Obtain approval of the comprehensive emergency management plan, pursuant to s. 400.9982(2)(e), from the local emergency management agency. Pending the approval of the plan, the local emergency management agency shall ensure that the following agencies, at a minimum, are given the opportunity to review the plan: the Department of Health, the Agency for Health Care Administration, and the Division of Emergency Management. Appropriate volunteer organizations shall also be given the opportunity to review the plan. The local emergency management agency shall complete its review within 60 days after receipt of the plan and either approve the plan or advise the licensee of necessary revisions.

(h) Maintain written records in a form and system that comply with medical and business practices and make the records available by the facility for review or submission to the agency upon request. The records shall include:

1. A daily census record that indicates the number of clients currently receiving services in the facility, including information regarding any public funding of such clients.

2. A record of each accident or unusual incident involving a client or staff member that caused, or had the potential to cause, injury or harm to any person or property within the facility. The record shall contain a clear description of each accident or incident; the names of the persons involved; a description of medical or other services provided to these persons, including the provider of the services; and the steps taken to prevent recurrence of such accident or incident.

3. A copy of current agreements with third-party providers.

4. A copy of current agreements with each consultant employed by the licensee and documentation of a consultant's visits and required written and dated reports.

400.9981 Property and personal affairs of clients.—

(1) A client shall be given the option of using his or her own belongings, as space permits; choosing a roommate if practical and not clinically contraindicated; and, whenever possible, unless the client is adjudicated incompetent or incapacitated under state law, managing his or her own affairs.

(2) The admission of a client to a facility and his or her presence therein does not confer on a licensee or administrator, or an employee or representative thereof, any authority to manage, use, or dispose of the property of the client, and the admission or presence of a client does not confer on such person any authority or responsibility for the personal affairs of the client except that which may be necessary for the safe management of the facility or for the safety of the client.

(3) A licensee or administrator, or an employee or representative thereof, may:

(a) Not act as the guardian, trustee, or conservator for a client or a client's property.

(b) Act as a competent client's payee for social security, veteran's, or railroad benefits if the client provides consent and the licensee files a

surety bond with the agency in an amount equal to twice the average monthly aggregate income or personal funds due to the client, or expendable for the client's account, that are received by a licensee.

(c) Act as the attorney in fact for a client if the licensee files a surety bond with the agency in an amount equal to twice the average monthly income of the client, plus the value of a client's property under the control of the attorney in fact.

The surety bond required under paragraph (b) or paragraph (c) shall be executed by the licensee as principal and a licensed surety company. The bond shall be conditioned upon the faithful compliance of the licensee with the requirements of licensure and is payable to the agency for the benefit of a client who suffers a financial loss as a result of the misuse or misappropriation of funds held pursuant to this subsection. A surety company that cancels or does not renew the bond of a licensee shall notify the agency in writing at least 30 days before the action, giving the reason for cancellation or nonrenewal. A licensee or administrator, or an employee or representative thereof, who is granted power of attorney for a client of the facility shall, on a monthly basis, notify the client in writing of any transaction made on behalf of the client pursuant to this subsection, and a copy of the notification given to the client shall be retained in the client's file and available for agency inspection.

(4) A licensee, with the consent of the client, shall provide for safekeeping in the facility of the client's personal effects of a value not in excess of $1,000 and the client's funds not in excess of $500 cash and shall keep complete and accurate records of the funds and personal effects received. If a client is absent from a facility for 24 hours or more, the licensee may provide for safekeeping of the client's personal effects of a value in excess of $1,000.

(5) Funds or other property belonging to or due to a client or expendable for the client's account that are received by a licensee shall be regarded as funds held in trust and shall be kept separate from the funds and property of the licensee and other clients or shall be specifically credited to the client. The funds held in trust shall be used or otherwise expended only for the account of the client. At least once every month, except pursuant to an order of a court of competent jurisdiction, the licensee shall furnish the client and, if applicable, the client's representative with a complete and verified statement of all funds and other property to which this subsection applies, detailing the amount and items received, together with their sources and disposition. The licensee shall furnish the statement annually and upon discharge or transfer of a client. A governmental agency or private charitable agency contributing funds or other property to the account of a client is also entitled to receive a statement monthly and upon the discharge or transfer of the client.

(6)(a) In addition to any damages or civil penalties to which a person is subject, a person who:

1. Intentionally withholds a client's personal funds, personal property, or personal needs allowance;

2. Demands, beneficially receives, or contracts for payment of all or any part of a client's personal property or personal needs allowance in satisfaction of the facility rate for supplies and services; or

3. Borrows from or pledges any personal funds of a client, other than the amount agreed to by written contract under s. 429.24,

commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) A licensee or administrator, or an employee, or representative thereof, who is granted power of attorney for a client and who misuses or misappropriates funds obtained through this power commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(7) In the event of the death of a client, a licensee shall return all refunds, funds, and property held in trust to the client's personal representative, if one has been appointed at the time the licensee disburses such funds, or, if not, to the client's spouse or adult next of kin named in a beneficiary designation form provided by the licensee to the client. If the client does not have a spouse or adult next of kin or such person cannot be located, funds due to be returned to the client shall be placed in an interest-bearing account, and all property held in trust by the licensee shall be safeguarded until such time as the funds and property are disbursed pursuant to the Florida Probate Code. The funds shall be kept separate from the funds and property of the licensee and other clients of the facility. If the funds of the deceased client are not disbursed pursuant to the Florida Probate Code within 2 years after the client's death, the funds shall be deposited in the Health Care Trust Fund administered by the agency.

(8) The agency, by rule, may clarify terms and specify procedures and documentation necessary to administer the provisions of this section relating to the proper management of clients' funds and personal property and the execution of surety bonds.

400.9982 Rules establishing standards.—

(1) It is the intent of the Legislature that rules adopted and enforced pursuant to this part and part II of chapter 408 include criteria to ensure reasonable and consistent quality of care and client safety. The rules should make reasonable efforts to accommodate the needs and preferences of the client to enhance the client's quality of life while residing in a transitional living facility.

(2) The agency may adopt and enforce rules to implement this part and part II of chapter 408, which shall include reasonable and fair criteria with respect to:

(a) The location of transitional living facilities.

(b) The qualifications of personnel, including management, medical, nursing, and other professional personnel and nursing assistants and support staff, who are responsible for client care. The licensee must employ enough qualified professional staff to carry out and monitor interventions in accordance with the stated goals and objectives of each comprehensive treatment plan.

(c) Requirements for personnel procedures, reporting procedures, and documentation necessary to implement this part.

(d) Services provided to clients of transitional living facilities.

(e) The preparation and annual update of a comprehensive emergency management plan in consultation with the Division of Emergency Management. At a minimum, the rules must provide for plan components that address emergency evacuation transportation; adequate sheltering arrangements; postdisaster activities, including provision of emergency power, food, and water; postdisaster transportation; supplies; staffing; emergency equipment; individual identification of clients and transfer of records; communication with families; and responses to family inquiries.

400.9983 Violations; penalties.—A violation of this part or any rule adopted pursuant thereto shall be classified according to the nature of the violation and the gravity of its probable effect on facility clients. The agency shall indicate the classification on the written notice of the violation as follows:

(1) Class I violations are defined in s. 408.813. The agency shall issue a citation regardless of correction and impose an administrative fine of $5,000 for an isolated violation, $7,500 for a patterned violation, or $10,000 for a widespread violation. Violations may be identified, and a fine must be levied, notwithstanding the correction of the deficiency giving rise to the violation.

(2) Class II violations are defined in s. 408.813. The agency shall impose an administrative fine of $1,000 for an isolated violation, $2,500 for a patterned violation, or $5,000 for a widespread violation. A fine must be levied notwithstanding the correction of the deficiency giving rise to the violation.

(3) Class III violations are defined in s. 408.813. The agency shall impose an administrative fine of $500 for an isolated violation, $750 for a patterned violation, or $1,000 for a widespread violation. If a deficiency giving rise to a class III violation is corrected within the time specified by the agency, the fine may not be imposed.

(4) Class IV violations are defined in s. 408.813. The agency shall impose for a cited class IV violation an administrative fine of at least $100 but not exceeding $200 for each violation. If a deficiency giving rise to a class IV violation is corrected within the time specified by the agency, the fine may not be imposed.

400.9984 Receivership proceedings.—The agency may apply s. 429.22 with regard to receivership proceedings for transitional living facilities.

400.9985 Interagency communication.—The agency, the department, the Agency for Persons with Disabilities, and the Department of Children and Families shall develop electronic systems to ensure that relevant information pertaining to the regulation of transitional living facilities and clients is timely and effectively communicated among agencies in order to facilitate the protection of clients. Electronic sharing of information shall include, at a minimum, a brain and spinal cord injury registry and a client abuse registry.

Section 40. *Section 400.805, Florida Statutes, is repealed.*

Section 41. *The title of part V of chapter 400, Florida Statutes, consisting of sections 400.701-400.801, is redesignated as "INTERMEDIATE CARE FACILITIES."*

Section 42. Subsection (9) of section 381.745, Florida Statutes, is amended to read:

381.745 Definitions; ss. 381.739-381.79.—As used in ss. 381.739-381.79, the term:

(9) "Transitional living facility" means a state-approved facility~~,~~ as defined and licensed under chapter 400 ~~or chapter 429, or a facility approved by the brain and spinal cord injury program in accordance with this chapter~~.

Section 43. Section 381.75, Florida Statutes, is amended to read:

381.75 Duties and responsibilities of the department~~, of transitional living facilities, and of residents~~.—Consistent with the mandate of s. 381.7395, the department shall develop and administer a multilevel treatment program for individuals who sustain brain or spinal cord injuries and who are referred to the brain and spinal cord injury program.

(1) Within 15 days after any report of an individual who has sustained a brain or spinal cord injury, the department shall notify the individual or the most immediate available family members of their right to assistance from the state, the services available, and the eligibility requirements.

(2) The department shall refer individuals who have brain or spinal cord injuries to other state agencies to *ensure* ~~assure~~ that rehabilitative services, if desired, are obtained by that individual.

(3) The department, in consultation with emergency medical service, shall develop standards for an emergency medical evacuation system that will ensure that all individuals who sustain traumatic brain or spinal cord injuries are transported to a department-approved trauma center that meets the standards and criteria established by the emergency medical service and the acute-care standards of the brain and spinal cord injury program.

(4) The department shall develop standards for designation of rehabilitation centers to provide rehabilitation services for individuals who have brain or spinal cord injuries.

(5) The department shall determine the appropriate number of designated acute-care facilities, inpatient rehabilitation centers, and outpatient rehabilitation centers~~,~~ needed based on incidence, volume of admissions, and other appropriate criteria.

(6) The department shall develop standards for designation of transitional living facilities to provide *transitional living services for* individuals *who participate in the brain and spinal cord injury program* ~~the opportunity to adjust to their disabilities and to develop physical and functional skills in a supported living environment~~.

~~(a) The Agency for Health Care Administration, in consultation with the department, shall develop rules for the licensure of transitional living facilities for individuals who have brain or spinal cord injuries.~~

~~(b) The goal of a transitional living program for individuals who have brain or spinal cord injuries is to assist each individual who has such a disability to achieve a higher level of independent functioning and to enable that person to reenter the community. The program shall be focused on preparing participants to return to community living.~~

~~(c) A transitional living facility for an individual who has a brain or spinal cord injury shall provide to such individual, in a residential setting, a goal-oriented treatment program designed to improve the individual's physical, cognitive, communicative, behavioral, psychological, and social functioning, as well as to provide necessary support and supervision. A transitional living facility shall offer at least the following therapies: physical, occupational, speech, neuropsychology, independent living skills training, behavior analysis for programs serving brain-injured individuals, health education, and recreation.~~

~~(d) All residents shall use the transitional living facility as a temporary measure and not as a permanent home or domicile. The transitional living facility shall develop an initial treatment plan for each resident within 3 days after the resident's admission. The transitional living facility shall develop a comprehensive plan of treatment and a discharge plan for each resident as soon as practical, but no later than 30 days after the resident's admission. Each comprehensive treatment plan and discharge plan must be reviewed and updated as necessary, but no less often than quarterly. This subsection does not require the discharge of an individual who continues to require any of the specialized services described in paragraph (c) or who is making measurable progress in accordance with that individual's comprehensive treatment plan. The transitional living facility shall discharge any individual who has an appropriate discharge site and who has achieved the goals of his or her discharge plan or who is no longer making progress toward the goals established in the comprehensive treatment plan and the discharge plan. The discharge location must be the least restrictive environment in which an individual's health, well-being, and safety is preserved.~~

~~(7) Recipients of services, under this section, from any of the facilities referred to in this section shall pay a fee based on ability to pay.~~

Section 44. Subsection (4) of section 381.78, Florida Statutes, is amended to read:

381.78 Advisory council on brain and spinal cord injuries.—

(4) The council shall~~:~~

~~(a)~~ provide advice and expertise to the department in the preparation, implementation, and periodic review of the brain and spinal cord injury program.

~~(b) Annually appoint a five member committee composed of one individual who has a brain injury or has a family member with a brain injury, one individual who has a spinal cord injury or has a family member with a spinal cord injury, and three members who shall be chosen from among these representative groups: physicians, other allied health professionals, administrators of brain and spinal cord injury programs, and representatives from support groups with expertise in areas related to the rehabilitation of individuals who have brain or spinal cord injuries, except that one and only one member of the committee shall be an administrator of a transitional living facility. Membership on the council is not a prerequisite for membership on this committee.~~

~~1. The committee shall perform onsite visits to those transitional living facilities identified by the Agency for Health Care Administration as being in possible violation of the statutes and rules regulating such facilities. The committee members have the same rights of entry and inspection granted under s. 400.805(4) to designated representatives of the agency.~~

~~2. Factual findings of the committee resulting from an onsite investigation of a facility pursuant to subparagraph 1. shall be adopted by the agency in developing its administrative response regarding enforcement of statutes and rules regulating the operation of the facility.~~

~~3. Onsite investigations by the committee shall be funded by the Health Care Trust Fund.~~

~~4. Travel expenses for committee members shall be reimbursed in accordance with s. 112.061.~~

~~5. Members of the committee shall recuse themselves from participating in any investigation that would create a conflict of interest under state law, and the council shall replace the member, either temporarily or permanently.~~

Section 45. Subsection (5) of section 400.93, Florida Statutes, is amended to read:

400.93 Licensure required; exemptions; unlawful acts; penalties.—

(5) The following are exempt from home medical equipment provider licensure, unless they have a separate company, corporation, or division that is in the business of providing home medical equipment and services for sale or rent to consumers at their regular or temporary place of residence pursuant to the provisions of this part:

(a) Providers operated by the Department of Health or Federal Government.

(b) Nursing homes licensed under part II.

(c) Assisted living facilities licensed under chapter 429, when serving their residents.

(d) Home health agencies licensed under part III.

(e) Hospices licensed under part IV.

(f) Intermediate care facilities *and*~~,~~ homes for special services~~, and transitional living facilities~~ licensed under part V.

(g) Transitional living facilities licensed under part XI.

(h)~~(g)~~ Hospitals and ambulatory surgical centers licensed under chapter 395.

(i)~~(h)~~ Manufacturers and wholesale distributors when not selling directly to consumers.

(j)~~(i)~~ Licensed health care practitioners who *use* ~~utilize~~ home medical equipment in the course of their practice~~,~~ but do not sell or rent home medical equipment to their patients.

(k)~~(j)~~ Pharmacies licensed under chapter 465.

Section 46. Subsection (21) of section 408.802, Florida Statutes, is amended to read:

408.802 Applicability.—The provisions of this part apply to the provision of services that require licensure as defined in this part and to the following entities licensed, registered, or certified by the agency, as described in chapters 112, 383, 390, 394, 395, 400, 429, 440, 483, and 765:

(21) Transitional living facilities, as provided under part *XI* ~~V~~ of chapter 400.

Section 47. Subsection (20) of section 408.820, Florida Statutes, is amended to read:

408.820 Exemptions.—Except as prescribed in authorizing statutes, the following exemptions shall apply to specified requirements of this part:

(20) Transitional living facilities, as provided under part *XI* ~~V~~ of chapter 400, are exempt from s. 408.810(10).

Section 48. *Effective July 1, 2015, a transitional living facility licensed before the effective date of this act pursuant to s. 400.805, Florida Statutes, must be licensed under part XI of chapter 400, Florida Statutes, as created by this act.*

And the title is amended as follows:

Delete line 213 and insert: chapter 400, F.S., in certain circumstances; creating part XI of ch. 400, F.S.; providing legislative intent; providing definitions; requiring the licensure of transitional living facilities; providing license fees and application requirements; requiring accreditation of licensed facilities; providing requirements for transitional living facility policies and procedures governing client admission, transfer, and discharge; requiring a comprehensive treatment plan to be developed for each client; providing plan and staffing requirements; requiring certain consent for continued treatment in a transitional living facility; providing licensee responsibilities; providing notice requirements; prohibiting a licensee or employee of a facility from serving notice upon a client to leave the premises or take other retaliatory action under certain circumstances; requiring the client and client's representative to be provided with certain information; requiring the licensee to develop and implement certain policies and procedures; providing licensee requirements relating to administration of medication; requiring maintenance of medication administration records; providing requirements for administration of medications by unlicensed staff; specifying who may conduct training of staff; requiring licensees to adopt policies and procedures for administration of medications by trained staff; requiring the Agency for Health Care Administration to adopt rules; providing requirements for the screening of potential employees and training and monitoring of employees for the protection of clients; requiring licensees to implement certain policies and procedures to protect clients; providing conditions for investigating and reporting incidents of abuse, neglect, mistreatment, or exploitation of clients; providing requirements and limitations for the use of physical restraints, seclusion, and chemical restraint medication on clients; providing a limitation on the duration of an emergency treatment order; requiring notification of certain persons when restraint or seclusion is imposed; authorizing the agency to adopt rules; providing background screening requirements; requiring the licensee to maintain certain personnel records; providing administrative responsibilities for licensees; providing recordkeeping requirements; providing licensee responsibilities with respect to the property and personal affairs of clients; providing requirements for a licensee with respect to obtaining surety bonds; providing recordkeeping requirements relating to the safekeeping of personal effects; providing requirements for trust funds or other property received by a licensee and credited to the client; providing a penalty for certain misuse of a client's personal funds, property, or personal needs allowance; providing criminal penalties for violations; providing for the disposition of property in the event of the death of a client; authorizing the agency to adopt rules; providing legislative intent; authorizing the agency to adopt and enforce rules establishing standards for transitional living facilities and personnel thereof; classifying violations and providing penalties therefor; providing administrative fines for specified classes of violations; authorizing the agency to apply certain provisions with regard to receivership proceedings; requiring the agency, the Department of Health, the Agency for Persons with Disabilities, and the Department of Children and Families to develop electronic information systems for certain purposes; repealing s. 400.805, F.S., relating to transitional living facilities; revising the title of part V of ch. 400, F.S.; amending s. 381.745, F.S.; revising the definition of the term "transitional living facility," to conform; amending s. 381.75, F.S.; revising the duties of the Department of Health and the agency relating to transitional living facilities; amending ss. 381.78, 400.93, 408.802, and 408.820, F.S.; conforming provisions to changes made by the act; providing applicability with respect to transitional living facilities licensed before a specified date; providing

Amendment 19 (737600) (with title amendment)—Before line 218 insert:

Section 1. Present subsections (1) through (10) of section 395.0191, Florida Statutes, are redesignated as subsections (2) through (11), respectively, present subsection (6) is amended, and new subsections (1) and subsection (12) are added to that section, to read:

395.0191 Staff membership and clinical privileges.—

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

(a) "Certified surgical assistant" means a surgical assistant who maintains a valid and active certification under one of the following designations:

1. Certified surgical first assistant, from the National Board of Surgical Technology and Surgical Assisting.

2. Certified surgical assistant, from the National Surgical Assistant Association.

3. Surgical assistant-certified, from the American Board of Surgical Assistants.

(b) "Certified surgical technologist" means a surgical technologist who maintains a valid and active certification as a certified surgical technologist from the National Board of Surgical Technology and Surgical Assisting.

(c) "Surgeon" means a health care practitioner as defined in s. 456.001 whose scope of practice includes performing surgery and who is listed as the primary surgeon in the operative record.

(d) "Surgical assistant" means a person who provides aid in exposure, hemostasis, closures, and other intraoperative technical functions and who assists the surgeon in performing a safe operation with optimal results for the patient.

(e) "Surgical technologist" means a person whose duties include, but are not limited to, maintaining sterility during a surgical procedure, handling and ensuring the availability of necessary equipment and supplies, and maintaining visibility of the operative site to ensure that the operating room environment is safe, that proper equipment is available, and that the operative procedure is conducted efficiently.

(7)~~(6)~~ Upon the written request of the applicant, *a* ~~any~~ licensed facility that has denied staff membership or clinical privileges to *an* ~~any~~ applicant specified in subsection *(2)* ~~(1)~~ or subsection *(3)* ~~(2)~~ shall, within 30 days of such request, provide the applicant with the reasons for such denial in writing. A denial of staff membership or clinical privileges to *an* ~~any~~ applicant shall be submitted, in writing, to the applicant's respective licensing board.

(12)(a) At least 50 percent of the surgical assistants that a facility employs or contracts with must be certified surgical assistants.

(b) At least 50 percent of the surgical technologists that a facility employs or contracts with must be certified surgical technologists.

(c) The certification requirements in paragraphs (a) and (b) do not apply to:

1. A person who has completed an appropriate training program for surgical technology in any branch of the Armed Forces or reserve component of the Armed Forces.

2. A person who was employed or contracted to perform the duties of a surgical technologist or surgical assistant at any time before July 1, 2014.

3. A health care practitioner as defined in s. 456.001 or a student if the duties performed by the practitioner or the student are within the scope of the practitioner's or the student's training and practice.

4. A person enrolled in a surgical technology or surgical assisting training program accredited by the Commission on Accreditation of Allied Health Education Programs, the Accrediting Bureau of Health Education Schools, or another accrediting body recognized by the United States Department of Education on July 1, 2014. A person may practice as a surgical technologist or a surgical assistant for 2 years after completing such a training program before he or she is required to meet the criteria in paragraphs (a) and (b).

And the title is amended as follows:

Delete line 2 and insert: An act relating to health care; amending s. 395.0191, F.S.; defining terms; requiring a certain percentage of surgical assistants and surgical technologists employed or contracting with a hospital to be certified; providing exceptions; amending s. 395.1051,

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

Senator Garcia moved the following amendment which was adopted:

Amendment 20 (455738) (with title amendment)—Delete lines 392-522.

And the title is amended as follows:

Delete lines 37-52 and insert: website; amending;

Pending **Amendment 6 (837200)** by Senator Flores was withdrawn.

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

Senator Grimsley moved the following amendment which was adopted:

Amendment 21 (951832) (with title amendment)—Delete lines 1846-1892.

And the title is amended as follows:

Delete lines 176-184 and insert: format;

Pursuant to Rule 4.19, **CS for CS for HB 7113** as amended was placed on the calendar of Bills on Third Reading.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Don Gaetz, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 230, with 1 amendment, and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

CS for CS for SB 230—A bill to be entitled An act relating to the Orlando-Orange County Expressway Authority; amending ss. 348.751 and 348.752, F.S.; renaming the Orlando-Orange County Expressway System as the "Central Florida Expressway System"; revising definitions; making technical changes; amending s. 348.753, F.S.; creating the Central Florida Expressway Authority; providing for the transfer of governance and control, legal rights and powers, responsibilities, terms, and obligations to the authority; providing conditions for the transfer; revising the composition of the governing body of the authority; providing for appointment of officers of the authority and for the expiration of terms of standing board members; revising quorum and voting requirements; conforming terminology and making technical changes; prohibiting a member or the executive director of the authority from personally representing certain persons or entities for a specified time period; prohibiting a retired or terminated member or executive director of the authority from contracting with a business entity under certain circumstances; requiring authority board members, employees, and consultants to make certain annual disclosures; requiring an ethics officer to review such disclosures; requiring the authority code of ethics to include a conflict of interest process; prohibiting authority employees and consultants from serving on the board during their employment or contract period; requiring the code of ethics to be reviewed and updated at least every 2 years; requiring employees to participate in ongoing ethics education; providing penalties; amending s. 348.754, F.S.; providing that the area served by the authority is within the geopolitical boundaries of Orange, Seminole, Lake, and Osceola Counties; requiring the authority to have prior consent from the Secretary of the Department of Transportation to construct an extension, addition, or improvement to the expressway system in Lake County; extending, to 99 years from 40 years, the term of a lease-purchase agreement; limiting the authority's authority to enter into a lease-purchase agreement; limiting the use of certain toll-revenues; providing exceptions; removing the requirement that the route of a project must be approved by a municipality before the right-of-way can be acquired; requiring that the authority encourage the inclusion of local-, small-, minority-, and women-owned businesses in its procurement and contracting opportunities; removing the authority and criteria for an authority to waive payment and performance bonds for certain public works projects that are awarded pursuant to an economic development program; conforming terminology and making technical changes; amending ss. 348.7543, 348.7544, 348.7545, 348.7546, 348.7547, 348.755, and 348.756, F.S.; conforming terminology and making technical changes; amending s. 348.757, F.S.; providing that upon termination of the lease-purchase agreement of the former Orlando-Orange County Expressway System, title in fee simple to the former system shall be transferred to the state; conforming terminology and making technical changes; amending ss. 348.758, 348.759, 348.760, 348.761, and 348.765, F.S.; conforming terminology and making technical changes; amending s. 348.9953, F.S.; limiting the purpose and powers of the Osceola County Expressway Authority; providing for the termination of the Osceola County Expressway Authority by a specified time period; prohibiting the authority from extending the Poinciana Parkway beyond a specified limit;

amending s. 369.317, F.S.; conforming terminology and making technical changes; amending s. 369.324, F.S.; revising the membership of the Wekiva River Basin Commission; conforming terminology; providing criteria for the transfer of the Osceola County Expressway System to the Central Florida Expressway Authority; providing for the repeal of part V of ch. 348, F.S., when the Osceola County Expressway System is transferred to the Central Florida Expressway Authority; requiring the Central Florida Expressway Authority to reimburse other governmental entities for obligations related to the Osceola County Expressway System; excluding certain obligations and payments of Osceola County regarding the Poinciana Parkway; providing for reimbursement after payment of other obligations; providing a directive to the Division of Law Revision and Information; providing an effective date.

House Amendment 1 (462213) (with title amendment)—Remove lines 197-1343 and insert:

(b) It is the intent of the Legislature that the Central Florida Expressway Authority, upon its formation, be the successor party to the Orlando-Orange County Expressway Authority under the land acquisition contract dated November 11, 2013, and be subject to all terms and provisions, including conditions precedent and rights of termination, stated in the contract.

(c) The transfer pursuant to this subsection is subject to the terms and covenants provided for the protection of the holders of the Orlando-Orange County Expressway Authority bonds in the lease-purchase agreement and the resolutions adopted in connection with the issuance of the bonds. Further, the transfer does not impair the terms of the contract between the Orlando-Orange County Expressway Authority and the bondholders, does not act to the detriment of the bondholders, and does not diminish the security for the bonds. After the transfer, the Central Florida Expressway Authority shall operate and maintain the expressway system and any other facilities of the Orlando-Orange County Expressway Authority in accordance with the terms, conditions, and covenants contained in the bond resolutions and lease-purchase agreement securing the bonds of the authority. The Central Florida Expressway Authority shall collect toll revenues and apply them to the payment of debt service as provided in the bond resolution securing the bonds, and shall expressly assume all obligations relating to the bonds to ensure that the transfer will have no adverse impact on the security for the bonds. The transfer does not make the obligation to pay the principal and interest on the bonds a general liability of the Central Florida Expressway Authority or pledge additional expressway system revenues to payment of the bonds. Revenues that are generated by the expressway system and other facilities of the Central Florida Expressway Authority which were pledged by the Orlando-Orange County Expressway Authority to payment of the bonds will remain subject to the pledge for the benefit of the bondholders. The transfer does not modify or eliminate any prior obligation of the department to pay certain costs of the expressway system from sources other than revenues of the expressway system.

(3)~~(2)~~ The governing body of the authority shall consist of *nine* ~~five~~ members. *The chairs of the boards of the county commissions of Seminole, Lake, and Osceola Counties shall each appoint one member, who may be a commission member or chair. The Mayor of Orange County shall appoint a member from the Orange County Commission. The Governor shall appoint three citizen* ~~Three~~ members*, each of whom must be a citizen of either Orange County, Seminole County, Lake County, or Osceola County* ~~shall be citizens of Orange County, who shall be appointed by the Governor~~. The *eighth* ~~fourth~~ member *must* ~~shall~~ be~~, ex officio,~~ the *Mayor of* ~~chair of the County Commissioners of~~ Orange County. *The ninth member must be the Mayor of the City of Orlando. The executive director of Florida Turnpike Enterprise shall serve as a nonvoting advisor to the governing body of the authority*~~, and the fifth member shall be, ex officio, the district secretary of the Department of Transportation serving in the district that contains Orange County~~. ~~The term of~~ Each ~~appointed~~ member *appointed by the Governor* shall *serve* ~~be~~ for 4 years. *Each county-appointed member shall serve for 2 years. The terms of standing board members expire upon the effective date of this act.* Each appointed member shall hold office until his or her successor has been appointed and has qualified. A vacancy occurring during a term *must* ~~shall~~ be filled only for the balance of the unexpired term. Each appointed member of the authority shall be a person of outstanding reputation for integrity, responsibility, and business ability, but*, except as provided in this subsection, a* ~~no~~ person who is an officer or employee of *a municipality or* ~~any city or of Orange~~ county *may not* ~~in any other capacity shall~~ be an appointed member of the authority. Any member of the authority *is* ~~shall be~~ eligible for reappointment.

(4)~~(3)~~(a) The authority shall elect one of its members as chair of the authority. The authority shall also elect *one of its members as vice chair, one of its members as* ~~a~~ secretary*,* and *one of its members as* ~~a~~ treasurer ~~who may or may not be members of the authority~~. The chair*, vice chair,* secretary, and treasurer shall hold such offices at the will of the authority. *Five* ~~Three~~ members of the authority ~~shall~~ constitute a quorum, and the vote of *five* ~~three~~ members *is* ~~shall be~~ necessary for any action taken by the authority. *A* ~~No~~ vacancy in the authority *does not* ~~shall~~ impair the right of a quorum of the authority to exercise all of the rights and perform all of the duties of the authority.

(b) Upon the effective date of his or her appointment, or as soon thereafter as practicable, each appointed member of the authority shall enter upon his or her duties. *Members of the authority may be removed from office by the Governor for misconduct, malfeasance, misfeasance, or nonfeasance in office.*

(c) Members of the authority are entitled to receive reimbursement from the authority for travel and other necessary expenses incurred in connection with the business of the authority as provided in s. 112.061, but may not draw salaries or other compensation.

(5)~~(4)(a)~~ The authority may employ an executive secretary, an executive director, its own counsel and legal staff, technical experts, *and the* ~~such~~ engineers~~,~~ and ~~such~~ employees *that*~~, permanent or temporary, as~~ it *requires. The authority* ~~may require and~~ may determine the qualifications and fix the compensation of such persons, firms, or corporations*,* and may employ a fiscal agent or agents*;*~~, provided,~~ however, ~~that~~ the authority shall solicit sealed proposals from at least three persons, firms, or corporations for the performance of any services as fiscal agents. The authority may delegate to one or more of its agents or employees *the* ~~such of its~~ power ~~as~~ it *deems* ~~shall deem~~ necessary to carry out the purposes of this part~~, subject always to the supervision and control of the authority. Members of the authority may be removed from their office by the Governor for misconduct, malfeasance, misfeasance, or nonfeasance in office~~.

~~(b) Members of the authority shall be entitled to receive from the authority their travel and other necessary expenses incurred in connection with the business of the authority as provided in s. 112.061, but they shall draw no salaries or other compensation.~~

(6) A member or the executive director of the authority may not:

(a) Personally represent another person or entity for compensation before the authority for a period of 2 years following vacation of his or her position.

(b) After retirement or termination, have an employment or contractual relationship with a business entity other than an agency as defined in s. 112.312, in connection with a contract in which the member or executive director personally and substantially participated in through decision, approval, disapproval, recommendation, rendering of advice, or investigation while he or she was a member or employee of the authority.

(7) The authority's general counsel shall serve as the authority's ethics officer.

(8) Authority board members, employees, and consultants who hold positions that may influence authority decisions shall refrain from engaging in any relationship that may adversely affect their judgment in carrying out authority business. To prevent such conflicts of interest and preserve the integrity and transparency of the authority to the public, the following disclosures must be made annually on a disclosure form:

(a) Any relationship a board member, employee, or consultant has which affords a current or future financial benefit to such board member, employee, or consultant, or to a relative or business associate of such board member, employee, or consultant, and which a reasonable person would conclude has the potential to create a prohibited conflict of interest. As used in this subsection, the term "relative" has the same meaning as in s. 112.312.

(b) Whether a relative of a board member, employee, or consultant is a registered lobbyist, and if so, the names of the lobbyist's clients. Such names shall be provided in writing to the ethics officer.

(c) Any and all interests in real property that a board member, employee, or consultant has, or that a relative, principal, client, or business associate of such board member, employee, or consultant has, if such real property is located within, or within a one-half mile radius of, any actual or prospective authority roadway project. The executive director shall provide a corridor map and a property ownership list reflecting the ownership of all real property within the disclosure area, or an alignment map with a list of associated owners, to all board members, employees, and consultants.

(9) The disclosure forms required under subsection (8) must be reviewed by the ethics officer or, if a form is filed by the general counsel, by the executive director.

(10) The conflict of interest process shall be outlined in the authority's code of ethics.

(11) Authority employees and consultants are prohibited from serving on the governing body of the authority while employed by or under contract with the authority.

(12) The code of ethics policy shall be reviewed and updated by the ethics officer and presented for board approval at a minimum of once every 2 years.

(13) Employees shall be adequately informed and trained on the code of ethics and shall continually participate in ongoing ethics education.

(14) The requirements in subsections (6) through (13) are in addition to the requirements that the members and the executive director of the authority are required to follow under chapter 112.

(15) Violations of subsections (6), (8), and (11) are punishable in accordance with s. 112.317.

Section 4. Section 348.754, Florida Statutes, is amended to read:

348.754 Purposes and powers.—

(1)(a) The authority created and established *under* ~~by the provisions of~~ this part is ~~hereby~~ granted and *has* ~~shall have~~ the right to acquire, hold, construct, improve, maintain, operate, own, and lease in the capacity of lessor~~,~~ the *Central Florida* ~~Orlando-Orange County~~ Expressway System, hereinafter referred to as "system." *Except as otherwise specifically provided by law, including paragraph (2)(n), the area served by the authority shall be within the geographical boundaries of Orange, Seminole, Lake, and Osceola Counties.*

(b) ~~It is the express intention of this part that said authority,~~ In the construction of *the Central Florida* ~~said Orlando-Orange County~~ Expressway System, *the authority may* ~~shall be authorized to~~ construct any extensions, additions, or improvements to *the* ~~said~~ system or appurtenant facilities, including all necessary approaches, roads, bridges, ~~and~~ avenues of access, *rapid transit, trams, fixed guideways, thoroughfares, and boulevards* with *any* ~~such~~ changes, modifications, or revisions of *the* ~~said~~ project *which are* ~~as shall be~~ deemed desirable and proper.

(c) Notwithstanding any other provision of this section to the contrary, to ensure the continued financial feasibility of the portion of the Wekiva Parkway to be constructed by the department, the authority may not, without the prior consent of the secretary of the department, construct any extensions, additions, or improvements to the expressway system in Lake County.

(2) The authority ~~is hereby granted, and shall have and~~ may exercise all powers necessary, appurtenant, convenient, or incidental to the *implementation* ~~carrying out~~ of the *stated* ~~aforesaid~~ purposes, including, but *not* ~~without being~~ limited to, the following rights and powers:

(a) To sue and be sued, implead and be impleaded, complain and defend in all courts.

(b) To adopt, use, and alter at will a corporate seal.

(c) To acquire by donation or otherwise, purchase, hold, lease as lessee, and use any franchise *or any*~~,~~ property, real, personal, ~~or~~ mixed, *or* tangible or intangible, or any options ~~thereof~~ in its own name or in conjunction with others, or interest *in those options* ~~therein~~, necessary or desirable *to carry* ~~for carrying~~ out the purposes of the authority, and to sell, lease as lessor, transfer, and dispose of any property or interest *in the property* ~~therein~~ at any time acquired by it.

(d) To enter into and make leases for terms not exceeding 99 years, as ~~either~~ lessee or lessor, in order to carry out the right to lease as *specified* ~~set forth~~ in this part.

(e) To enter into and make lease-purchase agreements with the department for terms not exceeding *99* ~~40~~ years, or until any bonds secured by a pledge of rentals *pursuant to the agreement* ~~thereunder~~, and any refundings *pursuant to the agreement* ~~thereof~~, are fully paid as to both principal and interest, whichever is longer. *The authority is a party to a lease-purchase agreement between the department and the authority dated December 23, 1985, as supplemented by a first supplement to the lease-purchase agreement dated November 25, 1986, and a second supplement to the lease-purchase agreement dated October 27, 1988. The authority may not enter into other lease-purchase agreements with the department and may not amend the existing agreement in a manner that expands or increases the department's obligations unless the department determines that the agreement or amendment is necessary to permit the refunding of bonds issued before July 1, 2013.*

(f) To fix, alter, charge, establish, and collect rates, fees, rentals, and other charges for the services and facilities of the *Central Florida* ~~Orlando-Orange County~~ Expressway System~~,~~ which *must* ~~rates, fees, rentals and other charges shall~~ always be sufficient to comply with any covenants made with the holders of any bonds issued pursuant to this part; ~~provided,~~ however, ~~that~~ such right and power may be assigned or delegated~~,~~ by the authority~~,~~ to the department. *Toll revenues attributable to an increase in the toll rates charged on or after the effective date of this act for the use of a portion of the system may not be used to construct or expand a different portion of the system unless a two-thirds majority of the members of the authority votes to approve such use. This requirement does not apply if, and to the extent that:*

1. Application of the requirement would violate any covenant established in a resolution or trust indenture under which bonds were issued by the Orlando-Orange County Expressway Authority on or before the effective date of this act; or

2. Application of the requirement would cause the authority to be unable to meet its obligations under the terms of the memorandum of understanding between the authority and the department as ratified by the Orlando-Orange County Expressway Authority board on February 22, 2012.

Notwithstanding s. 338.165, and except as otherwise prohibited by this part, to the extent revenues of the expressway system exceed amounts required to comply with any covenants made with the holders of bonds issued pursuant to this part, revenues may be used for purposes enumerated in subsection (6), provided the expenditures are consistent with the metropolitan planning organization's adopted long-range plan.

(g) To borrow money, make and issue negotiable notes, bonds, refunding bonds, and other evidences of indebtedness or obligations, either in temporary or definitive form, ~~hereinafter in this chapter sometimes called "bonds" of the authority,~~ for the purpose of financing all or part of the improvement or extension of the *Central Florida* ~~Orlando-Orange County~~ Expressway System, and appurtenant facilities, including all approaches, streets, roads, bridges, and avenues of access for *the Central Florida* ~~said Orlando-Orange County~~ Expressway System and for any other purpose authorized by this part, ~~said bonds to mature in not exceeding 40 years from the date of the issuance thereof,~~ and to secure the payment of such bonds or any part thereof by a pledge of any or all of its revenues, rates, fees, rentals, or other charges, including all or any portion of the Orange County gasoline tax funds received by the authority pursuant to ~~the terms of~~ any lease-purchase agreement between the authority and the department; and in general to provide for the security of *the* ~~said~~ bonds and the rights and remedies of the holders thereof. ~~Provided,~~ However, ~~that~~ no portion of the Orange County gasoline tax funds *may* ~~shall~~ be pledged for the construction of any project for which a toll is to be charged unless the anticipated *toll is* ~~tolls are~~ reasonably estimated by the board of county commissioners, at the date of its resolution pledging *the* ~~said~~ funds, to be sufficient to cover the principal and interest of such obligations during the period when *the* ~~said~~ pledge of funds *is* ~~shall be~~ in effect. *The bonds issued under this paragraph must mature not more than 40 years after their issue date.*

1. The authority shall reimburse Orange County for any sums expended from *the* ~~said~~ gasoline tax funds used for the payment of such obligations. Any gasoline tax funds so disbursed *must* ~~shall~~ be repaid when the authority deems it practicable, together with interest at the highest rate applicable to any obligations of the authority.

2. *If, pursuant to this section,* ~~In the event~~ the authority *funds* ~~shall determine to fund~~ or *refunds* ~~refund~~ any bonds *previously* ~~theretofore~~ issued by *the* ~~said~~ authority~~,~~ or *the* ~~by said~~ commission *before the bonds mature* ~~as aforesaid prior to the maturity thereof~~, the proceeds of such funding or refunding *must* ~~bonds shall~~, pending the prior redemption of *these* ~~the~~ bonds ~~to be funded or refunded~~, be invested in direct obligations of the United States~~, and it is the express intention of this part that such outstanding bonds may be funded or refunded by the issuance of bonds pursuant to this part~~.

(h) To make contracts ~~of every name and nature~~, including, but not limited to, partnerships providing for participation in ownership and revenues, and to execute all instruments necessary or convenient for *conducting* ~~the carrying on of~~ its business.

(i) *Notwithstanding paragraphs (a)-(h),* ~~Without limitation of the foregoing,~~ to borrow money and accept grants from, and to enter into contracts, leases*,* or other transactions with any federal agency, the state, any agency of the state, the County of Orange, the City of Orlando*,* or with any other public body of the state.

(j) To have the power of eminent domain, including the procedural powers granted under both chapters 73 and 74.

(k) To pledge, hypothecate*,* or otherwise encumber ~~all or~~ any part of the revenues, rates, fees, rentals*,* or other charges or receipts of the authority, including all or any portion of the Orange County gasoline tax funds received by the authority pursuant to the terms of any lease-purchase agreement between the authority and the department, as security for ~~all or~~ any of the obligations of the authority.

(l) To enter into partnership and other agreements respecting ownership and revenue participation in order to facilitate financing and constructing the Western Beltway, or portions thereof.

(m) To do *everything* ~~all acts and things~~ necessary or convenient for the conduct of its business and the general welfare of the authority, in order to *comply with* ~~carry out the powers granted to it by~~ this part or any other law.

(n) With the consent of the county within whose jurisdiction the following activities occur, the authority shall have the right to construct, operate, and maintain roads, bridges, avenues of access, *transportation facilities,* thoroughfares, and boulevards outside the jurisdictional boundaries of Orange*, Seminole, Lake, and Osceola Counties* ~~County~~, together with the right to construct, repair, replace, operate, install, and maintain electronic toll payment systems thereon~~, with all necessary and incidental powers to accomplish the foregoing~~.

(3) The authority *does not* ~~shall~~ have *the* ~~no~~ power ~~at any time or in any manner~~ to pledge the credit or taxing power of the state or any political subdivision or agency thereof, including *any city and any county* ~~the City of Orlando and the County of Orange~~, *nor may* ~~nor shall~~ any of the authority's obligations be deemed to be obligations of the state or of any political subdivision or agency thereof, *nor may* ~~nor shall~~ the state or any political subdivision or agency thereof, except the authority, be liable for the payment of the principal of or interest on such obligations.

~~(4) Anything in this part to the contrary notwithstanding, acquisition of right-of-way for a project of the authority which is within the boundaries of any municipality in Orange County shall not be begun unless and until the route of said project within said municipality has been given prior approval by the governing body of said municipality.~~

(4)~~(5)~~ The authority *has* ~~shall have~~ no power other than by consent of *an affected* ~~Orange~~ county or any affected city, to enter into any agreement which would legally prohibit the construction of *a* ~~any~~ road by *the respective county or city* ~~Orange County or by any city within Orange County~~.

(5) The authority shall encourage the inclusion of local-, small-, minority-, and women-owned businesses in its procurement and contracting opportunities.

(6)~~(a)~~ *The authority may, within the right-of-way of the expressway system, finance or refinance the planning, design, acquisition, construction, extension, rehabilitation, equipping, preservation, maintenance, or improvement of an intermodal facility or facilities, a multimodal corridor or corridors, or any programs or projects that will improve the levels of service on the expressway system* ~~Notwithstanding s. 255.05, the Orlando Orange County Expressway Authority may waive payment and performance bonds on construction contracts for the construction of a public building, for the prosecution and completion of a public work, or for repairs on a public building or public work that has a cost of $500,000 or less and when the project is awarded pursuant to an economic development program for the encouragement of local small businesses that has been adopted by the governing body of the Orlando Orange County Expressway Authority pursuant to a resolution or policy~~.

~~(b) The authority's adopted criteria for participation in the economic development program for local small businesses requires that a participant:~~

~~1. Be an independent business.~~

~~2. Be principally domiciled in the Orange County Standard Metropolitan Statistical Area.~~

~~3. Employ 25 or fewer full time employees.~~

~~4. Have gross annual sales averaging $3 million or less over the immediately preceding 3 calendar years with regard to any construction element of the program.~~

~~5. Be accepted as a participant in the Orlando Orange County Expressway Authority's microcontracts program or such other small business program as may be hereinafter enacted by the Orlando Orange County Expressway Authority.~~

~~6. Participate in an educational curriculum or technical assistance program for business development that will assist the small business in becoming eligible for bonding.~~

~~(c) The authority's adopted procedures for waiving payment and performance bonds on projects with values not less than $200,000 and not exceeding $500,000 shall provide that payment and performance bonds may only be waived on projects that have been set aside to be competitively bid on by participants in an economic development program for local small businesses. The authority's executive director or his or her designee shall determine whether specific construction projects are suitable for:~~

~~1. Bidding under the authority's microcontracts program by registered local small businesses; and~~

~~2. Waiver of the payment and performance bond.~~

~~The decision of the authority's executive director or deputy executive director to waive the payment and performance bond shall be based upon his or her investigation and conclusion that there exists sufficient competition so that the authority receives a fair price and does not undertake any unusual risk with respect to such project.~~

~~(d) For any contract for which a payment and performance bond has been waived pursuant to the authority set forth in this section, the Orlando Orange County Expressway Authority shall pay all persons defined in s. 713.01 who furnish labor, services, or materials for the prosecution of the work provided for in the contract to the same extent and upon the same conditions that a surety on the payment bond under s. 255.05 would have been obligated to pay such persons if the payment and performance bond had not been waived. The authority shall record notice of this obligation in the manner and location that surety bonds are recorded. The notice shall include the information describing the contract that s. 255.05(1) requires be stated on the front page of the bond. Notwithstanding that s. 255.05(9) generally applies when a performance and payment bond is required, s. 255.05(9) shall apply under this subsection to any contract on which performance or payment bonds are waived and any claim to payment under this subsection shall be treated as a contract claim pursuant to s. 255.05(9).~~

~~(e) A small business that has been the successful bidder on six projects for which the payment and performance bond was waived by the authority pursuant to paragraph (a) shall be ineligible to bid on addi-~~

~~tional projects for which the payment and performance bond is to be waived. The local small business may continue to participate in other elements of the economic development program for local small businesses as long as it is eligible.~~

~~(f) The authority shall conduct bond eligibility training for businesses qualifying for bond waiver under this subsection to encourage and promote bond eligibility for such businesses.~~

~~(g) The authority shall prepare a biennial report on the activities undertaken pursuant to this subsection to be submitted to the Orange County legislative delegation. The initial report shall be due December 31, 2010.~~

Section 5. Section 348.7543, Florida Statutes, is amended to read:

348.7543 Improvements, bond financing authority for.—Pursuant to s. 11(f), Art. VII of the State Constitution, the Legislature ~~hereby~~ approves for bond financing by the *Central Florida* ~~Orlando-Orange County~~ Expressway Authority improvements to toll collection facilities, interchanges to the legislatively approved expressway system, and any other facility appurtenant, necessary, or incidental to the approved system. Subject to terms and conditions of applicable revenue bond resolutions and covenants, such costs may be financed in whole or in part by revenue bonds issued pursuant to s. 348.755(1)(a) or (b) whether currently issued or issued in the future, or by a combination of such bonds.

Section 6. Section 348.7544, Florida Statutes, is amended to read:

348.7544 Northwest Beltway Part A, construction authorized; financing.—Notwithstanding s. 338.2275, the *Central Florida* ~~Orlando-Orange County~~ Expressway Authority *may* ~~is hereby authorized to~~ construct, finance, operate, own, and maintain that portion of the Western Beltway known as the Northwest Beltway Part A, extending from Florida's Turnpike near Ocoee north to U.S. 441 near Apopka, as part of the authority's 20-year capital projects plan. This project may be financed with any funds available to the authority for such purpose or revenue bonds issued by the Division of Bond Finance of the State Board of Administration on behalf of the authority pursuant to s. 11, Art. VII of the State Constitution and the State Bond Act, ss. 215.57-215.83.

Section 7. Section 348.7545, Florida Statutes, is amended to read:

348.7545 Western Beltway Part C, construction authorized; financing.—Notwithstanding s. 338.2275, the *Central Florida* ~~Orlando-Orange County~~ Expressway Authority *may* ~~is authorized to~~ exercise its condemnation powers, construct, finance, operate, own, and maintain that portion of the Western Beltway known as the Western Beltway Part C, extending from Florida's Turnpike near Ocoee in Orange County southerly through Orange and Osceola Counties to an interchange with I-4 near the Osceola-Polk County line, as part of the authority's 20-year capital projects plan. This project may be financed with any funds available to the authority for such purpose or revenue bonds issued by the Division of Bond Finance of the State Board of Administration on behalf of the authority pursuant to s. 11, Art. VII of the State Constitution and the State Bond Act, ss. 215.57-215.83. This project may be refinanced with bonds issued by the authority pursuant to s. 348.755(1)(d).

Section 8. Section 348.7546, Florida Statutes, is amended to read:

348.7546 Wekiva Parkway, construction authorized; financing.—

(1) The *Central Florida* ~~Orlando-Orange County~~ Expressway Authority *may* ~~is authorized to~~ exercise its condemnation powers and to construct, finance, operate, own, and maintain those portions of the Wekiva Parkway which are identified by agreement between the authority and the department and which are included as part of the authority's long-range capital improvement plan. The "Wekiva Parkway" means any limited access highway or expressway constructed between State Road 429 and Interstate 4 specifically incorporating the corridor alignment recommended by Recommendation 2 of the Wekiva River Basin Area Task Force final report dated January 15, 2003, and the recommendations of the SR 429 Working Group which were adopted January 16, 2004. This project may be financed with any funds available to the authority for such purpose or revenue bonds issued by the authority under s. 11, Art. VII of the State Constitution and s. 348.755(1)(b). This section does not invalidate the exercise by the authority of its condemnation powers or the acquisition of any property for the Wekiva Parkway before July 1, 2012.

(2) Notwithstanding any other provision of law ~~to the contrary~~, in order to ensure that funds are available to the department for its portion of the Wekiva Parkway, beginning July 1, 2012, the authority shall repay the expenditures by the department for costs of operation and maintenance of the *Central Florida* ~~Orlando-Orange County~~ Expressway System in accordance with the terms of the memorandum of understanding between the authority and the department as ratified by the authority board on February 22, 2012, which requires the authority to pay the department $10 million on July 1, 2012, and $20 million on each successive July 1 until the department has been fully reimbursed for all costs of the *Central Florida* ~~Orlando-Orange County~~ Expressway System which were paid, advanced, or reimbursed to the authority by the department, with a final payment in the amount of the balance remaining. Notwithstanding any other law ~~to the contrary~~, the funds paid to the department pursuant to this subsection *must* ~~shall~~ be allocated by the department for construction of the Wekiva Parkway.

(3) The department's obligation to construct its portions of the Wekiva Parkway is contingent upon the timely payment by the authority of the annual payments required of the authority and receipt of all required environmental permits and approvals by the Federal Government.

Section 9. Section 348.7547, Florida Statutes, is amended to read:

348.7547 Maitland Boulevard Extension and Northwest Beltway Part A Realignment construction authorized; financing.—Notwithstanding s. 338.2275, the *Central Florida* ~~Orlando-Orange County~~ Expressway Authority *may* ~~is hereby authorized to~~ exercise its condemnation powers, construct, finance, operate, own, and maintain the portion of State Road 414 known as the Maitland Boulevard Extension and the realigned portion of the Northwest Beltway Part A as part of the authority's long-range capital improvement plan. The Maitland Boulevard Extension *extends* ~~will extend~~ from the current terminus of State Road 414 at U.S. 441 west to State Road 429 in west Orange County. The realigned portion of the Northwest Beltway Part A *runs* ~~will run~~ from the point at or near where the Maitland Boulevard Extension *connects* ~~will connect~~ with State Road 429 and *proceeds* ~~will proceed~~ to the west and then north resulting in the northern terminus of State Road 429 moving farther west before reconnecting with U.S. 441. However, under no circumstances *may* ~~shall~~ the realignment of the Northwest Beltway Part A conflict *with* or contradict ~~with~~ the alignment of the Wekiva Parkway as defined in s. 348.7546. This project may be financed with any funds available to the authority for such purpose or revenue bonds issued by the authority under s. 11, Art. VII of the State Constitution and s. 348.755(1)(b).

Section 10. Subsections (2) and (3) of section 348.755, Florida Statutes, are amended to read:

348.755 Bonds of the authority.—

(2) Any ~~such~~ resolution *that authorizes* ~~or resolutions authorizing~~ any bonds *issued under this section* ~~hereunder~~ may contain provisions *that must* ~~which shall~~ be part of the contract with the holders of such bonds, *relating* ~~as~~ to:

(a) The pledging of ~~all or~~ any part of the revenues, rates, fees, rentals, ~~(~~including ~~all or~~ any portion of the Orange County gasoline tax funds received by the authority pursuant to the terms of any lease-purchase agreement between the authority and the department, or any part thereof~~)~~, or other charges or receipts of the authority, derived by the authority, from the *Central Florida* ~~Orlando-Orange County~~ Expressway System.

(b) The completion, improvement, operation, extension, maintenance, repair, lease or lease-purchase agreement of *the* ~~said~~ system, and the duties of the authority and others, including the department~~, with reference thereto~~.

(c) Limitations on the purposes to which the proceeds of the bonds, then or thereafter to be issued, or of any loan or grant by the United States or the state may be applied.

(d) The fixing, charging, establishing, and collecting of rates, fees, rentals, or other charges for use of the services and facilities of the

Central Florida ~~Orlando-Orange County~~ Expressway System or any part thereof.

(e) The setting aside of reserves or sinking funds or repair and replacement funds and the regulation and disposition thereof.

(f) Limitations on the issuance of additional bonds.

(g) The terms and provisions of any lease-purchase agreement, deed of trust or indenture securing the bonds, or under which the same may be issued.

(h) Any other or additional agreements with the holders of the bonds which the authority may deem desirable and proper.

(3) The authority may employ fiscal agents as provided by this part or the State Board of Administration of Florida may upon request of the authority act as fiscal agent for the authority in the issuance of any bonds *that* ~~which~~ may be issued pursuant to this part, and the State Board of Administration may upon request of the authority take over the management, control, administration, custody, and payment of any ~~or all~~ debt services or funds or assets now or hereafter available for any bonds issued pursuant to this part. The authority may enter into any deeds of trust, indentures or other agreements with its fiscal agent, or with any bank or trust company within or without the state, as security for such bonds, and may, under such agreements, sign and pledge ~~all or~~ any of the revenues, rates, fees, rentals or other charges or receipts of the authority, including ~~all or~~ any portion of the Orange County gasoline tax funds received by the authority pursuant to the terms of any lease-purchase agreement between the authority and the department~~, thereunder~~. Such deed of trust, indenture, or other agreement may contain such provisions as are customary in such instruments, or, as the authority may authorize, including but without limitation, provisions as to:

(a) The completion, improvement, operation, extension, maintenance, repair, and lease of, or lease-purchase agreement relating to the *Central Florida* ~~Orlando-Orange County~~ Expressway System, and the duties of the authority and others including the department, with reference thereto.

(b) The application of funds and the safeguarding of funds on hand or on deposit.

(c) The rights and remedies of the trustee and the holders of the bonds.

(d) The terms and provisions of the bonds or the resolutions authorizing the issuance of same.

Section 11. Subsections (3) and (4) of section 348.756, Florida Statutes, are amended to read:

348.756 Remedies of the bondholders.—

(3) *When a* ~~Any~~ trustee *is* ~~when~~ appointed *pursuant to subsection (1)* ~~as aforesaid~~, or *is* acting under a deed of trust, indenture, or other agreement, and whether or not all bonds have been declared due and payable, *the trustee is* ~~shall be~~ entitled ~~as of right~~ to the appointment of a receiver, who may enter upon and take possession of the *Central Florida* ~~Orlando-Orange County~~ Expressway System or the facilities or any part *of the system or facilities* ~~or parts thereof~~, the rates, fees, rentals, or other revenues, charges, or receipts *that* ~~from which~~ are, or may be, applicable to the payment of the bonds so in default, and subject to and in compliance with the provisions of any lease-purchase agreement between the authority and the department operate and maintain the same, for and on behalf of and in the name of, the authority, the department, and the bondholders, and collect and receive all rates, fees, rentals, and other charges or receipts or revenues arising therefrom in the same manner as the authority or the department might do, and shall deposit all such moneys in a separate account and apply the same in such manner as the court *directs* ~~shall direct~~. In any suit, action, or proceeding by the trustee, the fees, counsel fees, and expenses of the trustee, and *the* ~~said~~ receiver, if any, and all costs and disbursements allowed by the court *must* ~~shall~~ be a first charge on any rates, fees, rentals, or other charges, revenues, or receipts, derived from the *Central Florida* ~~Orlando-Orange County~~ Expressway System, or the facilities or services or any part *of the system or facilities* ~~or parts thereof~~, including payments under any such lease-purchase agreement ~~as aforesaid~~ which ~~said~~ rates, fees, rentals, or other charges, revenues, or receipts ~~shall or~~ may be applicable to the payment of the bonds *that are* ~~so~~ in default. *The* ~~Such~~ trustee *has* ~~shall, in addition to the foregoing, have and possess~~ all of the powers necessary or appropriate for the exercise of any functions specifically set forth *in this section* ~~herein~~ or incident to the representation of the bondholders in the enforcement and protection of their rights.

(4) ~~Nothing in~~ This section or any other section of this part *does not* ~~shall~~ authorize any receiver appointed ~~pursuant hereto~~ for the purpose, subject to and in compliance with the provisions of any lease-purchase agreement between the authority and the department, of operating and maintaining the *Central Florida* ~~Orlando-Orange County~~ Expressway System or any facilities or part *of the system or facilities* ~~or parts thereof~~, to sell, assign, mortgage, or otherwise dispose of any of the assets of whatever kind and character belonging to the authority. ~~It is the intention of this part to limit~~ The powers of *the* ~~such~~ receiver, subject to and in compliance with the provisions of any lease-purchase agreement between the authority and the department, *are limited* to the operation and maintenance of the *Central Florida* ~~Orlando-Orange County~~ Expressway System, or any facility, or part ~~or parts~~ thereof, as the court may direct, in the name and for and on behalf of the authority, the department, and the bondholders, and no holder of bonds on the authority nor any trustee, *has* ~~shall ever have~~ the right in any suit, action, or proceeding at law or in equity, to compel a receiver, nor *may* ~~shall~~ any receiver be authorized or any court be empowered to direct the receiver to sell, assign, mortgage, or otherwise dispose of any assets ~~of whatever kind or character~~ belonging to the authority.

Section 12. Subsections (1) through (7) of section 348.757, Florida Statutes, are amended to read:

348.757 Lease-purchase agreement.—

(1) ~~In order to effectuate the purposes of this part and as authorized by this part,~~ The authority may enter into a lease-purchase agreement with the department relating to and covering the *former* Orlando-Orange County Expressway System.

(2) *The* ~~Such~~ lease-purchase agreement *must* ~~shall~~ provide for the leasing of the *former* Orlando-Orange County Expressway System, by the authority, as lessor, to the department, as lessee, *must* ~~shall~~ prescribe the term of such lease and the rentals to be paid ~~thereunder~~, and *must* ~~shall~~ provide that upon the completion of the faithful performance ~~thereunder~~ and the termination of *the* ~~such~~ lease-purchase agreement, title in fee simple absolute to the *former* Orlando-Orange County Expressway System as then constituted shall be transferred in accordance with law by the authority, to the state and the authority shall deliver to the department such deeds and conveyances as shall be necessary or convenient to vest title in fee simple absolute in the state.

(3) *The* ~~Such~~ lease-purchase agreement may include ~~such~~ other provisions, agreements, and covenants *that* ~~as~~ the authority and the department deem advisable or required, including, but not limited to, provisions as to the bonds to be issued under, and for the purposes of, this part, the completion, extension, improvement, operation, and maintenance of the *former* Orlando-Orange County Expressway System and the expenses and the cost of operation of *the* ~~said~~ authority, the charging and collection of tolls, rates, fees, and other charges for the use of the services and facilities *of the system* ~~thereof~~, the application of federal or state grants or aid *that* ~~which~~ may be made or given to assist the authority in the completion, extension, improvement, operation, and maintenance of the *former Orlando-Orange County* ~~Orlando~~ Expressway System, which the authority is ~~hereby~~ authorized to accept and apply to such purposes, the enforcement of payment and collection of rentals and any other terms, provisions, or covenants necessary, incidental, or appurtenant to the making of and full performance under *the* ~~such~~ lease-purchase agreement.

(4) The department as lessee under *the* ~~such~~ lease-purchase agreement, *may* ~~is hereby authorized to~~ pay as rentals *under the agreement* ~~thereunder~~ any rates, fees, charges, funds, moneys, receipts, or income accruing to the department from the operation of the *former* Orlando-Orange County Expressway System and the Orange County gasoline tax funds and may also pay as rentals any appropriations received by the department pursuant to any act of the Legislature of the state heretofore or hereafter enacted; ~~provided,~~ however, *this part or the* ~~that nothing herein nor in such~~ lease-purchase agreement is *not* intended to *and does not* ~~nor shall this part or such lease-purchase agreement~~ require the making or continuance of such appropriations, *and* ~~nor shall~~ any holder

of bonds issued pursuant to this part *does not* ~~ever~~ have any right to compel the making or continuance of such appropriations.

(5) *A* ~~No~~ pledge of *the* ~~said~~ Orange County gasoline tax funds as rentals under *a* ~~such~~ lease-purchase agreement *may not* ~~shall~~ be made without the consent of the County of Orange evidenced by a resolution duly adopted by the board of county commissioners of said county at a public hearing held pursuant to due notice thereof published at least once a week for 3 consecutive weeks before the hearing in a newspaper of general circulation in Orange County. *The* ~~Said~~ resolution, among other things, *must* ~~shall~~ provide that any excess of *the* ~~said~~ pledged gasoline tax funds which is not required for debt service or reserves for *the* ~~such~~ debt service for any bonds issued by *the* ~~said~~ authority shall be returned annually to the department for distribution to Orange County as provided by law. Before making any application for *a* ~~such~~ pledge of gasoline tax funds, the authority shall present the plan of its proposed project to the Orange County planning and zoning commission for its comments and recommendations.

(6) *The* ~~Said~~ department *may* ~~shall have power to~~ covenant in any lease-purchase agreement that it will pay all or any part of the cost of the operation, maintenance, repair, renewal, and replacement of *the* ~~said~~ system, and any part of the cost of completing *the* ~~said~~ system to the extent that the proceeds of bonds issued ~~therefor~~ are insufficient, from sources other than the revenues derived from the operation of *the* ~~said~~ system and *the* ~~said~~ Orange County gasoline tax funds. *The* ~~said~~ department may also agree to make such other payments from any moneys available to *the* ~~said~~ commission, *the* ~~said~~ county, or *the* ~~said~~ city in connection with the construction or completion of *the* ~~said~~ system as shall be deemed by *the* ~~said~~ department to be fair and proper under any ~~such~~ covenants ~~heretofore or hereafter~~ entered into.

(7) *The* ~~said~~ system *must* ~~shall~~ be a part of the state road system and *the* ~~said~~ department *may* ~~is hereby authorized~~, upon the request of the authority, ~~to~~ expend out of any funds available for the purpose *the* ~~such~~ moneys, and ~~to~~ use ~~such of~~ its engineering and other forces, as may be necessary ~~and desirable in the judgment of said department~~, for the operation of *the* ~~said~~ authority and for traffic surveys, borings, surveys, preparation of plans and specifications, estimates of cost, and other preliminary engineering and other studies; provided, however, that the aggregate amount of moneys expended for *the* ~~said~~ purposes by *the* ~~said~~ department *do* ~~shall~~ not exceed the sum of $375,000.

Section 13. Section 348.758, Florida Statutes, is amended to read:

348.758 *Appointment of* department *as* ~~may be appointed~~ agent of authority for construction.—The department may be appointed by *the* ~~said~~ authority as its agent for the purpose of constructing improvements and extensions to the *Central Florida* ~~Orlando Orange County~~ Expressway System and for *its* ~~the~~ completion ~~thereof~~. In such event, the authority shall provide the department with complete copies of all documents, agreements, resolutions, contracts, and instruments relating thereto and shall request the department to do such construction work, including the planning, surveying, and actual construction of the completion, extensions, and improvements to the *Central Florida* ~~Orlando Orange County~~ Expressway System and shall transfer to the credit of an account of the department in the *State* Treasury ~~of the state~~ the necessary funds, ~~therefor~~ and the department *may* ~~shall thereupon be authorized, empowered and directed to~~ proceed with such construction and ~~to~~ use the ~~said~~ funds for such purpose in the same manner that it is ~~now~~ authorized to use the funds ~~otherwise provided by law~~ for *the* ~~its use in~~ construction of roads and bridges.

Section 14. Section 348.759, Florida Statutes, is amended to read:

348.759 Acquisition of lands and property.—

(1) For the purposes of this part, the *Central Florida* ~~Orlando Orange County~~ Expressway Authority may acquire private or public property and property rights, including rights of access, air, view, and light, by gift, devise, purchase, or condemnation by eminent domain proceedings, as the authority *deems* ~~may deem~~ necessary for any of the purposes of this part, including, but not limited to, any lands reasonably necessary for securing applicable permits, areas necessary for management of access, borrow pits, drainage ditches, water retention areas, rest areas, replacement access for landowners whose access is impaired due to the construction of a facility, and replacement rights-of-way for relocated rail and utility facilities; for existing, proposed, or anticipated transportation facilities on the *Central Florida* ~~Orlando Orange County~~ Expressway System or in a transportation corridor designated by the authority; or for the purposes of screening, relocation, removal, or disposal of junkyards and scrap metal processing facilities. The authority *may* ~~shall also have the power to~~ condemn any material and property necessary for such purposes.

(2) The ~~right of eminent domain herein conferred shall be exercised by the~~ authority *shall exercise the right of eminent domain* in the manner provided by law.

(3) When the authority acquires property for a transportation facility or in a transportation corridor, it is not subject to any liability imposed by chapter 376 or chapter 403 for preexisting soil or groundwater contamination due solely to its ownership. This section does not affect the rights or liabilities of any past or future owners of the acquired property *and* ~~nor~~ does *not* ~~it~~ affect the liability of any governmental entity for the results of its actions which create or exacerbate a pollution source. The authority and the Department of Environmental Protection may enter into interagency agreements for the performance, funding, and reimbursement of the investigative and remedial acts necessary for property acquired by the authority.

Section 15. Section 348.760, Florida Statutes, is amended to read:

348.760 Cooperation with other units, boards, agencies, and individuals.—*A* ~~Express authority and power is hereby given and granted any~~ county, municipality, drainage district, road and bridge district, school district or any other political subdivision, board, commission, or individual in, or of, the state *may* ~~to~~ make and enter into with the authority, contracts, leases, conveyances, partnerships, or other agreements *pursuant to* ~~within the provisions and purposes of~~ this part. The authority *may* ~~is hereby expressly authorized to~~ make and enter into contracts, leases, conveyances, partnerships, and other agreements with any political subdivision, agency, or instrumentality of the state and any ~~and all~~ federal agencies, corporations, and individuals, for the purpose of carrying out the provisions of this part ~~or with the consent of the Seminole County Expressway Authority, for the purpose of carrying out and implementing part VIII of this chapter~~.

Section 16. Section 348.761, Florida Statutes, is amended to read:

348.761 Covenant of the state.—The state *pledges* ~~does hereby pledge~~ to, and agrees, with any person, firm or corporation, or federal or state agency subscribing to, or acquiring the bonds to be issued by the authority for the purposes of this part that the state will not limit or alter the rights *that are* ~~hereby~~ vested in the authority and the department until all *issued* bonds *and interest* ~~at any time issued, together with the interest thereon,~~ are fully paid and discharged insofar as the *pledge* ~~same~~ affects the rights of the holders of bonds issued *pursuant to this part* ~~hereunder~~. The state does further pledge to, and agree, with the United States that in the event any federal agency *constructs or contributes* ~~shall construct or contribute~~ any funds for the completion, extension, or improvement of the *Central Florida* ~~Orlando Orange County~~ Expressway System, or any part or portion *of the system* ~~thereof~~, the state will not alter or limit the rights and powers of the authority and the department in any manner *that* ~~which~~ would be inconsistent with the continued maintenance and operation of the *Central Florida* ~~Orlando Orange County~~ Expressway System or the completion, extension, or improvement *of the system* ~~thereof~~, or *that* ~~which~~ would be inconsistent with the due performance of any agreements between the authority and any such federal agency, and the authority and the department shall continue to have and may exercise all powers ~~herein~~ granted *in this part*, so long as the *powers are* ~~same shall be~~ necessary or desirable for the carrying out of the purposes of this part and the purposes of the United States in the completion, extension, or improvement of the *Central Florida* ~~Orlando Orange County~~ Expressway System, or any part *of the system* ~~or portion thereof~~.

Section 17. Section 348.765, Florida Statutes, is amended to read:

348.765 This part complete and additional authority.—

(1) The powers conferred by this part *are* ~~shall be~~ in addition and supplemental to the existing powers of *the* ~~said~~ board and the department, and this part *may* ~~shall~~ not be construed as repealing any of the provisions, of any other law, general, special, or local, but to supersede such other laws in the exercise of the powers provided in this part, and to

provide a complete method for the exercise of the powers granted in this part. The extension and improvement of *the Central Florida* ~~said Orlando Orange County~~ Expressway System, and the issuance of bonds *pursuant to this part* ~~hereunder~~ to finance all or part of the cost *of the system* ~~thereof~~, may be accomplished upon compliance with the provisions of this part without regard to or necessity for compliance with the provisions, limitations, or restrictions contained in any other general, special, or local law, including, but not limited to, s. 215.821, and no approval of any bonds issued under this part by the qualified electors or qualified electors who are freeholders in the state or in *the* ~~said~~ County of Orange, or in *the* ~~said~~ City of Orlando, or in any other political subdivision of the state, *is* ~~shall be~~ required for the issuance of such bonds pursuant to this part.

(2) This part *does* ~~shall~~ not ~~be deemed to~~ repeal, rescind, or modify any other law ~~or laws~~ relating to *the* ~~said~~ State Board of Administration, *the* ~~said~~ Department of Transportation, or the Division of Bond Finance of the State Board of Administration, but *supersedes any* ~~shall be deemed to and shall supersede such other~~ law *that is* ~~or laws as are~~ inconsistent with the provisions of this part, including, but not limited to, s. 215.821.

Section 18. Subsections (6) and (7) of section 369.317, Florida Statutes, are amended to read:

369.317 Wekiva Parkway.—

(6) The *Central Florida* ~~Orlando Orange County~~ Expressway Authority is hereby granted the authority to act as a third-party acquisition agent, pursuant to s. 259.041 on behalf of the Board of Trustees or chapter 373 on behalf of the governing board of the St. Johns River Water Management District, for the acquisition of all necessary lands, property and all interests in property identified herein, including fee simple or less-than-fee simple interests. The lands subject to this authority are identified in paragraph 10.a., State of Florida, Office of the Governor, Executive Order 03-112 of July 1, 2003, and in Recommendation 16 of the Wekiva Basin Area Task Force created by Executive Order 2002-259, such lands otherwise known as Neighborhood Lakes, a 1,587+/-acre parcel located in Orange and Lake Counties within Sections 27, 28, 33, and 34 of Township 19 South, Range 28 East, and Sections 3, 4, 5, and 9 of Township 20 South, Range 28 East; Seminole Woods/Swamp, a 5,353+/-acre parcel located in Lake County within Section 37, Township 19 South, Range 28 East; New Garden Coal; a 1,605+/-acre parcel in Lake County within Sections 23, 25, 26, 35, and 36, Township 19 South, Range 28 East; Pine Plantation, a 617+/-acre tract consisting of eight individual parcels within the Apopka City limits. The Department of Transportation, the Department of Environmental Protection, the St. Johns River Water Management District, and other land acquisition entities shall participate and cooperate in providing information and support to the third-party acquisition agent. The land acquisition process authorized by this paragraph shall begin no later than December 31, 2004. Acquisition of the properties identified as Neighborhood Lakes, Pine Plantation, and New Garden Coal, or approval as a mitigation bank shall be concluded no later than December 31, 2010. Department of Transportation and *Central Florida* ~~Orlando Orange County~~ Expressway Authority funds expended to purchase an interest in those lands identified in this subsection shall be eligible as environmental mitigation for road construction related impacts in the Wekiva Study Area. If any of the lands identified in this subsection are used as environmental mitigation for road-construction-related impacts incurred by the Department of Transportation or *Central Florida* ~~Orlando Orange County~~ Expressway Authority, or for other impacts incurred by other entities, within the Wekiva Study Area or within the Wekiva parkway alignment corridor, and if the mitigation offsets these impacts, the St. Johns River Water Management District and the Department of Environmental Protection shall consider the activity regulated under part IV of chapter 373 to meet the cumulative impact requirements of s. 373.414(8)(a).

(a) Acquisition of the land described in this section is required to provide right-of-way for the Wekiva Parkway, a limited access roadway linking State Road 429 to Interstate 4, an essential component in meeting regional transportation needs to provide regional connectivity, improve safety, accommodate projected population and economic growth, and satisfy critical transportation requirements caused by increased traffic volume growth and travel demands.

(b) Acquisition of the lands described in this section is also required to protect the surface water and groundwater resources of Lake, Orange, and Seminole counties, otherwise known as the Wekiva Study Area, including recharge within the springshed that provides for the Wekiva River system. Protection of this area is crucial to the long term viability of the Wekiva River and springs and the central Florida region's water supply. Acquisition of the lands described in this section is also necessary to alleviate pressure from growth and development affecting the surface and groundwater resources within the recharge area.

(c) Lands acquired pursuant to this section that are needed for transportation facilities for the Wekiva Parkway shall be determined not necessary for conservation purposes pursuant to ss. 253.034(6) and 373.089(5) and shall be transferred to or retained by the *Central Florida* ~~Orlando Orange County~~ Expressway Authority or the Department of Transportation upon reimbursement of the full purchase price and acquisition costs.

(7) The Department of Transportation, the Department of Environmental Protection, the St. Johns River Water Management District, *Central Florida* ~~Orlando Orange County~~ Expressway Authority, and other land acquisition entities shall cooperate and establish funding responsibilities and partnerships by agreement to the extent funds are available to the various entities. Properties acquired with Florida Forever funds shall be in accordance with s. 259.041 or chapter 373. The *Central Florida* ~~Orlando Orange County~~ Expressway Authority shall acquire land in accordance with this section of law to the extent funds are available from the various funding partners, but shall not be required nor assumed to fund the land acquisition beyond the agreement and funding provided by the various land acquisition entities.

Section 19. Subsection (1) of section 369.324, Florida Statutes, is amended to read:

369.324 Wekiva River Basin Commission.—

(1) The Wekiva River Basin Commission is created to monitor and ensure the implementation of the recommendations of the Wekiva River Basin Coordinating Committee for the Wekiva Study Area. The East Central Florida Regional Planning Council shall provide staff support to the commission with funding assistance from the Department of Economic Opportunity. The commission shall be comprised of a total of *18* ~~19~~ members appointed by the Governor, 9 of whom shall be voting members and *9* ~~10~~ shall be ad hoc nonvoting members. The voting members shall include:

(a) One member of each of the Boards of County Commissioners for Lake, Orange, and Seminole Counties.

(b) One municipal elected official to serve as a representative of the municipalities located within the Wekiva Study Area of Lake County.

(c) One municipal elected official to serve as a representative of the municipalities located within the Wekiva Study Area of Orange County.

(d) One municipal elected official to serve as a representative of the municipalities located within the Wekiva Study Area of Seminole County.

(e) One citizen representing an environmental or conservation organization, one citizen representing a local property owner, a land developer, or an agricultural entity, and one at-large citizen who shall serve as chair of the council.

(f) The ad hoc nonvoting members shall include one representative from each of the following entities:

1. St. Johns River Management District.

2. Department of Economic Opportunity.

3. Department of Environmental Protection.

4. Department of Health.

5. Department of Agriculture and Consumer Services.

6. Fish and Wildlife Conservation Commission.

7. Department of Transportation.

8. MetroPlan Orlando.

9. *Central Florida* ~~Orlando-Orange County~~ Expressway Authority.

~~10. Seminole County Expressway Authority.~~

Section 20. *(1) Effective upon this act becoming a law, the Osceola County Expressway Authority may only exercise its powers for the purpose of studying, planning, designing, financing, constructing, operating, and maintaining those projects identified in the Osceola County Expressway Authority May 8, 2012, Master Plan, as adopted on such date, and an additional extension of the Osceola Parkway Extension 2 miles to the east of its intersection with the Northeast Connector Expressway. Effective December 31, 2018, all powers, governance, and control of the Osceola County Expressway System, created pursuant to part V of chapter 348, Florida Statutes, are transferred to the Central Florida Expressway Authority, and the assets, liabilities, facilities, tangible and intangible property and any rights in the property, and any other legal rights of the Osceola County Expressway Authority are transferred to the Central Florida Expressway Authority. Upon transfer, the Osceola County Expressway System facilities shall each be a "non-system project" of the Central Florida Expressway Authority, as that term is defined in the then-current master senior lien bond resolution of the Central Florida Expressway Authority. The effective date of such transfer shall be extended until the date on which the current and forecasted total debt service coverage ratio with respect to all bonds, notes, loans, and other debt obligations issued to finance such projects to be transferred can be and is calculated and certified by the financial advisor for the Central Florida Expressway Authority to be equal to or greater than 1.5 for each and every year during which such obligations are then scheduled to be outstanding, including scheduled reimbursement obligations to other governmental entities. The debt service coverage ratio shall be calculated in a manner consistent with the then-current master senior lien bond resolution of the Central Florida Expressway Authority. If the effective date of the transfer is extended, after December 31, 2018, the Osceola County Expressway Authority may only exercise its powers through a contract or contracts with another governmental entity and only for the purpose of operating and maintaining those projects which were completed before such date, in accordance with the requirements of any agreement, resolution, or indenture under which bonds or other debt obligations were issued to finance such projects, and completing construction of those projects for which financing of the full estimated costs of acquisition, design, and construction was obtained and construction began before December 31, 2018.*

(2) Part V of chapter 348, Florida Statutes, consisting of ss. 348.9950, 348.9951, 348.9952, 348.9953, 348.9954, 348.9956, 348.9957, 348.9958, 348.9959, 348.9960, and 348.9961, is repealed on the same date that the Osceola County Expressway System is transferred to the Central Florida Expressway Authority.

(3)(a) Following the repeal of part V of chapter 348, Florida Statutes, consisting of sections 348.9950–348.9961, and the transfer of the Osceola County Expressway System to the Central Florida Expressway Authority, the Central Florida Expressway Authority shall include the uncompleted elements of the Osceola County Expressway Authority May 8, 2012, Master Plan, as adopted on such date, and an additional extension of the Osceola Parkway Extension 2 miles to the east of its intersection with the Northeast Connector Expressway, in the equivalent Central Florida Expressway Authority master plan or long-range plan, each as a "non-system project" of the Central Florida Expressway Authority, as that term is defined in the then-current master senior lien bond resolution of the Central Florida Expressway Authority.

(b) The Department of Transportation shall also include elements of the Osceola County Expressway Authority May 8, 2012, Master Plan, as adopted on such date, and an additional extension of the Osceola Parkway Extension 2 miles to the east of its intersection with the Northeast Connector Expressway, in its work program in accordance with s. 339.135, Florida Statutes, as tolled facilities.

(4) The Central Florida Expressway Authority shall comply with any and all obligations of the Osceola County Expressway Authority to reimburse other governmental entities for costs incurred on behalf of the Osceola County Expressway System from revenues of the Osceola County Expressway System available after payment of all amounts required for operation and maintenance of the Osceola County Expressway System and all amounts required to be paid under the terms of any resolution authorizing the issuance of bonds to fund the acquisition, design, or construction of any portion of the Osceola County Expressway System. This reimbursement obligation specifically includes, but is not limited to, any obligation of the Osceola County Expressway Authority to reimburse Osceola County and Polk County for costs incurred, or debt issued, to fund the acquisition, development, construction, operation, and maintenance of the Osceola County Expressway System. The transfer of any reimbursement obligation of the Osceola County Expressway Authority pursuant to this section does not alter the terms of any agreement between the Osceola County Expressway Authority and any other governmental entity, does not relieve any other governmental entity of its contractual obligations incurred on behalf of the Osceola County Expressway System, does not make any reimbursement obligation a general obligation of the Central Florida Expressway Authority, and does not constitute an independent pledge or lien on revenues of the Central Florida Expressway Authority for the benefit of any person or entity. To the extent that revenues generated by the Osceola County Expressway System are insufficient to pay a reimbursement obligation, the Central Florida Expressway Authority may, but is not required to, make any payment from other revenues of the Central Florida Expressway System available for such purpose after payment of all amounts required:

(a) Otherwise by law or contract;

(b) By the terms of any resolution authorizing the issuance of bonds by the Central Florida Expressway Authority or the Orlando-Orange County Expressway Authority; and

(c) By the terms of the memorandum of understanding between the Orlando-Orange County Expressway Authority and the department as ratified by the board of the Orlando-Orange County Expressway Authority on February 22, 2012.

(5) Revenues generated by the Osceola County Expressway System May 8, 2012, Master Plan facilities available after payment of all current operation, maintenance, and administrative expenses of the Osceola County Expressway System; payment of debt service on any bonds, notes, loans, or other obligations issued and used to finance the costs of design, acquisition, and construction of such facilities; and payment of all other amounts required by the terms of any trust agreement or indenture established with respect thereto shall be used:

(a) On a pro rata basis to repay or reimburse in full Osceola County or any other local agency any funds or amounts loaned to the Osceola County Expressway Authority to complete any such projects and to repay or reimburse in full the Central Florida Expressway Authority for any funds or amounts contributed to such projects; and

(b) Thereafter, to advance any other uncompleted elements of the Osceola County Expressway Authority May 8, 2012, Master Plan, and an additional extension of the Osceola Parkway Extension 2 miles to the east of its intersection with the Northeast Connector Expressway.

(6) The Central Florida Expressway Authority shall have no obligation to financially support any elements of the Osceola County Expressway Authority May 8, 2012, Master Plan, or the additional extension of the Osceola Parkway Extension 2 miles to the east of its intersection with the Northeast Connector Expressway, from revenues of the Central Florida Expressway Authority's Expressway System. To the extent the governing board of the Central Florida Expressway Authority, in its sole discretion, votes to financially support any elements of the Osceola County Expressway Authority May 8, 2012, Master Plan, or the additional extension of the Osceola Parkway Extension 2 miles to the east of its intersection with the Northeast Connector Expressway, it must treat any such element as a "non-system project" and shall only finance such element from revenues of the Central Florida Expressway Authority's Expressway System to the extent permitted by and in accordance with the terms of any resolution authorizing the issuance of bonds by the Central Florida Expressway Authority. For the purpose of advancing the design, acquisition, and construction of the elements of the Osceola County Expressway Authority May 8, 2012, Master Plan, and an additional extension of the Osceola Parkway Extension 2 miles to the east of its intersection with the Northeast Connector Expressway, the Central Florida Expressway Authority is specifically authorized to enter into new or amended lease-purchase agreements with Osceola County for the leasing, construction, operation, and maintenance of any facility described in the Osceola County Expressway Authority May 8, 2012, Master Plan, and an

additional extension of the Osceola Parkway Extension 2 miles to the east of its intersection with the Northeast Connector Expressway.

(7) In recognition of the strategic economic importance of enhanced mobility in the region served by the Osceola County Expressway Authority, the Department of Transportation shall cooperate with the Osceola County Expressway Authority, the Central Florida Expressway Authority, and Osceola County in working to identify solutions to potential barriers to implementation of the projects included in the Osceola County Expressway Authority May 8, 2012, Master Plan, and an additional extension of the Osceola Parkway Extension 2 miles to the east of its intersection with the Northeast Connector Expressway, including funding sources and revenues that may be available for implementation of those improvements.

And the title is amended as follows:

Remove lines 65-84 and insert: technical changes; amending s. 369.317, F.S.; conforming terminology and making technical changes; amending s. 369.324, F.S.; revising the membership of the Wekiva River Basin Commission; conforming terminology; providing criteria for the transfer of the Osceola County Expressway System to the Central Florida Expressway Authority; providing for the repeal of part V of ch. 348, F.S., when the Osceola County Expressway System is transferred to the Central Florida Expressway Authority; requiring the Central Florida Expressway Authority to reimburse other governmental entities for obligations related to the Osceola County Expressway System;

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

CS for CS for SB 230 passed as amended and 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	Evers	Montford
Abruzzo	Flores	Negron
Altman	Galvano	Richter
Bean	Garcia	Ring
Benacquisto	Gardiner	Simmons
Brandes	Grimsley	Sobel
Braynon	Hays	Soto
Bullard	Joyner	Stargel
Clemens	Latvala	Thompson
Dean	Lee	Thrasher
Diaz de la Portilla	Legg	

Nays—None

Vote after roll call:

Yea—Gibson

RECONSIDERATION OF BILL

At the direction of the President, the Senate reconsidered the vote by which **CS for CS for SB 230** passed as amended.

At the direction of the President, the Senate reconsidered the concurrence in **House Amendment 1 (462213)** to **CS for CS for SB 230**.

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

CS for CS for SB 230 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—36

Mr. President	Bradley	Dean
Abruzzo	Brandes	Diaz de la Portilla
Altman	Braynon	Evers
Bean	Bullard	Flores
Benacquisto	Clemens	Garcia
Gardiner	Margolis	Simpson
Grimsley	Montford	Smith
Hays	Negron	Sobel
Joyner	Richter	Soto
Latvala	Ring	Stargel
Lee	Sachs	Thompson
Legg	Simmons	Thrasher

Nays—None

Vote after roll call:

Yea—Detert, Galvano

The Honorable Don Gaetz, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 1672, with 5 amendments, and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

CS for CS for SB 1672—A bill to be entitled An act relating to property insurance; amending s. 626.621, F.S.; providing additional grounds for refusing, suspending, or revoking a license or appointment of an insurance agent, adjuster, customer representative, or managing general agent based on the acceptance of payment for certain referrals; amending s. 626.854, F.S.; prohibiting a public adjuster or public adjuster apprentice from choosing the persons or entities that will perform repair work; amending s. 627.351, F.S.; postponing the date that new construction or substantial improvement is not eligible for coverage by the corporation; deleting reference to the Residential Property and Casualty Joint Underwriting Association with respect to issuing certain residential or commercial policies; requiring the corporation to cease offering new commercial residential policies providing multiperil coverage after a certain date and continue offering commercial residential wind-only policies; authorizing the corporation to offer commercial residential policies excluding wind; providing exceptions; specifying the amount of the surcharge to be assessed against personal lines, commercial lines, and coastal accounts to cover a projected deficit; requiring the corporation's board to contract with the Division of Administrative Hearings to hear protests of the corporation's decisions regarding the purchase of commodities and contractual services and issue a recommended order; requiring the board to take final action in a public meeting; revising the date for submitting the annual loss-ratio report for residential coverage; amending s. 627.3518, F.S.; defining the term "surplus lines insurer"; requiring the corporation to implement procedures for diverting ineligible applicants and existing policyholders for commercial residential coverage from the corporation by a certain date; deleting the requirement that the corporation report such procedures to the Legislature; authorizing eligible surplus lines insurers to participate in the corporation's clearinghouse program and providing criteria for such eligibility; conforming cross-references; providing that certain applicants who accept an offer from a surplus lines insurer are considered to be renewing; repealing s. 627.3519, F.S., relating to an annual report requirement for aggregate net probable maximum losses; amending s. 627.35191, F.S.; requiring the corporation to annually provide certain estimates for the next 12-month period to the Legislature and the Financial Services Commission; amending s. 627.711, F.S.; prohibiting a mitigation inspector from offering or delivering compensation, and an insurance agency, agent, customer representative, or employee from accepting compensation for referring an owner to the inspector or inspection company; authorizing an insurer to exempt a uniform mitigation verification form from independent verification under certain circumstances; providing that the form provided to the corporation is not subject to verification and the property is not subject to reinspection under certain circumstances; amending s. 817.234, F.S.; prohibiting a contractor from paying, waiving, or rebating a property insurance deductible; providing penalties; providing effective dates.

House Amendment 2 (930989)—Remove lines 88-89 and insert: *submission to an insurer in order to obtain property insurance coverage or establish the applicable property insurance premium.*

House Amendment 3 (877707) (with title amendment)—Remove line 103 and insert:
perform repair work in a property insurance claim.

And the title is amended as follows:

Remove line 10 and insert: or entities that will perform repair work in a property insurance claim; amending s.

House Amendment 4 (352263) (with directory and title amendments)—

Remove lines 112-244

Remove line 108 and insert:

Section 3. Paragraphs (b), (e), and (hh) of subsection

And the title is amended as follows:

Remove lines 11-13 and insert: 627.351, F.S.; deleting

House Amendment 5 (578987) (with title amendment)—Remove lines 521-527 and insert:

(I) The surcharge shall be levied as a uniform percentage of the premium for the policy of up to 15 percent of such premium, which funds shall be used to offset the deficit.

And the title is amended as follows:

Remove lines 22-25 and insert: excluding wind; providing exceptions; requiring the

House Amendment 7 (595085) (with title amendment)—Remove lines 657-828

And the title is amended as follows:

Remove lines 33-45 and insert: residential coverage; repealing s.

On motion by Senator Simmons, the Senate concurred in the House amendments.

CS for CS for SB 1672 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—25

Mr. President	Grimsley	Simmons
Bean	Hays	Smith
Benacquisto	Lee	Sobel
Bradley	Legg	Soto
Brandes	Margolis	Stargel
Dean	Montford	Thompson
Evers	Negron	Thrasher
Galvano	Richter	
Gardiner	Ring	

Nays—8

Abruzzo	Bullard	Flores
Altman	Clemens	Joyner
Braynon	Diaz de la Portilla	

Vote after roll call:

Yea—Detert, Garcia, Gibson, Simpson

Yea to Nay—Benacquisto

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

SPECIAL ORDER CALENDAR

CS for SB 840—A bill to be entitled An act relating to public records and meetings; amending s. 381.82, F.S.; providing an exemption from public records requirements for research grant applications submitted to the Alzheimer's Disease Research Grant Advisory Board under the Ed and Ethel Moore Alzheimer's Disease Research Program and records generated by the board relating to the review of the applications; providing an exemption from public meetings requirements for those portions of meetings of the board during which the research grant applications are discussed; requiring the recording of closed portions of meetings; authorizing disclosure of such confidential information under certain circumstances; providing for legislative review and repeal of the exemptions under the Open Government Sunset Review Act; providing a statement of public necessity; providing a contingent effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 840** to **CS for CS for HB 711**.

Pending further consideration of **CS for SB 840** as amended, on motion by Senator Richter, by two-thirds vote **CS for CS for HB 711** was withdrawn from the Committees on Health Policy; Governmental Oversight and Accountability; and Rules.

On motion by Senator Richter—

CS for CS for HB 711—A bill to be entitled An act relating to public meetings and public records; amending s. 381.82, F.S.; providing an exemption from public records requirements for research grant applications provided to the Alzheimer's Disease Research Grant Advisory Board under the Ed and Ethel Moore Alzheimer's Disease Research Program and records generated by the board relating to review of the applications; providing an exemption from public meetings requirements for those portions of meetings of the board during which the research grant applications are discussed; requiring the recording of closed portions of meetings; authorizing disclosure of such confidential information under certain circumstances; providing for legislative review and repeal of the exemptions; providing a statement of public necessity; providing a contingent effective date.

—a companion measure, was substituted for **CS for SB 840** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 711** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for HB 7093** was deferred.

CS for CS for SB 1048—A bill to be entitled An act relating to the Department of Transportation; creating s. 339.041, F.S.; providing legislative findings and intent; authorizing the department to seek certain investors for certain leases; prohibiting the department from pledging the credit, general revenues, or taxing power of the state or any political subdivision of the state; specifying the collection and deposit of lease payments by agreement with the department; creating s. 339.70, F.S.; limiting the number of referenda that certain authorities may be subject to; specifying that a referendum applies to future bond issuances; amending s. 373.618, F.S.; providing that a public information system is subject to the requirements of the Highway Beautification Act of 1965 and all federal laws and agreements when applicable; deleting an exemption; amending s. 479.01, F.S., relating to outdoor advertising signs; revising and deleting definitions; amending s. 479.02, F.S.; revising duties of the Department of Transportation relating to signs; deleting a requirement that the department adopt certain rules; creating s. 479.024, F.S.; limiting the placement of signs to commercial or industrial zones; defining the terms "parcel" and "utilities"; requiring a local government to use specified criteria to determine zoning for commercial or industrial parcels; providing that certain parcels are considered unzoned commercial or industrial areas; authorizing a permit for a sign in an unzoned commercial or industrial area in certain circumstances; prohibiting specified uses and activities from being independently recognized as commercial or industrial; requiring the department to notify an applicant of the department's determination to deny a sign permit; providing an appeal process for an applicant whose permit is denied; re-

quiring an applicant whose application is denied to remove an existing sign pertaining to the application; providing that the applicant is responsible for all sign removal costs in certain circumstances; requiring the department to reduce certain transportation funding in certain circumstances; amending s. 479.03, F.S.; revising the conditions under which the department may enter intervening privately owned lands to remove an illegal sign; amending s. 479.04, F.S.; providing that an outdoor advertising license is not required solely to erect or construct outdoor signs or structures; amending s. 479.05, F.S.; authorizing the department to suspend a license for certain offenses and specifying activities that the licensee may engage in during the suspension; prohibiting the department from granting a transfer of an existing permit or issuing an additional permit during the suspension; amending s. 479.07, F.S.; revising requirements for obtaining sign permits; conforming and clarifying provisions; revising permit tag placement requirements for signs; deleting a provision that allows a permittee to provide its own replacement tag; increasing the permit transfer fee for any multiple transfers between two outdoor advertisers in a single transaction; revising the permit reinstatement fee; revising requirements for permitting certain signs visible to more than one highway; deleting provisions limiting a pilot program to specified locations; deleting redundant provisions relating to certain new or replacement signs; deleting provisions requiring maintenance of statistics on the pilot program; amending s. 479.08, F.S.; revising provisions relating to the denial or revocation of a permit because of false or misleading information in the permit application; amending s. 479.10, F.S.; authorizing the cancellation of a permit; amending s. 479.105, F.S.; revising notice requirements to owners and advertisers relating to signs erected or maintained without a permit; revising procedures for the department to issue a permit as a conforming or nonconforming sign to the owner of an unpermitted sign; revising penalties; amending s. 479.106, F.S.; revising provisions relating to the removal, cutting, or trimming of trees or vegetation to increase sign face visibility; providing that a specified penalty is applied per sign facing; amending s. 479.107, F.S.; deleting a fine for specified violations; amending s. 479.111, F.S.; clarifying a reference to a certain agreement; amending s. 479.15, F.S.; deleting a definition; revising provisions relating to relocation of certain signs on property subject to public acquisition; amending s. 479.156, F.S.; clarifying provisions relating to the regulation of wall murals; amending s. 479.16, F.S.; revising the exemptions of certain signs from the permit requirement under ch. 479, F.S.; exempting from permitting certain signs placed by tourist-oriented businesses, certain farm signs placed during harvest seasons, certain acknowledgment signs on publicly funded school premises, and certain displays on specific sports facilities; prohibiting certain permit exemptions from being implemented or continued if the implementations or continuations will adversely impact the allocation of federal funds to the Department of Transportation; directing the department to notify a sign owner that the sign must be removed if federal funds are adversely impacted; authorizing the department to remove the sign and assess costs against the sign owner under certain circumstances; amending s. 479.24, F.S.; clarifying provisions relating to compensation paid for the department's acquisition of lawful signs; amending s. 479.25, F.S.; revising provisions relating to local government action with respect to erection of noise-attenuation barriers that block views of lawfully erected signs; deleting provisions to conform to changes made by the act; amending s. 479.261, F.S.; expanding the logo sign program to the limited access highway system; conforming provisions related to a logo sign program on the limited access highway system; amending s. 479.262, F.S.; clarifying provisions relating to the tourist-oriented directional sign program; limiting the placement of such signs to intersections on certain roads; prohibiting such signs in urban areas or at interchanges on freeways or expressways; amending s. 479.313, F.S.; requiring a permittee to pay the cost of removing certain signs following the cancellation of the permit for the sign; repealing s. 76 of chapter 2012-174, Laws of Florida, relating to authorizing the department to seek Federal Highway Administration approval of a tourist-oriented commerce sign pilot program and directing the department to submit the approved pilot program for legislative approval; establishing a pilot program for the School District of Palm Beach County to recognize its business partners; providing for expiration of the program; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB 1048** to **CS for CS for HB 1161**.

Pending further consideration of **CS for CS for SB 1048** as amended, on motion by Senator Latvala, by two-thirds vote **CS for CS for HB 1161** was withdrawn from the Committees on Transportation; and Community Affairs.

On motion by Senator Latvala—

CS for CS for HB 1161—A bill to be entitled An act relating to the Department of Transportation; creating s. 339.041, F.S.; providing legislative findings and intent; authorizing the department to seek certain investors for certain leases; prohibiting the department from pledging the credit, general revenues, or taxing power of the state or any political subdivision of the state; specifying the collection and deposit of lease payments by agreement with the department; amending s. 373.618, F.S.; revising provisions relating to public service warning signs; amending s. 479.01, F.S., relating to outdoor advertising signs; revising and deleting definitions; amending s. 479.02, F.S.; revising duties of the Department of Transportation relating to signs; deleting a requirement that the department adopt certain rules; creating s. 479.024, F.S.; limiting the placement of signs to commercial or industrial zones; defining the terms "parcel" and "utilities"; requiring a local government to use specified criteria to determine zoning for commercial or industrial parcels; providing that certain parcels are considered unzoned commercial or industrial areas; authorizing a permit for a sign in an unzoned commercial or industrial area in certain circumstances; prohibiting specified uses and activities from being independently recognized as commercial or industrial; providing an appeal process for an applicant whose permit is denied; requiring an applicant whose application is denied to remove an existing sign pertaining to the application; requiring the department to reduce certain transportation funding in certain circumstances; amending s. 479.03, F.S.; requiring notice to owners of intervening privately owned lands before the department enters upon such lands to remove an illegal sign; amending s. 479.04, F.S.; providing that an outdoor advertising license is not required solely to erect or construct outdoor signs or structures; amending s. 479.05, F.S.; authorizing the department to suspend a license for certain offenses and specifying activities that the licensee may engage in during the suspension; prohibiting the department from granting a transfer of an existing permit or issuing an additional permit during the suspension; amending s. 479.07, F.S.; revising requirements for obtaining sign permits; conforming and clarifying provisions; revising permit tag placement requirements for signs; deleting a provision that allows a permittee to provide its own replacement tag; revising requirements for permitting certain signs visible to more than one highway; deleting provisions limiting a pilot program to specified locations; deleting redundant provisions relating to certain new or replacement signs; deleting provisions requiring maintenance of statistics on the pilot program; amending s. 479.08, F.S.; revising provisions relating to the denial or revocation of a permit because of false or misleading information in the permit application; amending s. 479.10, F.S.; authorizing the cancellation of a permit; amending s. 479.105, F.S.; revising notice requirements to owners and advertisers relating to signs erected or maintained without a permit; revising procedures for the department to issue a permit as a conforming or nonconforming sign to the owner of an unpermitted sign; providing a penalty; amending s. 479.106, F.S.; revising provisions relating to the removal, cutting, or trimming of trees or vegetation to increase sign face visibility; providing that a specified penalty is applied per sign facing; amending s. 479.107, F.S.; deleting a fine for specified violations; amending s. 479.11, F.S.; prohibiting signs on specified portions of the interstate highway system; amending s. 479.111, F.S.; clarifying a reference to a certain agreement; amending s. 479.15, F.S.; deleting a definition; revising provisions relating to relocation of certain signs on property subject to public acquisition; amending s. 479.156, F.S.; clarifying provisions relating to the regulation of wall murals; amending s. 479.16, F.S.; exempting certain signs from ch. 479, F.S.; exempting from permitting certain signs placed by tourist-oriented businesses, certain farm signs placed during harvest seasons, certain acknowledgment signs on publicly funded school premises, and certain displays on specific sports facilities; prohibiting certain permit exemptions from being implemented or continued if the implementations or continuations will adversely impact the allocation of federal funds to the Department of Transportation; directing the department to notify a sign owner that the sign must be removed if federal funds are adversely impacted; authorizing the department to remove the sign and assess costs to the sign owner under certain circumstances; amending s. 479.24, F.S.; clarifying provisions relating to compensation paid for the department's acquisition of lawful signs; amending s. 479.25, F.S.; revising provisions relating to local government action with respect to erection of noise-attenuation barriers that block views of lawfully erected signs; deleting

provisions to conform to changes made by the act; amending s. 479.261, F.S.; expanding the logo program to the limited access highway system; conforming provisions related to a logo sign program on the limited access highway system; amending s. 479.262, F.S.; clarifying provisions relating to the tourist-oriented directional sign program; limiting the placement of such signs to intersections on certain rural roads; prohibiting such signs in urban areas or at interchanges on freeways or expressways; amending s. 479.313, F.S.; requiring a permittee to pay the cost of removing certain signs following the cancellation of the permit for the sign; establishing a pilot program for the School District of Palm Beach County authorizing signage on certain school district property to recognize the names of the school district's business partners; providing for expiration of the program; repealing s. 76 of chapter 2012-174, Laws of Florida, relating to authorizing the department to seek Federal Highway Administration approval of a tourist-oriented commerce sign pilot program and directing the department to submit the approved pilot program for legislative approval; amending s. 335.065, F.S.; authorizing the department to enter into certain concession agreements; providing for use of agreement revenues; providing that the agreements are subject to applicable federal laws; requiring that a concession agreement be administered by the department and meet certain requirements; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1048** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 1161** was placed on the calendar of Bills on Third Reading.

SENATOR RICHTER PRESIDING

The Senate resumed consideration of—

CS for CS for CS for SB 296—A bill to be entitled An act relating to carrying a concealed weapon or a concealed firearm; amending s. 790.01, F.S.; providing an exemption from criminal penalties for carrying a concealed weapon or a concealed firearm while in the act of complying with a mandatory evacuation order during a declared state of emergency; providing an effective date.

—which was previously considered April 30 with pending **Amendment 1 (942004)** and **Amendment 2 (919038)** by Senator Smith and pending points of order by Senator Benacquisto.

RULING ON POINT OF ORDER

On recommendation of Senator Thrasher, Chair of the Committee on Rules, Senator Smith's **Amendment 1 (942004)** and **Amendment 2 (919038)** did not constitute the principal substance of **CS for CS for SB's 130 and 122**, and were not out of order under Rule 7.1, due to **CS for CS for SB's 130 and 122** having a number of provisions including:

Neighborhood watch guidelines;

Immunity from civil action;

Clarification of the investigative powers of law enforcement; and

Shifting the burden of proof to the prosecution in a pre-trial immunity hearing.

The President ruled the points not well taken and consideration of the amendments were in order.

The question recurred on **Amendment 1 (942004)** by Senator Smith which failed. The vote was:

Yeas—14

Abruzzo	Joyner	Smith
Braynon	Margolis	Sobel
Bullard	Montford	Soto
Clemens	Ring	Thompson
Gibson	Sachs	

Nays—24

Mr. President	Diaz de la Portilla	Latvala
Altman	Evers	Lee
Bean	Flores	Legg
Benacquisto	Galvano	Richter
Bradley	Garcia	Simmons
Brandes	Gardiner	Simpson
Dean	Grimsley	Stargel
Detert	Hays	Thrasher

The question recurred on **Amendment 2 (919038)** by Senator Smith which failed.

THE PRESIDENT PRESIDING

Senator Brandes moved the following amendment which was adopted:

Amendment 3 (878302)—Delete lines 12-28 and insert:

Section 1. Section 790.01, Florida Statutes, is amended to read:

790.01 *Unlicensed* carrying *of* concealed weapons *or concealed firearms*.—

(1) Except as provided in subsection *(3)* ~~(4)~~, a person who *is not licensed under s. 790.06 and who* carries a concealed weapon or electric weapon or device on or about his or her person commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) *Except as provided in subsection (3),* a person who *is not licensed under s. 790.06 and who* carries a concealed firearm on or about his or her person commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) This section does not apply to*:* ~~a person licensed to carry a concealed weapon or a concealed firearm pursuant to the provisions of s. 790.06.~~

Senator Brandes moved the following amendment:

Amendment 4 (721870) (with title amendment)—Delete lines 29-47 and insert:

(a) A person who carries a concealed weapon, or a person who may lawfully possess a firearm and who carries a concealed firearm, on or about his or her person while in the act of evacuating during a mandatory evacuation order issued during a state of emergency declared by the Governor pursuant to chapter 252 or declared by a local authority pursuant to chapter 870.

(b)~~(4) It is not a violation of this section for~~ A person *who carries* ~~to carry~~ for purposes of lawful self-defense, in a concealed manner:

1.~~(a)~~ A self-defense chemical spray.

2.~~(b)~~ A nonlethal stun gun or dart-firing stun gun or other nonlethal electric weapon or device that is designed solely for defensive purposes.

(4)~~(5)~~ This section does not preclude any prosecution for the use of an electric weapon or device, a dart-firing stun gun, or a self-defense chemical spray during the commission of any criminal offense under s. 790.07, s. 790.10, s. 790.23, or s. 790.235, or for any other criminal offense.

Section 2. This act shall take effect July 1, 2014.

And the title is amended as follows:

Delete lines 5-6 and insert: concealed weapon or a concealed firearm when evacuating pursuant to a mandatory evacuation order

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

Senator Latvala moved the following amendment to **Amendment 4 (721870)** which was adopted:

Amendment 4A (318010)—Between lines 10 and 11 insert:

1. As used in this paragraph, the term "in the act of evacuating" means any of the following actions by a person within the 24 hours after the issuance of a mandatory evacuation order:

a. Leaving his or her residence and traveling to and reaching the geographical limits of the area under mandatory evacuation where the person reasonably and safely has the ability to properly store the transported weapon or firearm pursuant to this chapter.

b. Leaving his or her residence and traveling to and reaching a place within the geographical limits of the mandatory evacuation area where the person reasonably and safely has the ability to properly store the transported weapon or firearm pursuant to this chapter.

2. This paragraph does not preempt any other provision of law related to possession or transport of a weapon or firearm in chapter 252, this chapter, or chapter 870, or possession of a firearm in a public shelter.

The vote was:

Yeas—23

Abruzzo	Gibson	Richter
Braynon	Grimsley	Ring
Bullard	Hays	Sachs
Clemens	Joyner	Smith
Dean	Latvala	Sobel
Detert	Legg	Soto
Diaz de la Portilla	Margolis	Thompson
Garcia	Montford	

Nays—15

Mr. President	Brandes	Negron
Altman	Evers	Simmons
Bean	Galvano	Simpson
Benacquisto	Gardiner	Stargel
Bradley	Lee	Thrasher

On motion by Senator Brandes, further consideration of **CS for CS for CS for SB 296** with pending **Amendment 4 (721870)** as amended was deferred.

CS for SB 788—A bill to be entitled An act relating to clerks of court; amending s. 40.32, F.S.; authorizing jurors and witnesses to be paid by check; amending s. 77.27, F.S.; conforming a provision to changes made by the act; amending s. 77.28, F.S.; requiring a party applying for garnishment to pay a deposit to the garnishee, rather than in the registry of the court; deleting a provision that requires the clerk to collect a specified fee; amending s. 197.432, F.S.; providing requirements for the sale of tax certificates; amending s. 197.472, F.S.; revising requirements for the redemption of tax certificates; amending s. 197.502, F.S.; requiring the certificateholder to pay costs of resale within 15 days under certain circumstances; providing circumstances under which land shall be placed on a specified list; prohibiting a county from applying for a tax deed under certain circumstances; deleting a provision relating to a notification procedure; amending s. 197.542, F.S.; requiring the certificateholder to pay a specified amount of the assessed value of the homestead under certain circumstances; providing circumstances under which land shall be placed on a specified list; amending s. 197.582, F.S; clarifying notice requirements; providing for excess proceeds relating to unclaimed property; requiring the clerk to ensure that excess funds are paid according to specified priorities; providing for interpleader actions and the award of reasonable fees and costs; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 788**, on motion by Senator Ring, by two-thirds vote **CS for CS for HB 797** was withdrawn from the Committees on Judiciary; Appropriations Subcommittee on Finance and Tax; and Appropriations.

On motion by Senator Ring—

CS for CS for HB 797—A bill to be entitled An act relating to clerks of court; amending s. 40.32, F.S.; authorizing jurors and witnesses to be paid by check; amending s. 77.27, F.S.; conforming a provision to changes made by the act; amending s. 77.28, F.S.; requiring a party applying for garnishment to pay a deposit to the garnishee, rather than in the registry of the court; deleting a provision that requires the clerk to collect a specified fee; amending s. 197.432, F.S.; providing requirements for the sale of tax certificates; amending s. 197.472, F.S.; revising requirements for the redemption of tax certificates; amending s. 197.502, F.S.; requiring the certificateholder to pay costs of resale within a specified number of days under certain circumstances; providing circumstances under which land shall be placed on a specified list; deleting a provision relating to a notification procedure; amending s. 197.542, F.S.; requiring the certificateholder to pay a specified amount of the assessed value of the homestead under certain circumstances; providing circumstances under which land shall be placed on a specified list; amending s. 197.582, F.S.; clarifying notice requirements; providing for excess proceeds relating to unclaimed property; requiring the clerk to ensure that excess funds are paid according to specified priorities; providing for interpleader actions and the award of reasonable fees and costs; providing an effective date.

—a companion measure, was substituted for **CS for SB 788** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 797** was placed on the calendar of Bills on Third Reading.

SB 1486—A bill to be entitled An act relating to transitional living facilities; creating part XI of ch. 400, F.S.; providing legislative intent; providing definitions; requiring the licensure of transitional living facilities; providing license fees and application requirements; requiring accreditation of licensed facilities; providing requirements for transitional living facility policies and procedures governing client admission, transfer, and discharge; requiring a comprehensive treatment plan to be developed for each client; providing plan and staffing requirements; requiring certain consent for continued treatment in a transitional living facility; providing licensee responsibilities; providing notice requirements; prohibiting a licensee or employee of a facility from serving notice upon a client to leave the premises or take other retaliatory action under certain circumstances; requiring the client and client's representative to be provided with certain information; requiring the licensee to develop and implement certain policies and procedures; providing licensee requirements relating to administration of medication; requiring maintenance of medication administration records; providing requirements for administration of medications by unlicensed staff; specifying who may conduct training of staff; requiring licensees to adopt policies and procedures for administration of medications by trained staff; requiring the Agency for Health Care Administration to adopt rules; providing requirements for the screening of potential employees and training and monitoring of employees for the protection of clients; requiring licensees to implement certain policies and procedures to protect clients; providing conditions for investigating and reporting incidents of abuse, neglect, mistreatment, or exploitation of clients; providing requirements and limitations for the use of physical restraints, seclusion, and chemical restraint medication on clients; providing a limitation on the duration of an emergency treatment order; requiring notification of certain persons when restraint or seclusion is imposed; authorizing the agency to adopt rules; providing background screening requirements; requiring the licensee to maintain certain personnel records; providing administrative responsibilities for licensees; providing recordkeeping requirements; providing licensee responsibilities with respect to the property and personal affairs of clients; providing requirements for a licensee with respect to obtaining surety bonds; providing recordkeeping requirements relating to the safekeeping of personal effects; providing requirements for trust funds or other property received by a licensee and credited to the client; providing a penalty for certain misuse of a client's personal funds, property, or personal needs allowance; providing criminal penalties for violations; providing for the disposition of property in the event of the death of a client; authorizing the agency to adopt rules; providing legislative intent; authorizing the agency to adopt and enforce rules establishing standards for transitional living facilities and personnel thereof; classifying violations and providing penalties therefor; providing administrative fines for specified classes of violations; authorizing the agency to apply certain provisions with regard to receivership proceedings; requiring the agency, the Department of Health,

the Agency for Persons with Disabilities, and the Department of Children and Families to develop electronic information systems for certain purposes; repealing s. 400.805, F.S., relating to transitional living facilities; revising the title of part V of ch. 400, F.S.; amending s. 381.745, F.S.; revising the definition of the term "transitional living facility," to conform; amending s. 381.75, F.S.; revising the duties of the Department of Health and the agency relating to transitional living facilities; amending ss. 381.78, 400.93, 408.802, and 408.820, F.S.; conforming provisions to changes made by the act; providing applicability with respect to transitional living facilities licensed before a specified date; providing effective dates.

—was read the second time by title.

Pending further consideration of **SB 1486**, on motion by Senator Garcia, by two-thirds vote **CS for CS for CS for HB 573** was withdrawn from the Committees on Health Policy; Appropriations Subcommittee on Health and Human Services; and Appropriations.

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

CS for CS for CS for HB 573—A bill to be entitled An act relating to health of residents; amending s. 394.4574, F.S.; providing that Medicaid managed care plans are responsible for enrolled mental health residents; providing that managing entities under contract with the Department of Children and Families are responsible for mental health residents who are not enrolled with a Medicaid managed care plan; deleting a provision to conform to changes made by the act; requiring that the community living support plan be completed and provided to the administrator of a facility within a specified period after the resident's admission; requiring the community living support plan to be updated when there is a significant change to the mental health resident's behavioral health; requiring the case manager assigned to a mental health resident of an assisted living facility that holds a limited mental health license to keep a record of the date and time of face-to-face interactions with the resident and to make the record available to the responsible entity for inspection; requiring that the record be maintained for a specified period; requiring the responsible entity to ensure that there is adequate and consistent monitoring and implementation of community living support plans and cooperative agreements and that concerns are reported to the appropriate regulatory oversight organization under certain circumstances; amending s. 400.0074, F.S.; requiring that an administrative assessment conducted by a local council be comprehensive in nature and focus on factors affecting the rights, health, safety, and welfare of nursing home residents; requiring a local council to conduct an exit consultation with the facility administrator or administrator designee to discuss issues and concerns in areas affecting the rights, health, safety, and welfare of residents and make recommendations for improvement; amending s. 400.0078, F.S.; requiring that a resident or a representative of a resident of a long-term care facility be informed that retaliatory action cannot be taken against a resident for presenting grievances or for exercising any other resident right; amending s. 409.212, F.S.; increasing the cap on additional supplementation a person may receive under certain conditions; amending s. 429.02, F.S.; revising the definition of the term "limited nursing services"; amending s. 429.07, F.S.; requiring that an extended congregate care license be issued to certain facilities that have been licensed as assisted living facilities under certain circumstances and authorizing the issuance of such license if a specified condition is met; providing the purpose of an extended congregate care license; providing that the initial extended congregate care license of an assisted living facility is provisional under certain circumstances; requiring a licensee to notify the Agency for Health Care Administration if it accepts a resident who qualifies for extended congregate care services; requiring the agency to inspect the facility for compliance with the requirements of an extended congregate care license; requiring the issuance of an extended congregate care license under certain circumstances; requiring the licensee to immediately suspend extended congregate care services under certain circumstances; requiring a registered nurse representing the agency to visit the facility at least twice a year, rather than quarterly, to monitor residents who are receiving extended congregate care services; authorizing the agency to waive one of the required yearly monitoring visits under certain circumstances; authorizing the agency to deny or revoke a facility's extended congregate care license; requiring a registered nurse representing the agency to visit the facility at least annually, rather than twice a year, to monitor residents who are receiving limited nursing services; providing that such monitoring visits may be conducted in conjunction with other agency inspections; authorizing the agency to waive the required yearly monitoring visit for a facility that is licensed to provide limited nursing services under certain circumstances; amending s. 429.075, F.S.; requiring an assisted living facility that serves one or more mental health residents to obtain a limited mental health license; revising the methods employed by a limited mental health facility relating to placement requirements to include providing written evidence that a request for a community living support plan, a cooperative agreement, and assessment documentation was sent to the Department of Children and Families within 72 hours after admission; amending s. 429.14, F.S.; revising the circumstances under which the agency may deny, revoke, or suspend the license of an assisted living facility and impose an administrative fine; requiring the agency to deny or revoke the license of an assisted living facility under certain circumstances; requiring the agency to impose an immediate moratorium on the license of an assisted living facility under certain circumstances; deleting a provision requiring the agency to provide a list of facilities with denied, suspended, or revoked licenses to the Department of Business and Professional Regulation; exempting a facility from the 45-day notice requirement if it is required to relocate some or all of its residents; amending s. 429.178, F.S.; conforming cross-references; amending s. 429.19, F.S.; providing for classification of the scope of a violation based upon number of residents affected and number of staff involved; revising the amounts and uses of administrative fines; requiring the agency to levy a fine for violations that are corrected before an inspection if noncompliance occurred within a specified period of time; deleting factors that the agency is required to consider in determining penalties and fines; amending s. 429.256, F.S.; revising the term "assistance with self-administration of medication" as it relates to the Assisted Living Facilities Act; amending s. 429.27, F.S.; revising the amount of cash for which a facility may provide safekeeping for a resident; amending s. 429.28, F.S.; providing notice requirements to inform facility residents that the identity of the resident and complainant in any complaint made to the State Long-Term Care Ombudsman Program or a local long-term care ombudsman council is confidential and that retaliatory action cannot be taken against a resident for presenting grievances or for exercising any other resident right; requiring that a facility that terminates an individual's residency after the filing of a complaint be fined if good cause is not shown for the termination; requiring the agency to adopt rules to determine compliance with facility standards and resident's rights; amending s. 429.34, F.S.; requiring certain persons to report elder abuse in assisted living facilities; requiring the agency to regularly inspect every licensed assisted living facility; requiring the agency to conduct more frequent inspections under certain circumstances; requiring the licensee to pay a fee for the cost of additional inspections; requiring the agency to annually adjust the fee; amending s. 429.41, F.S.; providing that certain staffing requirements apply only to residents in continuing care facilities who are receiving the relevant service; amending s. 429.52, F.S.; requiring each newly hired employee of an assisted living facility to attend a preservice orientation provided by the assisted living facility; requiring the employee and administrator to sign a statement that the employee completed the orientation and keep the signed statement in the employee's personnel record; requiring additional hours of training for assistance with medication; conforming a cross-reference; creating s. 429.55, F.S.; directing the agency to create a consumer information website that publishes specified information regarding assisted living facilities; providing criteria for webpage content; providing for inclusion of all content in the agency's possession by a specified date; authorizing the agency to adopt rules; requiring the Office of Program Policy Analysis and Government Accountability to study the reliability of facility surveys and submit to the Governor and the Legislature its findings and recommendations; providing appropriations and authorizing positions; amending s. 395.001, F.S.; providing legislative intent regarding recovery care centers; amending s. 395.002, F.S.; revising and providing definitions; amending s. 395.003, F.S.; including recovery care centers as facilities licensed under chapter 395, F.S.; creating s. 395.0171, F.S.; providing admission criteria for a recovery care center; requiring emergency care, transfer, and discharge protocols; authorizing the agency to adopt rules; amending s. 395.1055, F.S.; authorizing the agency to establish separate standards for the care and treatment of patients in recovery care centers; amending s. 395.10973, F.S.; directing the agency to enforce special-occupancy provisions of the Florida Building Code applicable to recovery care centers; amending s. 395.301, F.S.; providing for format and content of a patient bill from a recovery care center; amending s. 408.802, F.S.; providing applicability of the Health Care Licensing Procedures Act to recovery care centers; amending s. 408.820, F.S.; exempting recovery care centers from specified minimum licensure requirements; amending ss. 394.4787, 409.97, and 409.975, F.S.; conforming cross-references;

creating part XI of chapter 400, F.S.; providing legislative intent; providing definitions; requiring the licensure of transitional living facilities; providing license fees and application requirements; requiring accreditation of licensed facilities; providing requirements for transitional living facility policies and procedures governing client admission, transfer, and discharge; requiring a comprehensive treatment plan to be developed for each client; providing plan and staffing requirements; requiring certain consent for continued treatment in a transitional living facility; providing licensee responsibilities; providing notice requirements; prohibiting a licensee or employee of a facility from serving notice upon a client to leave the premises or take other retaliatory action under certain circumstances; requiring the client and client's representative to be provided with certain information; requiring the licensee to develop and implement certain policies and procedures; providing licensee requirements relating to administration of medication; requiring maintenance of medication administration records; providing requirements for administration of medications by unlicensed staff; specifying who may conduct training of staff; requiring licensees to adopt policies and procedures for administration of medications by trained staff; requiring the Agency for Health Care Administration to adopt rules; providing requirements for the screening of potential employees and training and monitoring of employees for the protection of clients; requiring licensees to implement certain policies and procedures to protect clients; providing conditions for investigating and reporting incidents of abuse, neglect, mistreatment, or exploitation of clients; providing requirements and limitations for the use of physical restraints, seclusion, and chemical restraint medication on clients; providing a limitation on the duration of an emergency treatment order; requiring notification of certain persons when restraint or seclusion is imposed; authorizing the agency to adopt rules; providing background screening requirements; requiring the licensee to maintain certain personnel records; providing administrative responsibilities for licensees; providing recordkeeping requirements; providing licensee responsibilities with respect to the property and personal affairs of clients; providing requirements for a licensee with respect to obtaining surety bonds; providing recordkeeping requirements relating to the safekeeping of personal effects; providing requirements for trust funds or other property received by a licensee and credited to the client; providing a penalty for certain misuse of a client's personal funds, property, or personal needs allowance; providing criminal penalties for violations; providing for the disposition of property in the event of the death of a client; authorizing the agency to adopt rules; providing legislative intent; authorizing the agency to adopt and enforce rules establishing standards for transitional living facilities and personnel thereof; classifying violations and providing penalties therefor; providing administrative fines for specified classes of violations; authorizing the agency to apply certain provisions with regard to receivership proceedings; requiring the agency, the Department of Health, the Agency for Persons with Disabilities, and the Department of Children and Families to develop electronic information systems for certain purposes; repealing s. 400.805, F.S., relating to transitional living facilities; revising the title of part V of chapter 400, F.S.; amending s. 381.745, F.S.; revising the definition of the term "transitional living facility," to conform; amending s. 381.75, F.S.; revising the duties of the Department of Health and the agency relating to transitional living facilities; amending ss. 381.78, 400.93, 408.802, and 408.820, F.S.; conforming provisions to changes made by the act; providing applicability with respect to transitional living facilities licensed before a specified date; creating s. 752.011, F.S.; authorizing the grandparent of a minor child to petition a court for visitation under certain circumstances; requiring a preliminary hearing; providing for the payment of attorney fees and costs by a petitioner who fails to make a prima facie showing of harm; authorizing grandparent visitation upon specific court findings; providing factors for court consideration; providing for application of the Uniform Child Custody Jurisdiction and Enforcement Act; encouraging the consolidation of certain concurrent actions; providing for modification of an order awarding grandparent visitation; limiting the frequency of actions seeking visitation; limiting application to a minor child placed for adoption; providing for venue; creating s. 752.071, F.S.; providing conditions under which a court may terminate a grandparent visitation order upon adoption of a minor child by a stepparent or close relative; amending s. 752.015, F.S.; conforming provisions and cross-references to changes made by the act; repealing s. 752.01, F.S., relating to actions by a grandparent for visitation rights; repealing s. 752.07, F.S., relating to the effect of adoption of a child by a stepparent on grandparent visitation rights; amending s. 400.474, F.S.; revising the report requirements for home health agencies; providing effective dates.

—a companion measure, was substituted for **SB 1486** and read the second time by title.

Senator Bean moved the following amendments which were adopted:

Amendment 1 (651548) (with title amendment)—Between lines 2694 and 2695 insert:

Section 48. Paragraph (b) of subsection (2) of section 288.0001, Florida Statutes, is amended to read:

288.0001 Economic Development Programs Evaluation.—The Office of Economic and Demographic Research and the Office of Program Policy Analysis and Government Accountability (OPPAGA) shall develop and present to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of the legislative appropriations committees the Economic Development Programs Evaluation.

(2) The Office of Economic and Demographic Research and OPPAGA shall provide a detailed analysis of economic development programs as provided in the following schedule:

(b) By January 1, 2015, and every 3 years thereafter, an analysis of the following:

1. The entertainment industry financial incentive program established under s. 288.1254.

2. The entertainment industry sales tax exemption program established under s. 288.1258.

3. VISIT Florida and its programs established or funded under ss. 288.122, 288.1226, 288.12265, ~~and~~ 288.124*, and 288.924*.

4. The Florida Sports Foundation and related programs established under ss. 288.1162, 288.11621, 288.1166, 288.1167, 288.1168, 288.1169, and 288.1171.

Section 49. Subsection (2) of section 288.901, Florida Statutes, is amended to read:

288.901 Enterprise Florida, Inc.—

(2) PURPOSES.—Enterprise Florida, Inc., shall act as the economic development organization for the state, *using* ~~utilizing~~ private sector and public sector expertise in collaboration with the department to:

(a) Increase private investment in Florida;

(b) Advance international and domestic trade opportunities;

(c) Market the state both as a probusiness location for new investment and as an unparalleled tourist destination;

(d) Revitalize Florida's space and aerospace industries, and promote emerging complementary industries;

(e) Promote opportunities for minority-owned businesses;

(f) Assist and market professional and amateur sport teams and sporting events in Florida; ~~and~~

(g) Assist, promote, and enhance economic opportunities in this state's rural and urban communities*; and*

(h) Market the state as a health care destination by using the medical tourism initiatives as described in s. 288.924 to promote quality health care services in this state.

Section 50. Paragraph (c) of subsection (4) of section 288.923, Florida Statutes, is amended to read:

288.923 Division of Tourism Marketing; definitions; responsibilities.—

(4) The division's responsibilities and duties include, but are not limited to:

(c) Developing a 4-year marketing plan.

1. At a minimum, the marketing plan shall discuss the following:

a. Continuation of overall tourism growth in this state.

b. Expansion to new or under-represented tourist markets.

c. Maintenance of traditional and loyal tourist markets.

d. Coordination of efforts with county destination marketing organizations, other local government marketing groups, privately owned attractions and destinations, and other private sector partners to create a seamless, four-season advertising campaign for the state and its regions.

e. Development of innovative techniques or promotions to build repeat visitation by targeted segments of the tourist population.

f. Consideration of innovative sources of state funding for tourism marketing.

g. Promotion of nature-based tourism and heritage tourism.

h. Promotion of medical tourism, as provided under s. 288.924.

i.~~h.~~ Development of a component to address emergency response to natural and manmade disasters from a marketing standpoint.

2. The plan shall be annual in construction and ongoing in nature. Any annual revisions of the plan shall carry forward the concepts of the remaining 3-year portion of the plan and consider a continuum portion to preserve the 4-year timeframe of the plan. The plan also shall include recommendations for specific performance standards and measurable outcomes for the division and direct-support organization. The department, in consultation with the board of directors of Enterprise Florida, Inc., shall base the actual performance metrics on these recommendations.

3. The 4-year marketing plan shall be developed in collaboration with the Florida Tourism Industry Marketing Corporation. The plan shall be annually reviewed and approved by the board of directors of Enterprise Florida, Inc.

Section 51. Section 288.924, Florida Statutes, is created to read:

288.924 Medical tourism.—

(1) MEDICAL TOURISM MARKETING PLAN.—The Division of Tourism Marketing shall include within the 4-year marketing plan required under s. 288.923(4)(c) specific initiatives to advance this state as a destination for quality health care services. The plan must:

(a) Promote national and international awareness of the qualifications, scope of services, and specialized expertise of health care providers throughout this state;

(b) Promote national and international awareness of medical-related conferences, training, or other business opportunities to attract practitioners from the medical field to destinations in this state; and

(c) Include an initiative that showcases selected, qualified providers offering bundled packages of health care and support services for defined care episodes. The selection of providers to be showcased must be conducted through a solicitation of proposals from Florida hospitals and other licensed providers for plans that describe available services, provider qualifications, and special arrangements for food, lodging, transportation, or other support services and amenities that may be provided to visiting patients and their families. A single health care provider may submit a proposal describing the available health care services that will be offered through a network of multiple providers and explaining any support services or other amenities associated with the care episode. The Florida Tourism Industry Marketing Corporation shall assess the qualifications and credentials of providers submitting proposals. To the extent funding is available, all qualified providers shall be selected to be showcased in the initiative. To be qualified, a health care provider must:

1. Have a full, active, and unencumbered Florida license and ensure that all health care providers participating in the proposal have full, active, and unencumbered Florida licenses;

2. Have a current accreditation that is not conditional or provisional from a nationally recognized accrediting body;

3. Be recognized as a Cancer Center of Excellence under s. 381.925 or have a current national or international recognition in another specialty area, if such recognition is given through a specific qualifying process; and

4. Meet other criteria as determined by the Florida Tourism Industry Marketing Corporation in collaboration with the Agency for Health Care Administration and the Department of Health.

(2) ALLOCATION OF FUNDS FOR MARKETING PLAN.—Annually, at least $3.5 million of the funds appropriated in the General Appropriations Act to the Florida Tourism Industry Marketing Corporation shall be allocated for the development and implementation of the medical tourism marketing plan.

(3) MEDICAL TOURISM MATCHING GRANTS.—The Florida Tourism Industry Marketing Corporation shall create a matching grant program to provide funding to local or regional economic development organizations for targeted medical tourism marketing initiatives. The initiatives must promote and advance Florida as a destination for quality health care services. Selection of recipients of a matching grant shall be based on the following criteria:

(a) The providers involved in the local initiative must meet the criteria specified in subsection (1).

(b) The local or regional economic development organization must demonstrate an ability to involve a variety of businesses in a collaborative effort to welcome and support patients and their families who travel to this state to obtain medical services.

(c) The cash or in-kind services available from the local or regional economic development organization must be at least equal to the amount of available state financial support.

(4) ALLOCATION OF FUNDS FOR MATCHING GRANTS.—Annually, at least $1.5 million of the funds appropriated in the General Appropriations Act to the Florida Tourism Industry Marketing Corporation shall be allocated for the matching grant program.

And the title is amended as follows:

Delete line 292 and insert: home health agencies; amending s. 288.0001, F.S.; requiring an analysis of medical tourism in the Economic Development Programs Evaluation; amending s. 288.901, F.S.; requiring Enterprise Florida, Inc., to collaborate with the Department of Economic Opportunity to market this state as a health care destination; amending s. 288.923, F.S.; requiring the Division of Tourism Marketing to include in its 4-year plan a discussion of the promotion of medical tourism; creating s. 288.924, F.S.; requiring the plan to promote national and international awareness of the qualifications, scope of services, and specialized expertise of health care providers in this state, to promote national and international awareness of certain business opportunities to attract practitioners to destinations in this state, and to include an initiative to showcase qualified health care providers; requiring a specified amount of funds appropriated to the Florida Tourism Industry Marketing Corporation to be allocated for the medical tourism marketing plan; requiring the Florida Tourism Industry Marketing Corporation to create a matching grant program; specifying criteria for the grant program; requiring that a specified amount of funds appropriated to the Florida Tourism Industry Marketing Corporation be allocated for the grant program; providing effective dates.

Amendment 2 (680204) (with title amendment)—Between lines 2694 and 2695 insert:

Section 48. Section 395.1051, Florida Statutes, is amended to read:

395.1051 Duty to notify patients *and obstetrical physicians*.—

(1) An appropriately trained person designated by each licensed facility shall inform each patient, or an individual identified pursuant to s. 765.401(1), in person about adverse incidents that result in serious harm to the patient. Notification of outcomes of care *which* ~~that~~ result in harm to the patient under this section *does* ~~shall~~ not constitute an acknowl-

edgment or admission of liability *and may not*~~, nor can it~~ be introduced as evidence.

(2) A hospital shall notify each obstetrical physician who has privileges at the hospital at least 120 days before the hospital closes its obstetrical department or ceases to provide obstetrical services, unless the hospital can demonstrate it was impossible for the hospital to provide 120 days' notice due to circumstances beyond the control of the hospital or the obstetrical physician.

And the title is amended as follows:

Delete line 292 and insert: home health agencies; amending s. 395.1051, F.S.; requiring a hospital to notify obstetrical physicians before the hospital closes its obstetrical department or ceases to provide obstetrical services; providing effective dates.

Senator Grimsley moved the following amendment:

Amendment 3 (305092) (with title amendment)—Between lines 2694 and 2695 insert:

Section 48. Paragraph (c) of subsection (2) of section 409.967, Florida Statutes, is 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 *of comparing* ~~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.

2. *If establishing a prescribed drug formulary or preferred drug list, a managed care plan shall:*

a. Provide a broad range of therapeutic options for the treatment of disease states which are consistent with the general needs of an outpatient population. If feasible, the formulary or preferred drug list must include at least two products in a therapeutic class.

b. ~~Each managed care plan must~~ Publish *the* ~~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 *shall* ~~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.~~

3. For *enrollees* ~~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. Notwithstanding any other law, in order to establish uniformity in the submission of prior authorization forms, effective January 1, 2015, a managed care plan shall use a single standardized form for obtaining prior authorization for a medical procedure, course of treatment, or prescription drug benefit. The form may not exceed two pages in length, excluding any instructions or guiding documentation.

a. The managed care plan shall make the form available electronically and online to practitioners. The prescribing provider may electronically submit the completed prior authorization form to the managed care plan.

b. If the managed care plan contracts with a pharmacy benefits manager to perform prior authorization services for a medical procedure, course of treatment, or prescription drug benefit, the pharmacy benefits manager must use and accept the standardized prior authorization form.

c. A completed prior authorization request submitted by a health care provider using the standardized prior authorization form is deemed approved upon receipt by the managed care plan unless the managed care plan responds otherwise within 3 business days.

5. If medications for the treatment of a medical condition are restricted for use by a managed care plan by a step-therapy or fail-first protocol, the prescribing provider must have access to a clear and convenient process to request an override of the protocol from the managed care plan.

a. The managed care plan shall grant an override within 72 hours if the prescribing provider documents that:

(I) Based on sound clinical evidence, the preferred treatment required under the step-therapy or fail-first protocol has been ineffective in the treatment of the enrollee's disease or medical condition; or

(II) Based on sound clinical evidence or medical and scientific evidence, the preferred treatment required under the step-therapy or fail-first protocol:

(A) Is expected or is likely to be ineffective based on known relevant physical or mental characteristics of the enrollee and known characteristics of the drug regimen; or

(B) Will cause or will likely cause an adverse reaction or other physical harm to the enrollee.

b. If the prescribing provider allows the enrollee to enter the step-therapy or fail-first protocol recommended by the managed care plan, the duration of the step-therapy or fail-first protocol may not exceed the customary period for use of the medication if the prescribing provider demonstrates such treatment to be clinically ineffective. If the managed care plan can, through sound clinical evidence, demonstrate that the originally prescribed medication is likely to require more than the customary period to provide any relief or amelioration to the enrollee, the step-therapy or fail-first protocol may be extended for an additional period, but no longer than the original customary period for use of the medication. Notwithstanding this provision, a step-therapy or fail-first protocol shall be terminated if the prescribing provider determines that the enrollee is having an adverse reaction or is suffering from other physical harm resulting from the use of the medication.

Section 49. Section 627.42392, Florida Statutes, is created to read:

627.42392 Prior authorization.—

(1) Notwithstanding any other law, in order to establish uniformity in the submission of prior authorization forms, effective January 1, 2015, a health insurer that delivers, issues for delivery, renews, amends, or continues an individual or group health insurance policy in this state, including a policy issued to a small employer as defined in s. 627.6699, shall use a single standardized form for obtaining prior authorization for a medical procedure, course of treatment, or prescription drug benefit. The form may not exceed two pages in length, excluding any instructions or guiding documentation.

(a) The health insurer shall make the form available electronically and online to practitioners. The prescribing provider may submit the completed prior authorization form electronically to the health insurer.

(b) If the health insurer contracts with a pharmacy benefits manager to perform prior authorization services for a medical procedure, course of treatment, or prescription drug benefit, the pharmacy benefits manager must use and accept the standardized prior authorization form.

(c) A completed prior authorization request submitted by a health care provider using the standardized prior authorization form is deemed approved upon receipt by the health insurer unless the health insurer responds otherwise within 3 business days.

(2) This section does not apply to a grandfathered health plan as defined in s. 627.402.

Section 50. Section 627.42393, Florida Statutes, is created to read:

627.42393 Medication protocol override.—If an individual or group health insurance policy, including a policy issued by a small employer as defined in s. 627.6699, restricts medications for the treatment of a medical condition by a step-therapy or fail-first protocol, the prescribing provider must have access to a clear and convenient process to request an override of the protocol from the health insurer.

(1) The health insurer shall authorize an override of the protocol within 72 hours if the prescribing provider documents that:

(a) Based on sound clinical evidence, the preferred treatment required under the step-therapy or fail-first protocol has been ineffective in the treatment of the insured's disease or medical condition; or

(b) Based on sound clinical evidence or medical and scientific evidence, the preferred treatment required under the step-therapy or fail-first protocol:

1. Is expected or is likely to be ineffective based on known relevant physical or mental characteristics of the insured and known characteristics of the drug regimen; or

2. Will cause or is likely to cause an adverse reaction or other physical harm to the insured.

(2) If the prescribing provider allows the insured to enter the step-therapy or fail-first protocol recommended by the health insurer, the duration of the step-therapy or fail-first protocol may not exceed the customary period for use of the medication if the prescribing provider demonstrates such treatment to be clinically ineffective. If the health insurer can, through sound clinical evidence, demonstrate that the originally prescribed medication is likely to require more than the customary period for such medication to provide any relief or amelioration to the insured, the step-therapy or fail-first protocol may be extended for an additional period of time, but no longer than the original customary period for the medication. Notwithstanding this provision, a step-therapy or fail-first protocol shall be terminated if the prescribing provider determines that the insured is having an adverse reaction or is suffering from other physical harm resulting from the use of the medication.

(3) This section does not apply to grandfathered health plans, as defined in s. 627.402.

Section 51. Subsection (11) of section 627.6131, Florida Statutes, is amended to read:

627.6131 Payment of claims.—

(11) A health insurer may not retroactively deny a claim because of insured ineligibility*:*

(a) More than 1 year after the date of payment of the claim*; or*

(b) If, under a policy compliant with the federal Patient Protection and Affordable Care Act, as amended by the Health Care and Education Reconciliation Act of 2010, and the regulations adopted pursuant to those acts, the health insurer verified the eligibility of the insured at the time of treatment and provided an authorization number, unless, at the time eligibility was verified, the provider was notified that the insured was delinquent in paying the premium.

Section 52. Subsection (2) of section 627.6471, Florida Statutes, is amended to read:

627.6471 Contracts for reduced rates of payment; limitations; coinsurance and deductibles.—

(2) *An* ~~Any~~ insurer issuing a policy of health insurance in this state~~,~~ which ~~insurance~~ includes coverage for the services of a preferred provider *shall*~~, must~~ provide each policyholder and certificateholder with a current list of preferred providers*, shall* ~~and must~~ make the list available for public inspection during regular business hours at the principal office of the insurer within the state*, and shall post a link to the list of preferred providers on the home page of the insurer's website. Changes to the list of preferred providers must be reflected on the insurer's website within 24 hours.*

Section 53. Paragraph (c) of subsection (2) of section 627.6515, Florida Statutes, is amended to read:

627.6515 Out-of-state groups.—

(2) Except as otherwise provided in this part, this part does not apply to a group health insurance policy issued or delivered outside this state under which a resident of this state is provided coverage if:

(c) The policy provides the benefits specified in ss. 627.419, *627.42392, 627.42393,* 627.6574, 627.6575, 627.6579, 627.6612, 627.66121, 627.66122, 627.6613, 627.667, 627.6675, 627.6691, and 627.66911, and complies with the requirements of s. 627.66996.

Section 54. Subsection (10) of section 641.3155, Florida Statutes, is amended to read:

641.3155 Prompt payment of claims.—

(10) A health maintenance organization may not retroactively deny a claim because of subscriber ineligibility*:*

(a) More than 1 year after the date of payment of the claim*; or*

(b) If, under a policy in compliance with the federal Patient Protection and Affordable Care Act, as amended by the Health Care and Education Reconciliation Act of 2010, and the regulations adopted pursuant to those acts, the health maintenance organization verified the eligibility of the subscriber at the time of treatment and provided an authorization number, unless, at the time eligibility was verified, the provider was notified that the subscriber was delinquent in paying the premium.

Section 55. Section 641.393, Florida Statutes, is created to read:

641.393 Prior authorization.—Notwithstanding any other law, in order to establish uniformity in the submission of prior authorization forms, effective January 1, 2015, a health maintenance organization shall use a single standardized form for obtaining prior authorization for prescription drug benefits. The form may not exceed two pages in length, excluding any instructions or guiding documentation.

(1) A health maintenance organization shall make the form available electronically and online to practitioners. A health care provider may electronically submit the completed form to the health maintenance organization.

(2) If a health maintenance organization contracts with a pharmacy benefits manager to perform prior authorization services for prescription drug benefits, the pharmacy benefits manager must use and accept the standardized prior authorization form.

(3) A completed prior authorization request submitted by a health care provider using the standardized prior authorization form required under this section is deemed approved upon receipt by the health maintenance organization unless the health maintenance organization responds otherwise within 3 business days.

(4) This section does not apply to grandfathered health plans, as defined in s. 627.402.

Section 56. Section 641.394, Florida Statutes, is created to read:

641.394 Medication protocol override.—If a health maintenance organization contract restricts medications for the treatment of a medical condition by a step-therapy or fail-first protocol, the prescribing provider shall have access to a clear and convenient process to request an override of the protocol from the health maintenance organization.

(1) The health maintenance organization shall grant an override within 72 hours if the prescribing provider documents that:

(a) Based on sound clinical evidence, the preferred treatment required under the step-therapy or fail-first protocol has been ineffective in the treatment of the subscriber's disease or medical condition; or

(b) Based on sound clinical evidence or medical and scientific evidence, the preferred treatment required under the step-therapy or fail-first protocol:

1. Is expected or is likely to be ineffective based on known relevant physical or mental characteristics of the subscriber and known characteristics of the drug regimen; or

2. Will cause or is likely to cause an adverse reaction or other physical harm to the subscriber.

(2) If the prescribing provider allows the subscriber to enter the step-therapy or fail-first protocol recommended by the health maintenance organization, the duration of the step-therapy or fail-first protocol may not exceed the customary period for use of the medication if the prescribing provider demonstrates such treatment to be clinically ineffective. If the health maintenance organization can, through sound clinical evidence, demonstrate that the originally prescribed medication is likely to require more than the customary period to provide any relief or amelioration to the subscriber, the step-therapy or fail-first protocol may be extended for an additional period, but no longer than the original customary period for use of the medication. Notwithstanding this provision, a step-therapy or fail-first protocol shall be terminated if the prescribing provider determines that the subscriber is having an adverse reaction or is suffering from other physical harm resulting from the use of the medication.

(3) This section does not apply to grandfathered health plans, as defined in s. 627.402.

And the title is amended as follows:

Delete line 292 and insert: home health agencies; amending s. 409.967, F.S.; revising contract requirements for Medicaid managed care programs; providing requirements for plans establishing a drug formulary or preferred drug list; requiring the use of a standardized prior authorization form; providing requirements for the form and for the availability and submission of the form; requiring a pharmacy benefits manager to use and accept the form under certain circumstances; establishing a process for providers to override certain treatment restrictions; providing requirements for approval of such overrides; providing an exception to the override protocol in certain circumstances; creating s. 627.42392, F.S.; requiring health insurers to use a standardized prior authorization form; providing requirements for the form and for the availability and submission of the form; requiring a pharmacy benefits manager to use and accept the form under certain circumstances; providing an exemption; creating s. 627.42393, F.S.; establishing a process for providers to override certain treatment restrictions; providing requirements for approval of such overrides; providing an exception to the override protocol in certain circumstances; providing an exemption; amending s. 627.6131, F.S.; prohibiting an insurer from retroactively denying a claim in certain circumstances; amending s. 627.6471, F.S.; requiring insurers to post preferred provider information on a website; specifying that changes to such a website must be made within a certain time; amending s. 627.6515, F.S.; applying provisions relating to prior authorization and override protocols to out-of-state groups; amending s. 641.3155, F.S.; prohibiting a health maintenance organization from retroactively denying a claim in certain circumstances; creating s. 641.393, F.S.; requiring the use of a standardized prior authorization form by a health maintenance organization; providing requirements for the availability and submission of the form; requiring a pharmacy benefits manager to use and accept the form under certain circumstances; providing an exemption; creating s. 641.394, F.S.; establishing a process for providers to override certain treatment restrictions; providing requirements for approval of such overrides; providing an exception to the override protocol in certain circumstances; providing an exemption; providing effective dates.

POINT OF ORDER

Senator Latvala raised a point of order that pursuant to Rule 7.1(3) **Amendment 3 (305092)** contained language on a subject different from that under consideration and should not be submitted as an amendment.

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

On motion by Senator Garcia, further consideration of **CS for CS for CS for HB 573** with pending **Amendment 3 (305092)** and pending point of order was deferred.

CS for CS for CS for SB 956—A bill to be entitled An act relating to environmental regulation; extending and renewing building permits and certain permits issued by the Department of Environmental Protection or a water management district, including any local government-issued development order or building permit issued pursuant thereto; limiting certain permit extensions to a specified period of time; extending commencement and completion dates for required mitigation associated with a phased construction project; requiring the holder of an extended permit or authorization to provide notice to the authorizing agency; providing exceptions to the extension and renewal of such permits; providing that extended permits are governed by certain rules; providing applicability; amending s. 161.053, F.S.; authorizing the Department of Environmental Protection to grant areawide permits for certain structures; requiring the department to adopt rules; amending s. 258.007, F.S., prohibiting certain new concession agreements in state parks with limited shorelines; exempting existing accommodations; creating s. 258.435, F.S., requiring the department to promote the public use of aquatic preserves and their associated uplands; authorizing the department to receive gifts and donations for certain purposes; authorizing the department to grant privileges or concessions for the accommodation of visitors in and use of aquatic preserves and their associated uplands provided certain conditions are met; prohibiting a grantee from assigning or transferring such privileges or concessions without the department's consent; requiring information on proposed concession agreements to be posted on the department's website upon submittal and 60 days before execution; providing effective dates.

—was read the second time by title.

Pending further consideration of **CS for CS for CS for SB 956**, on motion by Senator Bean, by two-thirds vote **CS for CS for HB 791** was withdrawn from the Committees on Environmental Preservation and Conservation; Community Affairs; Appropriations Subcommittee on General Government; and Appropriations.

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

CS for CS for HB 791—A bill to be entitled An act relating to coastal management; amending s. 161.053, F.S.; revising permit requirements for coastal construction and excavation; authorizing the Department of Environmental Protection, in consultation with the Fish and Wildlife Conservation Commission, to grant areawide permits for certain structures; requiring the department to adopt rules; creating s. 258.435, F.S.; requiring the Department of Environmental Protection to promote the public use of aquatic preserves and their associated uplands; authorizing the department to receive gifts and donations for specified purposes; providing restrictions for moneys received; authorizing the department to grant privileges and concessions for accommodation of visitors in and use of aquatic preserves and their associated uplands; providing criteria for granting such concessions; providing restrictions on such privileges and concessions and prohibiting them from being assigned or transferred without the department's consent; requiring the department to post descriptions of proposed privileges and concessions on the department's website; requiring the department to provide an opportunity for public comment on agreements for such privileges and concessions; amending s. 380.276, F.S.; authorizing the department to allow state agencies and local governments to use additional safety and warning devices at public beaches under certain conditions; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 956** and read the second time by title.

Senator Bean moved the following amendment which was adopted:

Amendment 1 (797858) (with title amendment)—Between lines 94 and 95 insert:

Section 2. Subsection (3) of section 258.007, Florida Statutes, is amended to read:

258.007 Powers of division.—

(3)*(a)* The division may grant privileges, leases, concessions, and permits for the use of land for the accommodation of visitors in the various parks, monuments, and memorials, provided no natural curiosities or objects of interest shall be granted, leased, or rented on such terms as shall deny or interfere with free access to them by the public; provided further, such grants, leases, and permits may be made and given without advertisement or securing competitive bids; and provided further, that no such grant, lease, or permit shall be assigned or transferred by any grantee without consent of the division.

(b) Notwithstanding paragraph (a), after May 1, 2014, the division may not grant new concession agreements for the accommodation of visitors in a state park that provides beach access and contains less than 7,000 linear feet of shoreline if the type of concession is available within 1,500 feet of the park's boundaries. This paragraph does not apply to concession agreements for accommodations offered at the park on or before May 1, 2014. This paragraph shall take effect upon this act becoming a law.

Delete line 157 and insert:

Section 5. Unless otherwise provide herein, this act shall take effect July 1, 2014.

And the title is amended as follows:

Delete line 26 and insert: concessions; amending s. 258.007, F.S., prohibiting certain new concession agreements in state parks with limited shorelines; exempting existing accommodations; amending s. 380.276, F.S.; authorizing

Pursuant to Rule 4.19, **CS for CS for HB 791** as amended was placed on the calendar of Bills on Third Reading.

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

CS for CS for CS for HB 573—A bill to be entitled An act relating to health of residents; amending s. 394.4574, F.S.; providing that Medicaid managed care plans are responsible for enrolled mental health residents; providing that managing entities under contract with the Department of Children and Families are responsible for mental health residents who are not enrolled with a Medicaid managed care plan; deleting a provision to conform to changes made by the act; requiring that the community living support plan be completed and provided to the administrator of a facility within a specified period after the resident's admission; requiring the community living support plan to be updated when there is a significant change to the mental health resident's behavioral health; requiring the case manager assigned to a mental health resident of an assisted living facility that holds a limited mental health license to keep a record of the date and time of face-to-face interactions with the resident and to make the record available to the responsible entity for inspection; requiring that the record be maintained for a specified period; requiring the responsible entity to ensure that there is adequate and consistent monitoring and implementation of community living support plans and cooperative agreements and that concerns are reported to the appropriate regulatory oversight organization under certain circumstances; amending s. 400.0074, F.S.; requiring that an administrative assessment conducted by a local council be comprehensive in nature and focus on factors affecting the rights, health, safety, and welfare of nursing home residents; requiring a local council to conduct an exit consultation with the facility administrator or administrator designee to discuss issues and concerns in areas affecting the rights, health, safety, and welfare of residents and make recommendations for improvement; amending s. 400.0078, F.S.; requiring that a resident or a representative of a resident of a long-term care facility be informed that retaliatory action cannot be taken against a resident for presenting grievances or for exercising any other resident right; amending s. 409.212, F.S.; increasing the cap on additional supplementation a person may receive under certain conditions; amending s. 429.02, F.S.; revising the definition of the term "limited nursing services"; amending s. 429.07, F.S.; requiring that an extended congregate care license be issued to certain facilities that have been licensed as assisted living facilities under certain circumstances and authorizing the issuance of such license if a specified condition is met; providing the purpose of an extended congregate care license; providing that the initial extended congregate care license of an assisted living facility is provisional under certain circumstances; requiring a licensee to notify the Agency for Health Care Administration if it accepts a resident who qualifies for extended congregate care services; requiring the agency to inspect the facility for compliance with the requirements of an extended congregate care license; requiring the issuance of an extended congregate care license under certain circumstances; requiring the licensee to immediately suspend extended congregate care services under certain circumstances; requiring a registered nurse representing the agency to visit the facility at least twice a year, rather than quarterly, to monitor residents who are receiving extended congregate care services; authorizing the agency to waive one of the required yearly monitoring visits under certain circumstances; authorizing the agency to deny or revoke a facility's extended congregate care license; requiring a registered nurse representing the agency to visit the facility at least annually, rather than twice a year, to monitor residents who are receiving limited nursing services; providing that such monitoring visits may be conducted in conjunction with other agency inspections; authorizing the agency to waive the required yearly monitoring visit for a facility that is licensed to provide limited nursing services under certain circumstances; amending s. 429.075, F.S.; requiring an assisted living facility that serves one or more mental health residents to obtain a limited mental health license; revising the methods employed by a limited mental health facility relating to placement requirements to include providing written evidence that a request for a community living support plan, a cooperative agreement, and assessment documentation was sent to the Department of Children and Families within 72 hours after admission; amending s. 429.14, F.S.; revising the circumstances under which the agency may deny, revoke, or suspend the license of an assisted living facility and impose an administrative fine; requiring the agency to deny or revoke the license of an assisted living facility under certain circumstances; requiring the agency to impose an immediate moratorium on the license of an assisted living facility under certain circumstances; deleting a provision requiring the agency to provide a list of facilities with denied, suspended, or revoked licenses to the Department of Business and Professional Regulation; exempting a facility from the 45-day notice requirement if it is required to relocate some or all of its residents; amending s. 429.178, F.S.; conforming cross-references; amending s. 429.19, F.S.; providing for classification of the scope of a violation based upon number of residents affected and number of staff involved; revising the amounts and uses of administrative fines; requiring the agency to levy a fine for violations that are corrected before an inspection if noncompliance occurred within a specified period of time; deleting factors that the agency is required to consider in determining penalties and fines; amending s. 429.256, F.S.; revising the term "assistance with self-administration of medication" as it relates to the Assisted Living Facilities Act; amending s. 429.27, F.S.; revising the amount of cash for which a facility may provide safekeeping for a resident; amending s. 429.28, F.S.; providing notice requirements to inform facility residents that the identity of the resident and complainant in any complaint made to the State Long-Term Care Ombudsman Program or a local long-term care ombudsman council is confidential and that retaliatory action cannot be taken against a resident for presenting grievances or for exercising any other resident right; requiring that a facility that terminates an individual's residency after the filing of a complaint be fined if good cause is not shown for the termination; requiring the agency to adopt rules to determine compliance with facility standards and resident's rights; amending s. 429.34, F.S.; requiring certain persons to report elder abuse in assisted living facilities; requiring the agency to regularly inspect every licensed assisted living facility; requiring the agency to conduct more frequent inspections under certain circumstances; requiring the licensee to pay a fee for the cost of additional inspections; requiring the agency to annually adjust the fee; amending s. 429.41, F.S.; providing that certain staffing requirements apply only to residents in continuing care facilities who are receiving the relevant service; amending s. 429.52, F.S.; requiring each newly hired employee of an assisted living facility to attend a preservice orientation provided by the assisted living facility; requiring the employee and ad-

ministrator to sign a statement that the employee completed the orientation and keep the signed statement in the employee's personnel record; requiring additional hours of training for assistance with medication; conforming a cross-reference; creating s. 429.55, F.S.; directing the agency to create a consumer information website that publishes specified information regarding assisted living facilities; providing criteria for webpage content; providing for inclusion of all content in the agency's possession by a specified date; authorizing the agency to adopt rules; requiring the Office of Program Policy Analysis and Government Accountability to study the reliability of facility surveys and submit to the Governor and the Legislature its findings and recommendations; providing appropriations and authorizing positions; amending s. 395.001, F.S.; providing legislative intent regarding recovery care centers; amending s. 395.002, F.S.; revising and providing definitions; amending s. 395.003, F.S.; including recovery care centers as facilities licensed under chapter 395, F.S.; creating s. 395.0171, F.S.; providing admission criteria for a recovery care center; requiring emergency care, transfer, and discharge protocols; authorizing the agency to adopt rules; amending s. 395.1055, F.S.; authorizing the agency to establish separate standards for the care and treatment of patients in recovery care centers; amending s. 395.10973, F.S.; directing the agency to enforce special-occupancy provisions of the Florida Building Code applicable to recovery care centers; amending s. 395.301, F.S.; providing for format and content of a patient bill from a recovery care center; amending s. 408.802, F.S.; providing applicability of the Health Care Licensing Procedures Act to recovery care centers; amending s. 408.820, F.S.; exempting recovery care centers from specified minimum licensure requirements; amending ss. 394.4787, 409.97, and 409.975, F.S.; conforming cross-references; creating part XI of chapter 400, F.S.; providing legislative intent; providing definitions; requiring the licensure of transitional living facilities; providing license fees and application requirements; requiring accreditation of licensed facilities; providing requirements for transitional living facility policies and procedures governing client admission, transfer, and discharge; requiring a comprehensive treatment plan to be developed for each client; providing plan and staffing requirements; requiring certain consent for continued treatment in a transitional living facility; providing licensee responsibilities; providing notice requirements; prohibiting a licensee or employee of a facility from serving notice upon a client to leave the premises or take other retaliatory action under certain circumstances; requiring the client and client's representative to be provided with certain information; requiring the licensee to develop and implement certain policies and procedures; providing licensee requirements relating to administration of medication; requiring maintenance of medication administration records; providing requirements for administration of medications by unlicensed staff; specifying who may conduct training of staff; requiring licensees to adopt policies and procedures for administration of medications by trained staff; requiring the Agency for Health Care Administration to adopt rules; providing requirements for the screening of potential employees and training and monitoring of employees for the protection of clients; requiring licensees to implement certain policies and procedures to protect clients; providing conditions for investigating and reporting incidents of abuse, neglect, mistreatment, or exploitation of clients; providing requirements and limitations for the use of physical restraints, seclusion, and chemical restraint medication on clients; providing a limitation on the duration of an emergency treatment order; requiring notification of certain persons when restraint or seclusion is imposed; authorizing the agency to adopt rules; providing background screening requirements; requiring the licensee to maintain certain personnel records; providing administrative responsibilities for licensees; providing recordkeeping requirements; providing licensee responsibilities with respect to the property and personal affairs of clients; providing requirements for a licensee with respect to obtaining surety bonds; providing recordkeeping requirements relating to the safekeeping of personal effects; providing requirements for trust funds or other property received by a licensee and credited to the client; providing a penalty for certain misuse of a client's personal funds, property, or personal needs allowance; providing criminal penalties for violations; providing for the disposition of property in the event of the death of a client; authorizing the agency to adopt rules; providing legislative intent; authorizing the agency to adopt and enforce rules establishing standards for transitional living facilities and personnel thereof; classifying violations and providing penalties therefor; providing administrative fines for specified classes of violations; authorizing the agency to apply certain provisions with regard to receivership proceedings; requiring the agency, the Department of Health, the Agency for Persons with Disabilities, and the Department of Children and Families to develop electronic information systems for certain purposes; repealing s. 400.805, F.S., relating to transitional living facilities; revising the title of part V of chapter 400, F.S.; amending s. 381.745, F.S.; revising the definition of the term "transitional living facility," to conform; amending s. 381.75, F.S.; revising the duties of the Department of Health and the agency relating to transitional living facilities; amending ss. 381.78, 400.93, 408.802, and 408.820, F.S.; conforming provisions to changes made by the act; providing applicability with respect to transitional living facilities licensed before a specified date; creating s. 752.011, F.S.; authorizing the grandparent of a minor child to petition a court for visitation under certain circumstances; requiring a preliminary hearing; providing for the payment of attorney fees and costs by a petitioner who fails to make a prima facie showing of harm; authorizing grandparent visitation upon specific court findings; providing factors for court consideration; providing for application of the Uniform Child Custody Jurisdiction and Enforcement Act; encouraging the consolidation of certain concurrent actions; providing for modification of an order awarding grandparent visitation; limiting the frequency of actions seeking visitation; limiting application to a minor child placed for adoption; providing for venue; creating s. 752.071, F.S.; providing conditions under which a court may terminate a grandparent visitation order upon adoption of a minor child by a stepparent or close relative; amending s. 752.015, F.S.; conforming provisions and cross-references to changes made by the act; repealing s. 752.01, F.S., relating to actions by a grandparent for visitation rights; repealing s. 752.07, F.S., relating to the effect of adoption of a child by a stepparent on grandparent visitation rights; amending s. 400.474, F.S.; revising the report requirements for home health agencies; providing effective dates.

—which was previously considered and amended this day with pending **Amendment 3 (305092)** by Senator Grimsley and pending point of order by Senator Latvala.

POINT OF ORDER DISPOSITION

On motion by Senator Grimsley, **Amendment 3 (305092)** was withdrawn.

Senator Grimsley moved the following amendments which were adopted:

Amendment 4 (132886) (with title amendment)—Between lines 2694 and 2695 insert:

Section 48. Present paragraphs (k) through (o) of subsection (1) of section 395.401, Florida Statutes, are redesignated as paragraphs (l) through (p), respectively, and a new paragraph (k) is added to that subsection, to read:

395.401 Trauma services system plans; approval of trauma centers and pediatric trauma centers; procedures; renewal.—

(1)

(k) A hospital operating a trauma center may not charge a trauma activation fee greater than $15,000. This paragraph expires on July 1, 2015.

Section 49. Subsections (2) and (4) of section 395.402, Florida Statutes, are amended, and subsection (5) is added to that section, to read:

395.402 Trauma service areas; number and location of trauma centers.—

(2) Trauma service areas as defined in this section are to be utilized until the Department of Health completes an assessment of the trauma system and reports its finding to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the substantive legislative committees. The report shall be submitted by February 1, 2005. The department shall review the existing trauma system and determine whether it is effective in providing trauma care uniformly throughout the state. The assessment shall:

~~(a) Consider aligning trauma service areas within the trauma region boundaries as established in July 2004.~~

(a)~~(b)~~ Review the number and level of trauma centers needed for each trauma service area to provide a statewide integrated trauma system.

(b)~~(c)~~ Establish criteria for determining the number and level of trauma centers needed to serve the population in a defined trauma service area or region.

(c)~~(d)~~ Consider including criteria within trauma center approval standards based upon the number of trauma victims served within a service area.

~~(e) Review the Regional Domestic Security Task Force structure and determine whether integrating the trauma system planning with interagency regional emergency and disaster planning efforts is feasible and identify any duplication of efforts between the two entities.~~

(d)~~(f)~~ Make recommendations regarding a continued revenue source which shall include a local participation requirement.

(e)~~(g)~~ Make recommendations regarding a formula for the distribution of funds identified for trauma centers which shall address incentives for new centers where needed and the need to maintain effective trauma care in areas served by existing centers, with consideration for the volume of trauma patients served, and the amount of charity care provided.

(4) Annually thereafter, the department shall review the assignment of the 67 counties to trauma service areas, in addition to the requirements of *subsections (2)* ~~paragraphs (2)(b)-(g)~~ and ~~subsection~~ (3). County assignments are made for the purpose of developing a system of trauma centers. Revisions made by the department shall *consider* ~~take into consideration~~ the recommendations made as part of the regional trauma system plans approved by the department and the recommendations made as part of the state trauma system plan. *If* ~~In cases where~~ a trauma service area is located within the boundaries of more than one trauma region, the trauma service area's needs, response capability, and system requirements shall be considered by each trauma region served by that trauma service area in its regional system plan. ~~Until the department completes the February 2005 assessment, the assignment of counties shall remain as established in this section.~~

(a) The following trauma service areas are hereby established:

1. Trauma service area 1 shall consist of Escambia, Okaloosa, Santa Rosa, and Walton Counties.

2. Trauma service area 2 shall consist of Bay, Gulf, Holmes, and Washington Counties.

3. Trauma service area 3 shall consist of Calhoun, Franklin, Gadsden, Jackson, Jefferson, Leon, Liberty, Madison, Taylor, and Wakulla Counties.

4. Trauma service area 4 shall consist of Alachua, Bradford, Columbia, Dixie, Gilchrist, Hamilton, Lafayette, Levy, Putnam, Suwannee, and Union Counties.

5. Trauma service area 5 shall consist of Baker, Clay, Duval, Nassau, and St. Johns Counties.

6. Trauma service area 6 shall consist of Citrus, Hernando, and Marion Counties.

7. Trauma service area 7 shall consist of Flagler and Volusia Counties.

8. Trauma service area 8 shall consist of Lake, Orange, Osceola, Seminole, and Sumter Counties.

9. Trauma service area 9 shall consist of Pasco and Pinellas Counties.

10. Trauma service area 10 shall consist of Hillsborough County.

11. Trauma service area 11 shall consist of Hardee, Highlands, and Polk Counties.

12. Trauma service area 12 shall consist of Brevard and Indian River Counties.

13. Trauma service area 13 shall consist of DeSoto, Manatee, and Sarasota Counties.

14. Trauma service area 14 shall consist of Martin, Okeechobee, and St. Lucie Counties.

15. Trauma service area 15 shall consist of Charlotte, Glades, Hendry, and Lee Counties.

16. Trauma service area 16 shall consist of Palm Beach County.

17. Trauma service area 17 shall consist of Collier County.

18. Trauma service area 18 shall consist of Broward County.

19. Trauma service area 19 shall consist of Miami-Dade and Monroe Counties.

(b) Each trauma service area should have at least one Level I or Level II trauma center. The department shall allocate, by rule, the number of trauma centers needed for each trauma service area.

(c) There *may* ~~shall~~ be no more than ~~a total of~~ 44 trauma centers in the state.

(5) By October 1, 2014, the department shall convene the Florida Trauma System Plan Advisory Committee in order to review the Trauma System Consultation Report issued by the American College of Surgeons Committee on Trauma dated February 2-5, 2013. Based on this review, the advisory council shall submit recommendations, including recommended statutory changes, to the President of the Senate and the Speaker of the House of Representatives by February 1, 2015. The advisory council may make recommendations to the State Surgeon General regarding the continuing development of the state trauma system. The advisory council shall consist of the following nine representatives of an inclusive trauma system appointed by the State Surgeon General:

(a) A trauma patient, or a family member of a trauma patient, who has sustained and recovered from severe injuries;

(b) A member of the Florida Committee on Trauma;

(c) A member of the Association of Florida Trauma Coordinators;

(d) A chief executive officer of a nontrauma acute care hospital who is a member of the Florida Hospital Association;

(e) A member of the Florida Emergency Medical Services Advisory Council;

(f) A member of the Florida Injury Prevention Advisory Council;

(g) A member of the Brain and Spinal Cord Injury Program Advisory Council;

(h) A member of the Florida Chamber of Commerce; and

(i) A member of the Florida Health Insurance Advisory Board.

Section 50. Subsection (7) of section 395.4025, Florida Statutes, is amended, and subsections (15) and (16) are added to that section, to read:

395.4025 Trauma centers; selection; quality assurance; records.—

(7) *A* ~~Any~~ hospital that *has submitted an application for selection as a trauma center may* ~~wishes to~~ protest *an adverse* ~~a~~ decision made by the department based on the department's preliminary*, provisional,* or in-depth review of *its application,* ~~applications~~ or on the recommendations of the site visit review team pursuant to this section*, and* shall proceed as provided *under* ~~in~~ chapter 120. Hearings held under this subsection shall be conducted in the same manner as provided in ss. 120.569 and 120.57. Cases filed under chapter 120 may combine all disputes between parties.

(15) Notwithstanding any other law, a hospital designated as a provisional or verified as a Level I, Level II, or pediatric trauma center after the enactment of chapter 2004-259, Laws of Florida, whose approval has not been revoked may continue to operate at the same trauma center level until the approval period in subsection (6) expires if the hospital continues to meet the other requirements of part II of this chapter related to trauma center standards and patient outcomes. A hospital that meets the re-

quirements of this section is eligible for renewal of its 7-year approval period pursuant to subsection (6).

(16) Except as otherwise provided in this act, the department may not verify, designate, or provisionally approve any hospital to operate as a trauma center through the procedures established in subsections (1)-(14), unless the hospital is designated as a provisional Level I trauma center and is seeking to be verified as a Level I trauma center as of July 1, 2014. This subsection expires on the earlier of July 1, 2015, or upon the entry of a final order affirming the validity of a proposed rule of the department allocating the number of trauma centers needed for each trauma service area as provided in s. 395.402(4).

And the title is amended as follows:

Delete line 292 and insert: home health agencies; amending s. 395.401, F.S.; limiting trauma service fees to a certain amount; providing for future expiration; conforming a cross-reference; amending s. 395.402, F.S.; revising provisions relating to the contents of the Department of Health trauma system assessment; requiring the Department of Health to convene the Florida Trauma System Plan Advisory Committee by a specified date; requiring the advisory council to review the Trauma System Consultation Report and make recommendations to the Legislature by a specified date; authorizing the advisory council to make recommendations to the State Surgeon General; designating the membership of the advisory council; amending s. 395.4025, F.S.; specifying that only applicants for trauma centers may protest an adverse decision made by the department; authorizing certain provisional and verified trauma centers to continue operating and to apply for renewal; restricting the department from verifying, designating, or provisionally approving certain hospitals as trauma centers; providing for future expiration; providing effective dates.

Amendment 5 (419154) (with title amendment)—Between lines 2694 and 2695 insert:

Section 48. Paragraph (a) of subsection (6) of section 395.003, Florida Statutes, is amended to read:

395.003 Licensure; denial, suspension, and revocation.—

(6)(a) A specialty hospital may not provide any service or regularly serve any population group beyond those services or groups specified in its license. A ~~specialty-licensed children's~~ hospital that is authorized to provide pediatric cardiac catheterization and pediatric open-heart surgery services may provide cardiovascular service to adults who, as children, were previously served by the hospital for congenital heart disease, or to ~~those~~ patients who are referred *only* for a specialized procedure ~~only~~ for congenital heart disease by an adult hospital, without obtaining additional licensure as a provider of adult cardiovascular services. The agency may request documentation as needed to support patient selection and treatment. This subsection does not apply to a specialty-licensed children's hospital that is already licensed to provide adult cardiovascular services.

And the title is amended as follows:

Delete line 292 and insert: home health agencies; amending s. 395.003, F.S.; revising provisions relating to the provision of cardiovascular services by a hospital; providing effective dates.

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

Senator Garcia moved the following amendments which were adopted:

Amendment 6 (620096) (with title amendment)—Between lines 2694 and 2695 insert:

Section 48. Present subsections (1) through (10) of section 395.0191, Florida Statutes, are redesignated as subsections (2) through (11), respectively, a new subsection (1) and subsection (12) are added to that section, and present subsection (6) of that section is amended, to read:

395.0191 Staff membership and clinical privileges.—

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

(a) "Certified surgical assistant" means a surgical assistant who maintains a valid and active certification under one of the following designations:

1. Certified Surgical First Assistant from the National Board of Surgical Technology and Surgical Assisting.

2. Certified Surgical Assistant from the National Surgical Assistant Association.

3. Surgical Assistant-Certified from the American Board of Surgical Assistants.

(b) "Certified surgical technologist" means a surgical technologist who maintains a valid and active certification as a Certified Surgical Technologist from the National Board of Surgical Technology and Surgical Assisting.

(c) "Surgeon" means a health care practitioner as defined in s. 456.001 whose scope of practice includes performing surgery and who is listed as the primary surgeon in the operative record.

(d) "Surgical assistant" means a person who provides aid in exposure, hemostasis, closures, and other intraoperative technical functions and who assists the surgeon in performing a safe operation with optimal results for the patient.

(e) "Surgical technologist" means a person whose duties include, but are not limited to, maintaining sterility during a surgical procedure, handling and ensuring the availability of necessary equipment and supplies, and maintaining visibility of the operative site to ensure that the operating room environment is safe, that proper equipment is available, and that the operative procedure is conducted efficiently.

(7)~~(6)~~ Upon the written request of the applicant, any licensed facility that has denied staff membership or clinical privileges to any applicant specified in subsection *(2)* ~~(1)~~ or subsection *(3)* ~~(2)~~ shall, within 30 days of such request, provide the applicant with the reasons for such denial in writing. A denial of staff membership or clinical privileges to any applicant shall be submitted, in writing, to the applicant's respective licensing board.

(12)(a) At least 50 percent of the surgical assistants that a facility employs or contracts with must be certified surgical assistants.

(b) At least 50 percent of the surgical technologists that a facility employs or contracts with must be certified surgical technologists.

(c) The certification requirements in paragraphs (a) and (b) do not apply to:

1. A person who has completed an appropriate training program for surgical technology in any branch of the Armed Forces or reserve component of the Armed Forces.

2. A person who was employed or contracted to perform the duties of a surgical technologist or surgical assistant at any time before July 1, 2014.

3. A health care practitioner as defined in s. 456.001 or a student if the duties performed by the practitioner or the student are within the scope of the practitioner's or the student's training and practice.

4. A person enrolled in a surgical technology or surgical assisting training program accredited by the Commission on Accreditation of Allied Health Education Programs, the Accrediting Bureau of Health Education Schools, or another accrediting body recognized by the United States Department of Education on July 1, 2014. A person may practice as a surgical technologist or a surgical assistant for 2 years after completing such a training program before he or she is required to meet the criteria in paragraph (a) or paragraph (b).

And the title is amended as follows:

Delete line 292 and insert: home health agencies; amending s. 395.0191, F.S.; defining terms; prohibiting a health care facility from employing or contracting with a surgical assistant or surgical technologist under certain circumstances; providing exceptions; providing effective dates.

Amendment 7 (886362) (with title amendment)—Between lines 2694 and 2695 insert:

Section 48. Paragraph (f) of subsection (5) of section 400.235, Florida Statutes, is amended to read:

400.235 Nursing home quality and licensure status; Gold Seal Program.—

(5) Facilities must meet the following additional criteria for recognition as a Gold Seal Program facility:

(f) Evidence *that verified* ~~an outstanding record regarding the number and types of substantiated~~ complaints reported to the *Office of* State Long-Term Care Ombudsman ~~Council~~ within the 30 months preceding application for the program *have been resolved or, if not resolved, the facility has made a good faith effort to resolve the complaints*.

A facility assigned a conditional licensure status may not qualify for consideration for the Gold Seal Program until after it has operated for 30 months with no class I or class II deficiencies and has completed a regularly scheduled relicensure survey.

And the title is amended as follows:

Delete line 292 and insert: home health agencies; amending s. 400.235, F.s.; clarifying criteria relating to the Gold Seal Program; providing effective dates.

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

Senator Bean moved the following amendments which were adopted:

Amendment 8 (424546) (with title amendment)—Between lines 2694 and 2695 insert:

Section 48. Paragraph (t) of subsection (1) of section 400.141, Florida Statutes, is amended to read:

400.141 Administration and management of nursing home facilities.—

(1) Every licensed facility shall comply with all applicable standards and rules of the agency and shall:

(t) Assess all residents *within 5 working days after admission* for eligibility for pneumococcal ~~polysaccharide~~ vaccination *or revaccination* ~~(PPV)~~ and vaccinate residents when indicated within 60 days ~~after the effective date of this act~~ in accordance with the recommendations of the United States Centers for Disease Control and Prevention, subject to exemptions for medical contraindications and religious or personal beliefs. ~~Residents admitted after the effective date of this act shall be assessed within 5 working days of admission and, when indicated, vaccinated within 60 days in accordance with the recommendations of the United States Centers for Disease Control and Prevention, subject to exemptions for medical contraindications and religious or personal beliefs.~~ Immunization shall not be provided to any resident who provides documentation that he or she has been immunized as required by this paragraph. This paragraph does not prohibit a resident from receiving the immunization from his or her personal physician if he or she so chooses. A resident who chooses to receive the immunization from his or her personal physician shall provide proof of immunization to the facility. The agency may adopt and enforce any rules necessary to comply with or implement this paragraph.

And the title is amended as follows:

Delete line 292 and insert: home health agencies; amending s. 400.141, F.S.; revising the type of pneumococcal vaccine given to nursing home residents; deleting obsolete language; providing effective dates.

Amendment 9 (731130) (with title amendment)—Between lines 2694 and 2695 insert:

Section 48. Subsection (2) of section 468.1665, Florida Statutes, is amended to read:

468.1665 Board of Nursing Home Administrators; membership; appointment; terms.—

(2) *Effective January 1, 2015, four* ~~Three~~ members of the board must be licensed nursing home administrators. *One member* ~~Two members~~ of the board must be *a* health care *practitioner* ~~practitioners~~. The remaining two members of the board must be laypersons who are not, and have never been, nursing home administrators or members of any health care profession or occupation. At least one member of the board must be 60 years of age or older. *The Governor may reappoint members in order to comply with this requirement by January 1, 2015.*

Section 49. Subsection (2) of section 468.1695, Florida Statutes, is amended to read:

468.1695 Licensure by examination.—

(2) The department shall examine each applicant who the board certifies has completed the application form and remitted an examination fee set by the board not to exceed $250 and who:

(a)1. Holds a baccalaureate *or master's* degree from an accredited college or university and majored in health care administration, health services administration, or an equivalent major, or has credit for at least 60 semester hours in subjects, as prescribed by rule of the board, which prepare the applicant for total management of a nursing home; and

2. Has fulfilled the requirements of a college-affiliated or university-affiliated internship in nursing home administration or of a 1,000-hour nursing home administrator-in-training program prescribed by the board; or

(b)1. Holds a baccalaureate degree from an accredited college or university; and

2.a. Has fulfilled the requirements of a 2,000-hour nursing home administrator-in-training program prescribed by the board; or

b. Has 1 year of management experience allowing for the application of executive duties and skills, including the staffing, budgeting, and directing of resident care, dietary, and bookkeeping departments within a skilled nursing facility, hospital, hospice, assisted living facility with a minimum of 60 licensed beds, or geriatric residential treatment program and, if such experience is not in a skilled nursing facility, has fulfilled the requirements of a 1,000-hour nursing home administrator-in-training program prescribed by the board.

And the title is amended as follows:

Delete line 292 and insert: home health agencies; amending s. 468.1665, F.S.; increasing the number of members of the Board of Nursing Home Administrators who must be licensed nursing home administrators and decreasing the number of members who must be health care practitioners; amending s. 468.1695, F.S.; revising the qualifications of applicants who may sit for the licensed nursing home administrator examination to include an applicant with a master's degree in certain subjects; providing effective dates.

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

Senator Sobel moved the following amendment which was adopted:

Amendment 10 (174738) (with title amendment)—Delete lines 296-1274 and insert:

Section 1. Section 394.4574, Florida Statutes, is amended to read:

394.4574 ~~Department~~ Responsibilities for *coordination of services for* a mental health resident who resides in an assisted living facility that holds a limited mental health license.—

(1) *As used in this section,* the term *"mental health resident"* ~~"mental health resident," for purposes of this section,~~ means an individual who receives social security disability income due to a mental disorder as determined by the Social Security Administration or receives supplemental security income due to a mental disorder as determined by the Social Security Administration and receives optional state supplementation.

(2) *Medicaid managed care plans are responsible for Medicaid-enrolled mental health residents, and managing entities under contract with the department are responsible for mental health residents who are not enrolled in a Medicaid health plan. A Medicaid managed care plan or a managing entity, as appropriate, shall* ~~The department must~~ ensure that:

(a) A mental health resident has been assessed by a psychiatrist, clinical psychologist, clinical social worker, or psychiatric nurse, or an individual who is supervised by one of these professionals, and determined to be appropriate to reside in an assisted living facility. The documentation must be provided to the administrator of the facility within 30 days after the mental health resident has been admitted to the facility. An evaluation completed upon discharge from a state mental hospital meets the requirements of this subsection related to appropriateness for placement as a mental health resident if it was completed within 90 days *before* ~~prior to~~ admission to the facility.

(b) A cooperative agreement, as required in s. 429.075, is developed *by* ~~between~~ the mental health care services provider that serves a mental health resident and the administrator of the assisted living facility with a limited mental health license in which the mental health resident is living. ~~Any entity that provides Medicaid prepaid health plan services shall ensure the appropriate coordination of health care services with an assisted living facility in cases where a Medicaid recipient is both a member of the entity's prepaid health plan and a resident of the assisted living facility. If the entity is at risk for Medicaid targeted case management and behavioral health services, the entity shall inform the assisted living facility of the procedures to follow should an emergent condition arise.~~

(c) The community living support plan, as defined in s. 429.02, has been prepared by a mental health resident and *his or her* ~~a~~ mental health case manager ~~of that resident~~ in consultation with the administrator of the facility or the administrator's designee. The plan must be *completed and* provided to the administrator of the assisted living facility with a limited mental health license in which the mental health resident lives *within 30 days after the resident's admission*. The support plan and the agreement may be in one document.

(d) The assisted living facility with a limited mental health license is provided with documentation that the individual meets the definition of a mental health resident.

(e) The mental health services provider assigns a case manager to each mental health resident *for whom the entity is responsible* ~~who lives in an assisted living facility with a limited mental health license~~. The case manager *shall coordinate* ~~is responsible for coordinating~~ the development ~~of~~ and implementation of the community living support plan defined in s. 429.02. The plan must be updated at least annually*, or when there is a significant change in the resident's behavioral health status, such as an inpatient admission or a change in medication, level of service, or residence. Each case manager shall keep a record of the date and time of any face-to-face interaction with the resident and make the record available to the responsible entity for inspection. The record must be retained for at least 2 years after the date of the most recent interaction*.

(f) Adequate and consistent monitoring and enforcement of community living support plans and cooperative agreements are conducted by the resident's case manager.

(g) Concerns are reported to the appropriate regulatory oversight organization if a regulated provider fails to deliver appropriate services or otherwise acts in a manner that has the potential to result in harm to the resident.

(3) The Secretary of Children and *Families* ~~Family Services~~, in consultation with the Agency for Health Care Administration, shall ~~annually~~ require each district administrator to develop, with community input, *a detailed annual plan that demonstrates* ~~detailed plans that demonstrate~~ how the district will ensure the provision of state-funded mental health and substance abuse treatment services to residents of assisted living facilities that hold a limited mental health license. *This plan* ~~These plans~~ must be consistent with the substance abuse and mental health district plan developed pursuant to s. 394.75 and must address case management services; access to consumer-operated drop-in centers; access to services during evenings, weekends, and holidays; supervision of the clinical needs of the residents; and access to emergency psychiatric care.

Section 2. Subsection (1) of section 400.0074, Florida Statutes, is amended, and paragraph (h) is added to subsection (2) of that section, to read:

400.0074 Local ombudsman council onsite administrative assessments.—

(1) In addition to any specific investigation conducted pursuant to a complaint, the local council shall conduct, at least annually, an onsite administrative assessment of each nursing home, assisted living facility, and adult family-care home within its jurisdiction. This administrative assessment *must be comprehensive in nature and must* ~~shall~~ focus on factors affecting *residents'* ~~the~~ rights, health, safety, and welfare ~~of the residents~~. Each local council is encouraged to conduct a similar onsite administrative assessment of each additional long-term care facility within its jurisdiction.

(2) An onsite administrative assessment conducted by a local council shall be subject to the following conditions:

(h) The local council shall conduct an exit consultation with the facility administrator or administrator designee to discuss issues and concerns in areas affecting residents' rights, health, safety, and welfare and, if needed, make recommendations for improvement.

Section 3. Subsection (2) of section 400.0078, Florida Statutes, is amended to read:

400.0078 Citizen access to State Long-Term Care Ombudsman Program services.—

(2) ~~Every resident or representative of a resident shall receive,~~ Upon admission to a long-term care facility, *each resident or representative of a resident must receive* information regarding the purpose of the State Long-Term Care Ombudsman Program, the statewide toll-free telephone number for receiving complaints, *information that retaliatory action cannot be taken against a resident for presenting grievances or for exercising any other resident right,* and other relevant information regarding how to contact the program. *Each resident or his or her representative* ~~Residents or their representatives~~ must be furnished additional copies of this information upon request.

Section 5. Subsection (13) of section 429.02, Florida Statutes, is amended to read:

429.02 Definitions.—When used in this part, the term:

(13) "Limited nursing services" means acts that may be performed *by a person licensed under* ~~pursuant to~~ part I of chapter 464 ~~by persons licensed thereunder while carrying out their professional duties but limited to those acts which the department specifies by rule~~. ~~Acts which may be specified by rule as allowable~~ Limited nursing services shall be for persons who meet the admission criteria established by the department for assisted living facilities and shall not be complex enough to require 24-hour nursing supervision and may include such services as the application and care of routine dressings, and care of casts, braces, and splints.

Section 4. Paragraphs (b) and (c) of subsection (3) of section 429.07, Florida Statutes, are amended to read:

429.07 License required; fee.—

(3) In addition to the requirements of s. 408.806, each license granted by the agency must state the type of care for which the license is granted. Licenses shall be issued for one or more of the following categories of care: standard, extended congregate care, limited nursing services, or limited mental health.

(b) An extended congregate care license shall be issued to *each facility that has been licensed as an assisted living facility for 2 or more years and that provides services* ~~facilities providing~~, directly or through contract, ~~services~~ beyond those authorized in paragraph (a), including services performed by persons licensed under part I of chapter 464 and supportive services, as defined by rule, to persons who would otherwise be disqualified from continued residence in a facility licensed under this

part. *An extended congregate care license may be issued to a facility that has a provisional extended congregate care license and meets the requirements for licensure under subparagraph 2. The primary purpose of extended congregate care services is to allow residents the option of remaining in a familiar setting from which they would otherwise be disqualified for continued residency as they become more impaired. A facility licensed to provide extended congregate care services may also admit an individual who exceeds the admission criteria for a facility with a standard license, if he or she is determined appropriate for admission to the extended congregate care facility.*

1. In order for extended congregate care services to be provided, the agency must first determine that all requirements established in law and rule are met and must specifically designate, on the facility's license, that such services may be provided and whether the designation applies to all or part of the facility. *This* ~~Such~~ designation may be made at the time of initial licensure or *licensure renewal* ~~relicensure~~, or upon request in writing by a licensee under this part and part II of chapter 408. The notification of approval or the denial of the request shall be made in accordance with part II of chapter 408. *Each* existing *facility that qualifies* ~~facilities qualifying~~ to provide extended congregate care services must have maintained a standard license and may not have been subject to administrative sanctions during the previous 2 years, or since initial licensure if the facility has been licensed for less than 2 years, for any of the following reasons:

a. A class I or class II violation;

b. Three or more repeat or recurring class III violations of identical or similar resident care standards from which a pattern of noncompliance is found by the agency;

c. Three or more class III violations that were not corrected in accordance with the corrective action plan approved by the agency;

d. Violation of resident care standards which results in requiring the facility to employ the services of a consultant pharmacist or consultant dietitian;

e. Denial, suspension, or revocation of a license for another facility licensed under this part in which the applicant for an extended congregate care license has at least 25 percent ownership interest; or

f. Imposition of a moratorium pursuant to this part or part II of chapter 408 or initiation of injunctive proceedings.

The agency may deny or revoke a facility's extended congregate care license for not meeting the criteria for an extended congregate care license as provided in this subparagraph.

2. If an assisted living facility has been licensed for less than 2 years, the initial extended congregate care license must be provisional and may not exceed 6 months. Within the first 3 months after the provisional license is issued, the licensee shall notify the agency, in writing, when it has admitted at least one extended congregate care resident, after which an unannounced inspection shall be made to determine compliance with requirements of an extended congregate care license. Failure to admit an extended congregate care resident within the first 3 months shall render the extended congregate care license void. A licensee that has a provisional extended congregate care license which demonstrates compliance with all of the requirements of an extended congregate care license during the inspection shall be issued an extended congregate care license. In addition to sanctions authorized under this part, if violations are found during the inspection and the licensee fails to demonstrate compliance with all assisted living requirements during a followup inspection, the licensee shall immediately suspend extended congregate care services, and the provisional extended congregate care license expires. The agency may extend the provisional license for not more than 1 month in order to complete a followup visit.

3.~~2.~~ A facility that is licensed to provide extended congregate care services shall maintain a written progress report on each person who receives services which describes the type, amount, duration, scope, and outcome of services that are rendered and the general status of the resident's health. A registered nurse, or appropriate designee, representing the agency shall visit the facility at least *twice a year* ~~quarterly~~ to monitor residents who are receiving extended congregate care services and to determine if the facility is in compliance with this part, part II of chapter 408, and relevant rules. One of the visits may be in conjunction with the regular survey. The monitoring visits may be provided through contractual arrangements with appropriate community agencies. A registered nurse shall serve as part of the team that inspects the facility. The agency may waive one of the required yearly monitoring visits for a facility that has*:*

a. Held an extended congregate care license for at least 24 months; ~~been licensed for at least 24 months to provide extended congregate care services, if, during the inspection, the registered nurse determines that extended congregate care services are being provided appropriately, and if the facility has~~

b. No class I or class II violations and no uncorrected class III violations*; and*~~.~~

c. No ombudsman council complaints that resulted in a citation for licensure ~~The agency must first consult with the long-term care ombudsman council for the area in which the facility is located to determine if any complaints have been made and substantiated about the quality of services or care. The agency may not waive one of the required yearly monitoring visits if complaints have been made and substantiated.~~

4.~~3.~~ A facility that is licensed to provide extended congregate care services must:

a. Demonstrate the capability to meet unanticipated resident service needs.

b. Offer a physical environment that promotes a homelike setting, provides for resident privacy, promotes resident independence, and allows sufficient congregate space as defined by rule.

c. Have sufficient staff available, taking into account the physical plant and firesafety features of the building, to assist with the evacuation of residents in an emergency.

d. Adopt and follow policies and procedures that maximize resident independence, dignity, choice, and decisionmaking to permit residents to age in place, so that moves due to changes in functional status are minimized or avoided.

e. Allow residents or, if applicable, a resident's representative, designee, surrogate, guardian, or attorney in fact to make a variety of personal choices, participate in developing service plans, and share responsibility in decisionmaking.

f. Implement the concept of managed risk.

g. Provide, directly or through contract, the services of a person licensed under part I of chapter 464.

h. In addition to the training mandated in s. 429.52, provide specialized training as defined by rule for facility staff.

5.~~4.~~ A facility that is licensed to provide extended congregate care services is exempt from the criteria for continued residency set forth in rules adopted under s. 429.41. A licensed facility must adopt its own requirements within guidelines for continued residency set forth by rule. However, the facility may not serve residents who require 24-hour nursing supervision. A licensed facility that provides extended congregate care services must also provide each resident with a written copy of facility policies governing admission and retention.

~~5. The primary purpose of extended congregate care services is to allow residents, as they become more impaired, the option of remaining in a familiar setting from which they would otherwise be disqualified for continued residency. A facility licensed to provide extended congregate care services may also admit an individual who exceeds the admission criteria for a facility with a standard license, if the individual is determined appropriate for admission to the extended congregate care facility.~~

6. Before the admission of an individual to a facility licensed to provide extended congregate care services, the individual must undergo a medical examination as provided in s. 429.26(4) and the facility must develop a preliminary service plan for the individual.

7. *If* ~~When~~ a facility can no longer provide or arrange for services in accordance with the resident's service plan and needs and the facility's policy, the facility *must* ~~shall~~ make arrangements for relocating the person in accordance with s. 429.28(1)(k).

~~8. Failure to provide extended congregate care services may result in denial of extended congregate care license renewal.~~

(c) A limited nursing services license shall be issued to a facility that provides services beyond those authorized in paragraph (a) and as specified in this paragraph.

1. In order for limited nursing services to be provided in a facility licensed under this part, the agency must first determine that all requirements established in law and rule are met and must specifically designate, on the facility's license, that such services may be provided. *This* ~~Such~~ designation may be made at the time of initial licensure or *licensure renewal* ~~relicensure~~, or upon request in writing by a licensee under this part and part II of chapter 408. Notification of approval or denial of such request shall be made in accordance with part II of chapter 408. *An* existing *facility that qualifies* ~~facilities qualifying~~ to provide limited nursing services *must* ~~shall~~ have maintained a standard license and may not have been subject to administrative sanctions that affect the health, safety, and welfare of residents for the previous 2 years or since initial licensure if the facility has been licensed for less than 2 years.

2. *A facility* ~~Facilities~~ that *is* ~~are~~ licensed to provide limited nursing services shall maintain a written progress report on each person who receives such nursing services. *The*~~, which~~ report *must describe* ~~describes~~ the type, amount, duration, scope, and outcome of services that are rendered and the general status of the resident's health. A registered nurse representing the agency shall visit *the facility* ~~such facilities~~ at least *annually* ~~twice a year~~ to monitor residents who are receiving limited nursing services and to determine if the facility is in compliance with applicable provisions of this part, part II of chapter 408, and related rules. The monitoring visits may be provided through contractual arrangements with appropriate community agencies. A registered nurse shall also serve as part of the team that inspects such facility. *Visits may be in conjunction with other agency inspections. The agency may waive the required yearly monitoring visit for a facility that has:*

a. Had a limited nursing services license for at least 24 months;

b. No class I or class II violations and no uncorrected class III violations; and

c. No ombudsman council complaints that resulted in a citation for licensure.

3. A person who receives limited nursing services under this part must meet the admission criteria established by the agency for assisted living facilities. When a resident no longer meets the admission criteria for a facility licensed under this part, arrangements for relocating the person shall be made in accordance with s. 429.28(1)(k), unless the facility is licensed to provide extended congregate care services.

Section 5. Section 429.075, Florida Statutes, is amended to read:

429.075 Limited mental health license.—An assisted living facility that serves *one* ~~three~~ or more mental health residents must obtain a limited mental health license.

(1) To obtain a limited mental health license, a facility must hold a standard license as an assisted living facility, must not have any current uncorrected ~~deficiencies or~~ violations, and must ensure that, within 6 months after receiving a limited mental health license, the facility administrator and the staff of the facility who are in direct contact with mental health residents must complete training of no less than 6 hours related to their duties. *This* ~~Such~~ designation may be made at the time of initial licensure or relicensure or upon request in writing by a licensee under this part and part II of chapter 408. Notification of approval or denial of such request shall be made in accordance with this part, part II of chapter 408, and applicable rules. This training *must* ~~will~~ be provided by or approved by the Department of Children and *Families* ~~Family Services~~.

(2) *A facility that is* ~~Facilities~~ licensed to provide services to mental health residents *must* ~~shall~~ provide appropriate supervision and staffing to provide for the health, safety, and welfare of such residents.

(3) A facility that has a limited mental health license must:

(a) Have a copy of each mental health resident's community living support plan and the cooperative agreement with the mental health care services provider *or provide written evidence that a request for the community living support plan and the cooperative agreement was sent to the Medicaid managed care plan or managing entity under contract with the Department of Children and Families within 72 hours after admission*. The support plan and the agreement may be combined.

(b) Have documentation ~~that is~~ provided by the Department of Children and *Families* ~~Family Services~~ that each mental health resident has been assessed and determined to be able to live in the community in an assisted living facility *that has* ~~with~~ a limited mental health license *or provide written evidence that a request for documentation was sent to the Department of Children and Families within 72 hours after admission*.

(c) Make the community living support plan available for inspection by the resident, the resident's legal guardian *or*~~, the resident's~~ health care surrogate, and other individuals who have a lawful basis for reviewing this document.

(d) Assist the mental health resident in carrying out the activities identified in the individual's community living support plan.

(4) A facility *that has* ~~with~~ a limited mental health license may enter into a cooperative agreement with a private mental health provider. For purposes of the limited mental health license, the private mental health provider may act as the case manager.

Section 6. Section 429.14, Florida Statutes, is amended to read:

429.14 Administrative penalties.—

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

(a) An intentional or negligent act seriously affecting the health, safety, or welfare of a resident of the facility.

(b) *A* ~~The~~ determination by the agency that the owner lacks the financial ability to provide continuing adequate care to residents.

(c) Misappropriation or conversion of the property of a resident of the facility.

(d) Failure to follow the criteria and procedures provided under part I of chapter 394 relating to the transportation, voluntary admission, and involuntary examination of a facility resident.

(e) A citation *for* ~~of~~ any of the following *violations* ~~deficiencies~~ as specified in s. 429.19:

1. One or more cited class I *violations* ~~deficiencies~~.

2. Three or more cited class II *violations* ~~deficiencies~~.

3. Five or more cited class III *violations* ~~deficiencies~~ that have been cited on a single survey and have not been corrected within the times specified.

(f) Failure to comply with the background screening standards of this part, s. 408.809(1), or chapter 435.

(g) Violation of a moratorium.

(h) Failure of the license applicant, the licensee during *licensure renewal* ~~relicensure~~, or a licensee that holds a provisional license to meet

the minimum license requirements of this part, or related rules, at the time of license application or renewal.

(i) An intentional or negligent life-threatening act in violation of the uniform firesafety standards for assisted living facilities or other firesafety standards *which* ~~that~~ threatens the health, safety, or welfare of a resident of a facility, as communicated to the agency by the local authority having jurisdiction or the State Fire Marshal.

(j) Knowingly operating any unlicensed facility or providing without a license any service that must be licensed under this chapter or chapter 400.

(k) Any act constituting a ground upon which application for a license may be denied.

(2) Upon notification by the local authority having jurisdiction or by the State Fire Marshal, the agency may deny or revoke the license of an assisted living facility that fails to correct cited fire code violations that affect or threaten the health, safety, or welfare of a resident of a facility.

(3) The agency may deny *or revoke* a license *of an* ~~to any~~ applicant or controlling interest as defined in part II of chapter 408 which has or had a *25 percent* ~~25 percent~~ or greater financial or ownership interest in any other facility *that is* licensed under this part, or in any entity licensed by this state or another state to provide health or residential care, *if that* ~~which~~ facility or entity during the 5 years *before* ~~prior to~~ the application for a license closed due to financial inability to operate; had a receiver appointed or a license denied, suspended, or revoked; was subject to a moratorium; or had an injunctive proceeding initiated against it.

(4) The agency shall deny or revoke the license of an assisted living facility *if:*

(a) There are two moratoria, issued pursuant to this part or part II of chapter 408, within a 2-year period which are imposed by final order;

(b) The facility is cited for two or more class I violations arising from unrelated circumstances during the same survey or investigation; or

(c) The facility is cited for two or more class I violations arising from separate surveys or investigations within a 2-year period ~~that has two or more class I violations that are similar or identical to violations identified by the agency during a survey, inspection, monitoring visit, or complaint investigation occurring within the previous 2 years~~.

(5) An action taken by the agency to suspend, deny, or revoke a facility's license under this part or part II of chapter 408, in which the agency claims that the facility owner or an employee of the facility has threatened the health, safety, or welfare of a resident of the facility*, must* be heard by the Division of Administrative Hearings of the Department of Management Services within 120 days after receipt of the facility's request for a hearing, unless that time limitation is waived by both parties. The administrative law judge *shall* ~~must~~ render a decision within 30 days after receipt of a proposed recommended order.

(6) *As provided under s. 408.814,* the agency shall *impose an immediate moratorium on an assisted living facility that fails to provide the agency access to the facility or prohibits the agency from conducting a regulatory inspection. The licensee may not restrict agency staff in accessing and copying records or in conducting confidential interviews with facility staff or any individual who receives services from the facility* ~~provide to the Division of Hotels and Restaurants of the Department of Business and Professional Regulation, on a monthly basis, a list of those assisted living facilities that have had their licenses denied, suspended, or revoked or that are involved in an appellate proceeding pursuant to s. 120.60 related to the denial, suspension, or revocation of a license~~.

(7) Agency notification of a license suspension or revocation, or denial of a license renewal, shall be posted and visible to the public at the facility.

(8) If a facility is required to relocate some or all of its residents due to agency action, that facility is exempt from the 45 days' notice requirement imposed under s. 429.28(1)(k). This subsection does not exempt the facility from any deadlines for corrective action set by the agency.

Section 7. Paragraphs (a) and (b) of subsection (2) of section 429.178, Florida Statutes, are amended to read:

429.178 Special care for persons with Alzheimer's disease or other related disorders.—

(2)(a) An individual who is employed by a facility that provides special care for residents *who have* ~~with~~ Alzheimer's disease or other related disorders, and who has regular contact with such residents, must complete up to 4 hours of initial dementia-specific training developed or approved by the department. The training *must* ~~shall~~ be completed within 3 months after beginning employment and *satisfy* ~~shall satisfy~~ the core training requirements of *s. 429.52(3)(g)* ~~s. 429.52(2)(g)~~.

(b) A direct caregiver who is employed by a facility that provides special care for residents *who have* ~~with~~ Alzheimer's disease or other related disorders~~,~~ and ~~who~~ provides direct care to such residents~~,~~ must complete the required initial training and 4 additional hours of training developed or approved by the department. The training *must* ~~shall~~ be completed within 9 months after beginning employment and *satisfy* ~~shall satisfy~~ the core training requirements of *s. 429.52(3)(g)* ~~s. 429.52(2)(g)~~.

Section 8. Section 429.19, Florida Statutes, is amended to read:

429.19 Violations; imposition of administrative fines; grounds.—

(1) In addition to the requirements of part II of chapter 408, the agency shall impose an administrative fine in the manner provided in chapter 120 for the violation of any provision of this part, part II of chapter 408, and applicable rules by an assisted living facility, for the actions of any person subject to level 2 background screening under s. 408.809, for the actions of any facility employee, or for an intentional or negligent act seriously affecting the health, safety, or welfare of a resident of the facility.

(2) Each violation of this part and adopted rules *must* ~~shall~~ be classified according to the nature of the violation and the gravity of its probable effect on facility residents. *The scope of a violation may be cited as an isolated, patterned, or widespread deficiency. An isolated deficiency is a deficiency affecting one or a very limited number of residents, or involving one or a very limited number of staff, or a situation that occurred only occasionally or in a very limited number of locations. A patterned deficiency is a deficiency in which more than a very limited number of residents are affected, or more than a very limited number of staff are affected, or the situation has occurred in several locations, or the same resident or residents have been affected by repeated occurrences of the same deficient practice but the effect of the deficient practice is not found to be pervasive throughout the facility. A widespread deficiency is a deficiency in which the problems causing the deficiency are pervasive in the facility or represent systemic failure that has affected or has the potential to affect a large portion of the facility's residents.*

(a) The agency shall indicate the classification on the written notice of the violation as follows:

1.~~(a)~~ Class "I" violations are defined in s. 408.813. The agency shall impose an administrative fine for a cited class I violation *of $5,000 for an isolated deficiency; $7,500 for a patterned deficiency; and $10,000 for a widespread deficiency. If the agency has knowledge of a class I violation that occurred within 12 months before an inspection, a fine must be levied for that violation, regardless of whether the noncompliance is corrected before the inspection* ~~in an amount not less than $5,000 and not exceeding $10,000 for each violation~~.

2.~~(b)~~ Class "II" violations are defined in s. 408.813. The agency shall impose an administrative fine for a cited class II violation *of $1,000 for an isolated deficiency; $3,000 for a patterned deficiency; and $5,000 for a widespread deficiency* ~~in an amount not less than $1,000 and not exceeding $5,000 for each violation.~~

3.~~(c)~~ Class "III" violations are defined in s. 408.813. The agency shall impose an administrative fine for a cited class III violation *of $500 for an isolated deficiency; $750 for a patterned deficiency; and $1,000 for a widespread deficiency* ~~in an amount not less than $500 and not exceeding $1,000 for each violation~~.

4.~~(d)~~ Class "IV" violations are defined in s. 408.813. The agency shall impose an administrative fine for a cited class IV violation *of $100 for an isolated deficiency; $150 for a patterned deficiency; and $200 for a widespread deficiency* ~~in an amount not less than $100 and not exceeding $200 for each violation~~.

(b) Any fine imposed for a class I violation or a class II violation must be doubled if a facility was previously cited for one or more class I or class II violations during the agency's last licensure inspection or any inspection or complaint investigation since the last licensure inspection.

(c) Notwithstanding ss. 408.813(2)(c) and 408.832, if a facility is cited for 10 or more class III violations during an inspection or survey, the agency shall impose a fine for each violation.

(d) Notwithstanding the fine amounts specified in subparagraphs (a) 1.-4., and regardless of the class of violation cited, the agency shall impose an administrative fine of $500 on a facility that is found not to be in compliance with the background screening requirements as provided in s. 408.809.

~~(3) For purposes of this section, in determining if a penalty is to be imposed and in fixing the amount of the fine, the agency shall consider the following factors:~~

~~(a) The gravity of the violation, including the probability that death or serious physical or emotional harm to a resident will result or has resulted, the severity of the action or potential harm, and the extent to which the provisions of the applicable laws or rules were violated.~~

~~(b) Actions taken by the owner or administrator to correct violations.~~

~~(c) Any previous violations.~~

~~(d) The financial benefit to the facility of committing or continuing the violation.~~

~~(e) The licensed capacity of the facility.~~

(3)~~(4)~~ Each day of continuing violation after the date *established by the agency* ~~fixed~~ for *correction* ~~termination~~ of the violation~~, as ordered by the agency,~~ constitutes an additional, separate, and distinct violation.

(4)~~(5)~~ *An* ~~Any~~ action taken to correct a violation shall be documented in writing by the owner or administrator of the facility and verified through followup visits by agency personnel. The agency may impose a fine and, in the case of an owner-operated facility, revoke or deny a facility's license when a facility administrator fraudulently misrepresents action taken to correct a violation.

(5)~~(6)~~ *A* ~~Any~~ facility whose owner fails to apply for a change-of-ownership license in accordance with part II of chapter 408 and operates the facility under the new ownership is subject to a fine of $5,000.

(6)~~(7)~~ In addition to any administrative fines imposed, the agency may assess a survey fee, equal to the lesser of one half of the facility's biennial license and bed fee or $500, to cover the cost of conducting initial complaint investigations that result in the finding of a violation that was the subject of the complaint or monitoring visits conducted under s. 429.28(3)(c) to verify the correction of the violations.

(7)~~(8)~~ During an inspection, the agency shall make a reasonable attempt to discuss each violation with the owner or administrator of the facility, *before* ~~prior to~~ written notification.

(8)~~(9)~~ The agency shall develop and disseminate an annual list of all facilities sanctioned or fined for violations of state standards, the number and class of violations involved, the penalties imposed, and the current status of cases. The list shall be disseminated, at no charge, to the Department of Elderly Affairs, the Department of Health, the Department of Children and *Families* ~~Family Services~~, the Agency for Persons with Disabilities, the area agencies on aging, the Florida Statewide Advocacy Council, and the state and local ombudsman councils. The Department of Children and *Families* ~~Family Services~~ shall disseminate the list to service providers under contract to the department who are responsible for referring persons to a facility for residency. The agency may charge a fee commensurate with the cost of printing and postage to other interested parties requesting a copy of this list. This information may be provided electronically or through the agency's *website* ~~Internet site~~.

Section 9. Subsection (3) and paragraph (c) of subsection (4) of section 429.256, Florida Statutes, are amended to read:

429.256 Assistance with self-administration of medication.—

(3) Assistance with self-administration of medication includes:

(a) Taking the medication, in its previously dispensed, properly labeled container, *including an insulin syringe that is prefilled with the proper dosage by a pharmacist and an insulin pen that is prefilled by the manufacturer,* from where it is stored, and bringing it to the resident.

(b) In the presence of the resident, reading the label, opening the container, removing a prescribed amount of medication from the container, and closing the container.

(c) Placing an oral dosage in the resident's hand or placing the dosage in another container and helping the resident by lifting the container to his or her mouth.

(d) Applying topical medications.

(e) Returning the medication container to proper storage.

(f) Keeping a record of when a resident receives assistance with self-administration under this section.

(g) Assisting with the use of a nebulizer, including removing the cap of a nebulizer, opening the unit dose of nebulizer solution, and pouring the prescribed premeasured dose of medication into the dispensing cup of the nebulizer.

(h) Using a glucometer to perform blood-glucose level checks.

(i) Assisting with putting on and taking off antiembolism stockings.

(j) Assisting with applying and removing an oxygen cannula, but not with titrating the prescribed oxygen settings.

(k) Assisting with the use of a continuous positive airway pressure (CPAP) device, but not with titrating the prescribed setting of the device.

(l) Assisting with measuring vital signs.

(m) Assisting with colostomy bags.

(4) Assistance with self-administration does not include:

~~(c) Administration of medications through intermittent positive pressure breathing machines or a nebulizer.~~

Section 10. Subsections (2), (5), and (6) of section 429.28, Florida Statutes, are amended to read:

429.28 Resident bill of rights.—

(2) The administrator of a facility shall ensure that a written notice of the rights, obligations, and prohibitions set forth in this part is posted in a prominent place in each facility and read or explained to residents who cannot read. *The* ~~This~~ notice *must* ~~shall~~ include the name, address, and telephone numbers of the local ombudsman council*, the* ~~and~~ central abuse hotline*,* and, *if* ~~when~~ applicable, *Disability Rights Florida* ~~the Advocacy Center for Persons with Disabilities, Inc., and the Florida local advocacy council~~, where complaints may be lodged. *The notice must state that a complaint made to the Office of State Long-Term Care Ombudsman or a local long-term care ombudsman council, the names and identities of the residents involved in the complaint, and the identity of complainants are kept confidential pursuant to s. 400.0077 and that retaliatory action cannot be taken against a resident for presenting grievances or for exercising any other resident right.* The facility must ensure a resident's access to a telephone to call the local ombudsman council, central abuse hotline, *and Disability Rights Florida* ~~Advocacy Center for Persons with Disabilities, Inc., and the Florida local advocacy council~~.

(5) *A* ~~No~~ facility or employee of a facility may *not* serve notice upon a resident to leave the premises or take any other retaliatory action against any person who:

(a) Exercises any right set forth in this section.

(b) Appears as a witness in any hearing, inside or outside the facility.

(c) Files a civil action alleging a violation of the provisions of this part or notifies a state attorney or the Attorney General of a possible violation of such provisions.

(6) *A* ~~Any~~ facility *that* ~~which~~ terminates the residency of an individual who participated in activities specified in subsection (5) *must* ~~shall~~ show good cause in a court of competent jurisdiction. *If good cause is not shown, the agency shall impose a fine of $2,500 in addition to any other penalty assessed against the facility.*

Section 11. Section 429.34, Florida Statutes, is amended to read:

429.34 Right of entry and inspection.—

(1) In addition to the requirements of s. 408.811, any duly designated officer or employee of the department, the Department of Children and *Families* ~~Family Services~~, the Medicaid Fraud Control Unit of the Office of the Attorney General, the state or local fire marshal, or a member of the state or local long-term care ombudsman council *has* ~~shall have~~ the right to enter unannounced upon and into the premises of any facility licensed pursuant to this part in order to determine the state of compliance with ~~the provisions of~~ this part, part II of chapter 408, and applicable rules. Data collected by the state or local long-term care ombudsman councils or the state or local advocacy councils may be used by the agency in investigations involving violations of regulatory standards. *A person specified in this section who knows or has reasonable cause to suspect that a vulnerable adult has been or is being abused, neglected, or exploited shall immediately report such knowledge or suspicion to the central abuse hotline pursuant to chapter 415.*

(2) The agency shall inspect each licensed assisted living facility at least once every 24 months to determine compliance with this chapter and related rules. If an assisted living facility is cited for one or more class I violations or two or more class II violations arising from separate surveys within a 60-day period or due to unrelated circumstances during the same survey, the agency must conduct an additional licensure inspection within 6 months. In addition to any fines imposed on the facility under s. 429.19, the licensee shall pay a fee for the cost of the additional inspection equivalent to the standard assisted living facility license and per-bed fees, without exception for beds designated for recipients of optional state supplementation. The agency shall adjust the fee in accordance with s. 408.805.

Section 12. Subsection (2) of section 429.41, Florida Statutes, is amended to read:

429.41 Rules establishing standards.—

(2) In adopting any rules pursuant to this part, the department, in conjunction with the agency, shall make distinct standards for facilities based upon facility size; the types of care provided; the physical and mental capabilities and needs of residents; the type, frequency, and amount of services and care offered; and the staffing characteristics of the facility. Rules developed pursuant to this section *may* ~~shall~~ not restrict the use of shared staffing and shared programming in facilities that are part of retirement communities that provide multiple levels of care and otherwise meet the requirements of law and rule. *If a continuing care facility licensed under chapter 651 or a retirement community offering multiple levels of care obtains a license pursuant to this chapter for a building or part of a building designated for independent living, staffing requirements established in rule apply only to residents who receive personal services, limited nursing services, or extended congregate care services under this part. Such facilities shall retain a log listing the names and unit number for residents receiving these services. The log must be available to surveyors upon request.* Except for uniform firesafety standards, the department shall adopt by rule separate and distinct standards for facilities with 16 or fewer beds and for facilities with 17 or more beds. The standards for facilities with 16 or fewer beds *must* ~~shall~~ be appropriate for a noninstitutional residential environment~~;~~*, however,* ~~provided that~~ the structure *may not be* ~~is no~~ more than two stories in height and all persons who cannot exit the facility unassisted in an emergency *must* reside on the first floor. The department, in conjunction with the agency, may make other distinctions among types of facilities as necessary to enforce the provisions of this part. Where appropriate, the agency shall offer alternate solutions for complying with established standards, based on distinctions made by the department and the agency relative to the physical characteristics of facilities and the types of care offered ~~therein~~.

Section 13. Present subsections (1) through (11) of section 429.52, Florida Statutes, are redesignated as subsections (2) through (12), respectively, a new subsection (1) is added to that section, and present subsections (5) and (9) of that section are amended, to read:

429.52 Staff training and educational programs; core educational requirement.—

(1) Effective October 1, 2014, each new assisted living facility employee who has not previously completed core training must attend a preservice orientation provided by the facility before interacting with residents. The preservice orientation must be at least 2 hours in duration and cover topics that help the employee provide responsible care and respond to the needs of facility residents. Upon completion, the employee and the administrator of the facility must sign a statement that the employee completed the required preservice orientation. The facility must keep the signed statement in the employee's personnel record.

(6)~~(5)~~ Staff involved with the management of medications and assisting with the self-administration of medications under s. 429.256 must complete a minimum of *6* ~~4~~ additional hours of training provided by a registered nurse, licensed pharmacist, or department staff. The department shall establish by rule the minimum requirements of this additional training.

(10)~~(9)~~ The training required by this section *other than the preservice orientation must* ~~shall~~ be conducted by persons registered with the department as having the requisite experience and credentials to conduct the training. A person seeking to register as a trainer must provide the department with proof of completion of the minimum core training education requirements, successful passage of the competency test established under this section, and proof of compliance with the continuing education requirement in subsection *(5)* ~~(4)~~.

Section 14. *The Legislature finds that consistent regulation of assisted living facilities benefits residents and operators of such facilities. To determine whether surveys are consistent between surveys and surveyors, the Office of Program Policy Analysis and Government Accountability (OPPAGA) shall conduct a study of intersurveyor reliability for assisted living facilities. By November 1, 2014, OPPAGA shall report its findings to the Governor, the President of the Senate, and the Speaker of the House of Representatives and make any recommendations for improving intersurveyor reliability.*

Section 15. Section 429.55, Florida Statutes, is created to read:

429.55 Public access to data; rating system and comment page.—

(1) The Legislature finds that consumers need additional information on the quality of care and service in assisted living facilities in order to select the best facility for themselves or their loved ones.

(2) By March 1, 2015, the agency shall implement a rating system for assisted living facilities based on facility inspections, violations, complaints, and agency visits to assist consumers and residents. The agency may adopt rules to administer this subsection.

(3) By November 1, 2014, the agency shall provide, maintain, and update at least quarterly, electronically accessible data on assisted living facilities. Such data must be searchable, downloadable, and available in generally accepted formats. The agency shall include all content in its possession on November 1, 2014, on the website and add additional content from facilities as their licenses are renewed. At a minimum, such data must include:

(a) Information on each assisted living facility licensed under this part, including:

1. The name and address of the facility.

2. The number and type of licensed beds in the facility.

3. The types of licenses held by the facility.

4. The facility's license expiration date and status.

5. Proprietary or nonproprietary status of the licensee.

6. Any affiliation with a company or other organization owning or managing more than one assisted living facility in this state.

7. The total number of clients that the facility is licensed to serve and the most recently available occupancy levels.

8. The number of private and semiprivate rooms offered.

9. The bed-hold policy.

10. The religious affiliation, if any, of the assisted living facility.

11. The languages spoken by the staff.

12. Availability of nurses.

13. Forms of payment accepted, including, but not limited to, Medicaid, Medicaid long-term managed care, private insurance, health maintenance organization, United States Department of Veterans Affairs, CHAMPUS program, or workers' compensation coverage.

14. Indication if the licensee is operating under bankruptcy protection.

15. Recreational and other programs available.

16. Special care units or programs offered.

17. Whether the facility is a part of a retirement community that offers other services pursuant to this part or part III of this chapter, part II or part III of chapter 400, or chapter 651.

18. Links to the State Long-Term Care Ombudsman Program website and the program's statewide toll-free telephone number.

19. Links to the websites of the providers or their affiliates.

20. Other relevant information that the agency currently collects.

(b) A list of the facility's violations, including, for each violation:

1. A summary of the violation presented in a manner understandable by the general public;

2. Any sanctions imposed by final order; and

3. The date the corrective action was confirmed by the agency.

(c) Links to inspection reports on file with the agency.

(4) The agency shall provide a monitored comment webpage that allows members of the public to comment on specific assisted living facilities licensed to operate in this state. At a minimum, the comment webpage must allow members of the public to identify themselves, provide comments on their experiences with, or observations of, an assisted living facility, and view others' comments.

(a) The agency shall review comments for profanities and redact any profanities before posting the comments to the webpage. After redacting any profanities, the agency shall post all comments, and shall retain all comments as they were originally submitted, which are subject to the requirements of chapter 119 and which shall be retained by the agency for inspection by the public without further redaction pursuant to retention schedules and disposal processes for such records.

(b) A controlling interest, as defined in s. 408.803 in an assisted living facility, or an employee or owner of an assisted living facility, is prohibited from posting comments on the page. A controlling interest, employee, or owner may respond to comments on the page, and the agency shall ensure that such responses are identified as being from a representative of the facility.

(5) The agency may provide links to third-party websites that use the data published pursuant to this section to assist consumers in evaluating the quality of care and service in assisted living facilities.

Section 16. *For the 2014-2015 fiscal year, the sums of $156,943 in recurring funds and $7,546 in nonrecurring funds from the Health Care Trust Fund and two full-time equivalent senior attorney positions with associated salary rate of 103,652 are appropriated to the Agency for Health Care Administration for the purpose of implementing the regulatory provisions of this act.*

Section 17. *For the 2014-2015 fiscal year, for the purpose of implementing and maintaining the public information website enhancements provided under this act:*

(1) The sums of $72,435 in recurring funds and $3,773 in nonrecurring funds from the Health Care Trust Fund and one full-time equivalent health services and facilities consultant position with associated salary rate of 46,560 are appropriated to the Agency for Health Care Administration;

(2) The sums of $30,000 in recurring funds and $15,000 in nonrecurring funds from the Health Care Trust Fund are appropriated to the Agency for Health Care Administration for software purchase, installation, and maintenance services; and

(3) The sums of $2,474 in recurring funds and $82,806 in nonrecurring funds from the Health Care Trust Fund are appropriated to the Agency for Health Care Administration for contracted services.

And the title is amended as follows:

Delete lines 3-163 and insert: 394.4574, F.S.; providing that Medicaid managed care plans are responsible for enrolled mental health residents; providing that managing entities under contract with the Department of Children and Families are responsible for mental health residents who are not enrolled with a Medicaid managed care plan; deleting a provision to conform to changes made by the act; requiring that the community living support plan be completed and provided to the administrator of a facility after the mental health resident's admission; requiring the community living support plan to be updated when there is a significant change to the mental health resident's behavioral health; requiring the case manager assigned to a mental health resident of an assisted living facility that holds a limited mental health license to keep a record of the date and time of face-to-face interactions with the resident and to make the record available to the responsible entity for inspection; requiring that the record be maintained for a specified time; requiring the responsible entity to ensure that there is adequate and consistent monitoring and enforcement of community living support plans and cooperative agreements and that concerns are reported to the appropriate regulatory oversight organization under certain circumstances; amending s. 400.0074, F.S.; requiring that an administrative assessment conducted by a local council be comprehensive in nature and focus on factors affecting the rights, health, safety, and welfare of residents in the facilities; requiring a local council to conduct an exit consultation with the facility administrator or administrator designee to discuss issues and concerns in areas affecting the rights, health, safety, and welfare of residents and make recommendations for improvement; amending s. 400.0078, F.S.; requiring that a resident or a representative of a resident of a long-term care facility be informed that retaliatory action cannot be taken against a resident for presenting grievances or for exercising any other resident right; amending s. 429.02, F.S.; revising the definition of the term "limited nursing services"; amending s. 429.07, F.S.; revising the requirement that an extended congregate care license be issued to certain facilities that have been licensed as assisted living facilities under certain circumstances and authorizing the issuance of such license if a specified condition is met; providing the purpose of an extended congregate care license; providing that the initial extended congregate care license of an assisted living facility is provisional under certain circumstances; requiring a licensee to notify the Agency for Health Care Administration if it accepts a resident who qualifies for extended congregate care services; requiring the agency to inspect the facility for compliance with the requirements of an extended congregate care license; requiring the issuance of an extended congregate care license under certain circumstances; requiring the licensee to immediately suspend extended congregate care services under certain circumstances; requiring a registered nurse representing the agency to visit the facility at least twice a year, rather than quarterly, to monitor residents who are receiving extended congregate care services; authorizing the agency to waive one of the required yearly monitoring visits under certain circumstances; authorizing the agency to deny or revoke a facility's extended congregate care license; requiring a registered nurse representing the agency to visit the facility at least annually, rather than twice a year, to monitor residents who are receiving limited nursing services; providing that such monitoring visits may be conducted in conjunction with other inspections by the agency; authorizing the agency to waive the required yearly monitoring visit for a facility that is licensed to provide limited nursing services under certain circumstances; amending s. 429.075, F.S.; requiring an assisted living facility that

serves one or more mental health residents to obtain a limited mental health license; revising the methods employed by a limited mental health facility relating to placement requirements to include providing written evidence that a request for a community living support plan, a cooperative agreement, and assessment documentation was sent to the Department of Children and Families within 72 hours after admission; amending s. 429.14, F.S.; revising the circumstances under which the agency may deny, revoke, or suspend the license of an assisted living facility and impose an administrative fine; requiring the agency to deny or revoke the license of an assisted living facility under certain circumstances; requiring the agency to impose an immediate moratorium on the license of an assisted living facility under certain circumstances; deleting a provision requiring the agency to provide a list of facilities with denied, suspended, or revoked licenses to the Department of Business and Professional Regulation; exempting a facility from the 45-day notice requirement if it is required to relocate some or all of its residents; amending s. 429.178, F.S.; conforming cross-references; amending s. 429.19, F.S.; revising the amounts and uses of administrative fines; requiring the agency to levy a fine for violations that are corrected before an inspection if noncompliance occurred within a specified period of time; deleting factors that the agency is required to consider in determining penalties and fines; amending s. 429.256, F.S.; revising the term "assistance with self-administration of medication" as it relates to the Assisted Living Facilities Act; amending s. 429.28, F.S.; providing notice requirements to inform facility residents that the identity of the resident and complainant in any complaint made to the State Long-Term Care Ombudsman Program or a local long-term care ombudsman council is confidential and that retaliatory action may not be taken against a resident for presenting grievances or for exercising any other resident right; requiring that a facility that terminates an individual's residency after the filing of a complaint be fined if good cause is not shown for the termination; amending s. 429.34, F.S.; requiring certain persons to report elder abuse in assisted living facilities; requiring the agency to regularly inspect every licensed assisted living facility; requiring the agency to conduct more frequent inspections under certain circumstances; requiring the licensee to pay a fee for the cost of additional inspections; requiring the agency to annually adjust the fee; amending s. 429.41, F.S.; providing that certain staffing requirements apply only to residents in continuing care facilities who are receiving relevant services; amending s. 429.52, F.S.; requiring each newly hired employee of an assisted living facility to attend a preservice orientation provided by the assisted living facility; requiring the employee and administrator to sign a statement that the employee completed the required preservice orientation and keep the signed statement in the employee's personnel record; requiring 2 additional hours of training for assistance with medication; conforming a cross-reference; requiring the Office of Program Policy Analysis and Government Accountability to study the reliability of facility surveys and submit to the Governor and the Legislature its findings and recommendations; creating s. 429.55, F.S.; requiring the Agency for Health Care Administration to implement a rating system of assisted living facilities by a specified date; authorizing the agency to adopt rules; requiring the Agency for Health Care Administration to provide specified data on assisted living facilities by a certain date; providing minimum requirements for such data; authorizing the agency to create a comment webpage regarding assisted living facilities; providing minimum requirements; authorizing the agency to provide links to certain third-party websites; providing appropriations and

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

Senator Garcia moved the following amendment which was adopted:

Amendment 11 (928474) (with title amendment)—Between lines 2694 and 2695 insert:

Section 48. Present paragraph (c) of subsection (1) of section 385.203, Florida Statutes, is redesignated as paragraph (d), and a new paragraph (c) is added to that subsection, to read:

385.203 Diabetes Advisory Council; creation; function; membership.—

(1) To guide a statewide comprehensive approach to diabetes prevention, diagnosis, education, care, treatment, impact, and costs thereof, there is created a Diabetes Advisory Council that serves as the advisory unit to the Department of Health, other governmental agencies, professional and other organizations, and the general public. The council shall:

(c) In conjunction with the department, the Agency for Health Care Administration, and the Department of Management Services, submit by January 10 of each odd-numbered year to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report containing the following information:

1. The public health consequences and financial impact on the state from all types of diabetes and resulting health complications, including the number of persons with diabetes covered by Medicaid, the number of persons with diabetes who are insured by the Division of State Group Insurance, and the number of persons with diabetes who are impacted by state agency diabetes programs and activities.

2. A description and an assessment of the effectiveness of the diabetes programs and activities implemented by each state agency, the amount and source of funding for such programs and activities, and the cost savings realized as a result of the implementation of such programs and activities.

3. A description of the coordination among state agencies of programs, activities, and communications designed to manage, treat, and prevent all types of diabetes.

4. The development of and revisions to a detailed action plan for reducing and controlling the number of new cases of diabetes and identification of proposed action steps to reduce the impact of all types of diabetes, identification of expected outcomes if the plan is implemented, and establishment of benchmarks for preventing and controlling diabetes.

And the title is amended as follows:

Delete line 292 and insert: home health agencies; amending s. 385.203, F.S.; requiring the council, in conjunction with the Department of Health, the Agency for Health Care Administration, and the Department of Management Services, to develop plans to manage, treat, and prevent diabetes; requiring a report to the Governor and Legislature; providing for contents of the report; providing effective dates.

Pursuant to Rule 4.19, **CS for CS for CS for HB 573** as amended was placed on the calendar of Bills on Third Reading.

SB 1674—A bill to be entitled An act relating to ratification of rules of the Department of Environmental Protection; ratifying specified rules relating to qualifications and performance reviews of contractors performing certain site rehabilitation activities for petroleum contaminated sites and procedures for procurement of such contractors 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 meeting any specified thresholds for likely adverse impact or increase in regulatory costs; providing applicability; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 1674**, on motion by Senator Dean, by two-thirds vote **HB 7089** was withdrawn from the Committees on Environmental Preservation and Conservation; and Appropriations.

On motion by Senator Dean—

HB 7089—A bill to be entitled An act relating to ratification of rules of the Department of Environmental Protection; ratifying specified rules relating to qualifications and performance reviews of contractors performing certain site rehabilitation activities for petroleum contaminated sites, and procedures for procurement of such contractors, 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 meeting any specified thresholds for likely adverse impact or increase in regulatory costs; providing applicability; providing an effective date.

—a companion measure, was substituted for **SB 1674** and read the second time by title.

Pursuant to Rule 4.19, **HB 7089** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 1272—A bill to be entitled An act relating to transportation and motor vehicles; amending s. 20.23, F.S.; requiring the Florida Transportation Commission to monitor the Mid-Bay Bridge Authority; repealing the Florida Statewide Passenger Rail Commission; amending s. 61.13016, F.S.; revising notification requirements with respect to the suspension of the driver license of a child support obligor; requiring delinquent child support obligors to provide certain documentation within a specified period in order to prevent the suspension of a driver license; amending s. 110.205, F.S.; conforming cross-references; creating s. 316.0778, F.S.; defining the term "automated license plate recognition system"; requiring the Department of State to consult with the Department of Law Enforcement in establishing a retention schedule for records generated by the use of an automated license plate recognition system; creating s. 316.0817, F.S.; prohibiting a bus from stopping to load or unload passengers in a manner that impedes, blocks, or otherwise restricts the progression of traffic under certain circumstances; amending s. 316.1975, F.S.; authorizing an operator of a vehicle that is started by remote control to let the vehicle stand unattended under certain circumstances; amending s. 316.2952, F.S.; revising a provision exempting a global position system device or similar satellite receiver device from the prohibition of attachments on windshields; amending s. 316.86, F.S.; revising provisions relating to the operation of vehicles equipped with autonomous technology on state roads for testing purposes; authorizing research organizations associated with accredited educational institutions to operate such vehicles; authorizing the testing of such vehicles on certain roadways designated by the Department of Transportation and the applicable local government or authority; deleting an obsolete provision; amending s. 320.02, F.S.; requiring, rather than authorizing, the Department of Highway Safety and Motor Vehicles to withhold the renewal of registration or replacement registration of a motor vehicle identified in a notice submitted by a lienor for failure to surrender the vehicle if the applicant's name is on the list of persons who may not be issued a license plate or revalidation sticker; revising the conditions under which a revalidation sticker or replacement license plate may be issued; amending s. 320.08056, F.S.; defining the terms "administrative costs" and "administrative expenses" for purposes of the section and s. 320.08058, F.S.; amending s. 320.08062, F.S.; revising provisions relating to audit and attestation requirements for annual use fee proceeds; requiring the Department of Highway Safety and Motor Vehicles to discontinue the distribution of revenues to an organization that does not meet specified requirements; authorizing the department to resume the distribution of revenue under certain conditions; requiring a report to the Legislature; requiring the discontinuance of a specialty plate under certain circumstances; amending chapter 2008-176, Laws of Florida, as amended; extending the prohibition on the issuance of new specialty license plates; amending s. 320.083, F.S.; revising the requirements for a special license plate; amending s. 320.1316, F.S.; prohibiting the department from issuing a license plate, revalidation sticker, or replacement license plate for a vehicle or vessel identified in a notice from a lienor; requiring that a notice to surrender a vehicle or vessel be signed under oath by the lienor; authorizing a registered owner of a vehicle to bring a civil action, rather than to notify the department and present certain proof, to dispute a notice to surrender a vehicle or vessel or his or her inclusion on the list of persons who may not be issued a license plate or revalidation sticker; providing a procedure for such a civil action; providing for the award of attorney fees and costs; creating s. 322.032, F.S.; requiring the Department of Highway Safety and Motor Vehicles to begin to review and prepare for the development of a system for issuing an optional digital proof of driver license; authorizing the Department of Highway Safety and Motor Vehicles to contract with private entities to develop the system; providing requirements for digital proof of driver license; providing criminal penalties for manufacturing or possessing a false digital proof of driver license; amending s. 322.055, F.S.; reducing the mandatory period of revocation or suspension of, or delay in eligibility for, a driver license for persons convicted of certain drug offenses; requiring the court to make a determination as to whether a restricted license would be appropriate for persons convicted of certain drug offenses; amending s. 322.058, F.S.; requiring the Department of Highway Safety and Motor Vehicles to reinstate the driving privilege and allow registration of a motor vehicle of a child support obligor upon receipt of an affidavit containing specified information; amending s. 322.059, F.S.; requiring the Department of Highway Safety and Motor Vehicles to invalidate the digital proof of driver license for a person whose license or registration has been suspended; amending s. 322.12, F.S.; requiring that certain test fees incurred by certain applicants for a driver license be retained by the tax collector; amending s. 322.141, F.S.; revising requirements for special markings on driver licenses and state identification cards for persons designated as sexual predators or subject to registration as sexual offenders to include persons so designated or subject to registration under the laws of another jurisdiction; amending s. 322.15, F.S.; authorizing a digital proof of driver license to be accepted in lieu of a physical driver license; amending s. 322.21, F.S.; authorizing certain tax collectors to retain a replacement driver license or identification card fee under certain circumstances; exempting certain individuals who are homeless or whose annual income is at or below a certain percentage of the federal poverty level from paying a fee for an original, renewal, or replacement identification card; amending s. 337.25, F.S.; authorizing the Department of Transportation to use auction services in the conveyance of certain property or leasehold interests; revising certain inventory requirements; revising provisions relating to, and providing criteria for, the disposition of certain excess property by the Department of Transportation; providing criteria for the disposition of donated property, property used for a public purpose, or property acquired to provide replacement housing for certain displaced persons; providing value offsets for property that requires significant maintenance costs or exposes the Department of Transportation to significant liability; providing procedures for the sale of property to abutting property owners; deleting provisions to conform to changes made by the act; providing monetary restrictions and criteria for the conveyance of certain leasehold interests; providing exceptions to restrictions for leases entered into for a public purpose; providing criteria for the preparation of estimates of value prepared by the Department of Transportation; providing that the requirements of s. 73.013, F.S., relating to eminent domain are not modified; amending s. 337.251, F.S.; revising criteria for leasing certain Department of Transportation property; increasing the time for the Department of Transportation to accept proposals for lease after a notice is published; directing the Department of Transportation to establish an application fee by rule; providing criteria for the fee; providing criteria for a proposed lease; requiring the Department of Transportation to provide an independent analysis of a proposed lease; amending s. 339.175, F.S.; increasing the maximum number of apportioned members that may compose the voting membership of a metropolitan planning organization (M.P.O.); providing that the governing board of a multicounty M.P.O. may be made up of any combination of county commissioners from the counties constituting the M.P.O; providing that a voting member of an M.P.O may represent a group of general-purpose local governments through an entity created by the M.P.O.; requiring each M.P.O. to review and reapportion its membership as necessary in conjunction with the decennial census, the agreement of the affected units of the M.P.O., and the agreement of the Governor; removing provisions requiring the Governor to apportion, review, and reapportion the composition of an M.P.O. membership; revising a provision regarding bylaws to allow the M.P.O. governing board to establish bylaws; amending s. 339.2821, F.S.; authorizing Enterprise Florida, Inc., to be a consultant to the Department of Transportation for consideration of expenditures associated with and contracts for transportation projects; revising the requirements for economic development transportation project contracts between the Department of Transportation and a governmental entity; amending s. 526.141, F.S.; requiring full-service gasoline stations offering self-service at a lesser cost to display an additional decal; requiring the decal to contain certain information; requiring the Department of Agriculture and Consumer Services to adopt rules to implement and enforce this requirement; providing an exception for certain county or municipal regulations pertaining to fueling assistance for certain motor vehicle operators; amending s. 562.11, F.S.; authorizing the court to direct the Department of Highway Safety and Motor Vehicles to issue a restricted driver license to certain persons; amending s. 812.0155, F.S.; deleting a provision requiring the suspension of the driver license of a person adjudicated guilty of certain offenses; authorizing the court to direct the Department of Highway Safety and Motor Vehicles to issue a restricted driver license to certain persons; amending s. 832.09, F.S.; providing that the suspension of a driver license of a person being prosecuted for passing a worthless check is discretionary; amending chapter 85-364, Laws of Florida, as amended; providing that maintenance costs are eligible for payment from certain toll revenues as specified; removing references to certain completed projects; directing the Department of Highway Safety and Motor Vehicles to develop a plan that addresses certain vehicle registration holds; providing an appropriation; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 1272** to **CS for CS for HB 7005**.

Pending further consideration of **CS for CS for SB 1272** as amended, on motion by Senator Brandes, by two-thirds vote **CS for CS for HB 7005** was withdrawn from the Committees on Transportation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; and Appropriations.

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

CS for CS for HB 7005—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 61.13016, F.S.; revising notification requirements with respect to the suspension of the driver license of a child support obligor; requiring delinquent child support obligors to provide certain documentation within a specified period in order to prevent the suspension of his or her driver license; amending s. 316.003, F.S.; defining the terms "sanitation vehicle" and "utility service vehicle" for purposes of the Florida Uniform Traffic Control Law; creating s. 316.0778, F.S.; defining the term "automated license plate recognition system"; requiring the Department of State to consult with the Department of Law Enforcement in establishing a retention schedule for records generated by the use of an automated license plate recognition system; amending s. 316.126, F.S.; requiring a driver to change lanes when approaching a sanitation or utility service vehicle performing a service-related task on the roadside; amending s. 316.193, F.S.; authorizing the court to order the placement of an ignition interlock device for certain first-time offenders of driving under the influence; authorizing the court to dismiss an order of impoundment or immobilization as a result of driving under the influence if the defendant provides proof to the court of the installation of a functioning, certified ignition interlock device; authorizing the court to order sobriety and drug monitoring in addition to specified ignition interlock device requirements; defining terms; amending s. 316.1937, F.S.; providing requirements for a person otherwise required to have an installed ignition interlock device to operate a leased motor vehicle in the course and scope of employment without installation of such device; amending s. 316.1938, F.S.; revising requirements for certification of ignition interlock devices; requiring contracts between the department and ignition interlock device service providers; providing contract requirements; requiring the provider to maintain confidentiality under specified provisions; providing for application of specified provisions; amending s. 316.1975, F.S.; providing that certain requirements for an unattended vehicle do not apply to a vehicle that is started by remote control under certain circumstances; amending s. 316.2126, F.S.; revising the timeframe for the authorized use of golf carts, low-speed vehicles, and utility vehicles related to seasonal delivery personnel; amending s. 316.2952, F.S.; revising a provision exempting a global position system device or similar satellite receiver device from the prohibition of attachments on windshields; amending s. 316.86, F.S.; revising provisions relating to the operation of vehicles equipped with autonomous technology on state roads for testing purposes; authorizing certain research organizations to operate such vehicles; deleting an obsolete provision; amending s. 318.15, F.S.; prohibiting the department from accepting the resubmission of certain driver license suspensions; amending s. 318.18, F.S.; providing for a clerk of court to designate a local governmental entity for disposition of certain parking citations; authorizing such entity to retain the processing fee; amending s. 320.02, F.S.; requiring the department to withhold the renewal of registration or replacement registration of a motor vehicle identified in a notice submitted by a lienor for failure to surrender the vehicle; providing conditions under which a revalidation sticker or replacement license plate may be issued; amending ss. 320.08056 and 320.08058, F.S.; revising the names of certain specialty license plates; revising distribution of revenue received from the sale of a certain plate; revising requirements for the use of specialty license plate annual use fees; defining the term "administrative expenses"; amending s. 320.089, F.S.; creating a new military-related special use license plate that will be stamped with the word "Veteran"; amending s. 320.08062, F.S.; revising audit and attestation requirements for specialty license plate organizations and the department; revising procedures for discontinuance of revenue payments and deauthorization of a plate; directing the department to notify the Legislature within a certain timeframe if an organization has failed to use revenue in accordance with specified provisions; amending s. 320.083, F.S.; revising the requirements for a special license plate for certain amateur radio operators; amending s. 320.1316, F.S.; prohibiting the department from issuing a license plate, revalidation sticker, or replacement license plate for a vehicle, or a vessel registration number or decal for a vessel, identified in a notice from a lienor; requiring that a notice to surrender a vehicle or vessel be signed under oath by the lienor; authorizing a registered owner of a vehicle or vessel to bring a civil action to dispute a notice to surrender a vehicle or vessel or his or her inclusion on the list of persons who may not be issued a license plate, revalidation sticker, replacement license plate, or vessel registration number or decal; providing procedures for such a civil action; providing for the award of attorney fees and costs; amending s. 320.771, F.S.; requiring a licensed recreational vehicle dealer who applies for a supplemental license to hold certain off-premises sales to notify the local department office of the dates and location for such sales; specifying requirements for licensed recreational vehicle dealers to hold such sales; creating s. 322.032, F.S.; requiring the department to begin to review and prepare for the development of a system for issuing an optional digital proof of driver license; authorizing the department to contract with private entities to develop the system; providing requirements for digital proof of driver license; providing criminal penalties for manufacturing or possessing a false digital proof of driver license; amending s. 322.055, F.S.; reducing the mandatory period of revocation or suspension of, or delay in eligibility for, a driver license for persons convicted of certain drug offenses; requiring the court to make a determination as to whether a restricted license would be appropriate for persons convicted of certain drug offenses; amending s. 322.058, F.S.; requiring the department to reinstate the driving privilege and allow registration of a motor vehicle of a child support obligor upon receipt of an affidavit containing specified information; amending s. 322.059, F.S.; requiring the department to invalidate the digital proof of driver license for a person whose license or registration has been suspended; amending s. 322.141, F.S.; revising requirements for special markings on driver licenses and state identification cards for persons designated as sexual predators or subject to registration as sexual offenders to include persons so designated or subject to registration under the laws of another jurisdiction; amending s. 322.143, F.S.; providing for a first responder, emergency medical technician, or other authorized health care practitioner to access medical information through use of a person's driver license or identification card under certain conditions; amending s. 322.15, F.S.; authorizing a digital proof of driver license to be accepted in lieu of a physical driver license; amending s. 322.27, F.S.; providing for a clerk of court to remove a habitual traffic offender designation if the offender meets certain conditions; amending s. 322.2715, F.S.; authorizing ignition interlock device installation for at least 6 continuous months for a first offense of driving under the influence; creating s. 322.276, F.S.; authorizing the department to issue a driver license to a person whose license is suspended or revoked in another state under certain circumstances; amending s. 323.002, F.S.; providing that an unauthorized wrecker operator's wrecker, tow truck, or other motor vehicle used during certain offenses may be immediately removed and impounded; requiring an unauthorized wrecker operator to disclose in writing to the owner or operator of a motor vehicle certain information; requiring the unauthorized wrecker operator to provide a copy of the disclosure to the owner or operator in the presence of a law enforcement officer if such officer is at the scene of a motor vehicle accident; authorizing a law enforcement officer from a local governmental agency or state law enforcement agency to cause to be removed and impounded from the scene of a wrecked or disabled vehicle an unauthorized wrecker, tow truck, or other motor vehicle; authorizing the authority that caused the removal and impoundment to assess a cost recovery fine; requiring a release form; requiring the wrecker, tow truck, or other motor vehicle to remain impounded until the fine is paid; providing the amounts for the cost recovery fine for first and subsequent violations; requiring the unauthorized wrecker operator to pay the fees associated with the removal and storage of the wrecker, tow truck, or other motor vehicle; amending s. 526.141, F.S.; requiring self-service gasoline pumps to display an additional decal containing specified information; requiring the Department of Agriculture and Consumer Services to confirm compliance by a specified date; providing for preemption of local laws and regulations pertaining to fueling assistance for certain motor vehicle operators; amending s. 526.142, F.S.; providing for preemption of local laws and regulations pertaining to air and vacuum devices; amending s. 562.11, F.S.; authorizing the court to direct the department to issue a restricted driver license to certain persons; amending s. 812.0155, F.S.; deleting a provision requiring the suspension of the driver license of a person adjudicated guilty of certain offenses; authorizing the court to direct the department to issue a restricted driver license to certain persons; amending s. 832.09, F.S.; providing that the suspension of a driver license of a person being prosecuted for passing a worthless check is discretionary; amending section 45 of chapter 2008-176, Laws of Florida; extending the prohibition of the issuance of new specialty license plates; directing the department to develop and present to the Governor and the Legislature a plan that addresses certain vehicle registration holds; di-

recting the department to conduct and submit to the Governor and the Legislature a study on the effectiveness of ignition interlock device use; providing for the use of revenue received from the sale of certain specialty license plates; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1272** as amended and read the second time by title.

Senator Brandes moved the following amendment which was adopted:

Amendment 1 (181570) (with title amendment)—Between lines 303 and 304 insert:

Section 2. Subsection (7) of section 311.101, Florida Statutes, is amended to read:

311.101 Intermodal Logistics Center Infrastructure Support Program.—

(7) Beginning in fiscal year *2014-2015, at least* ~~2012-2013, up to~~ $5 million per year shall be made available from the State Transportation Trust Fund for the program. The Department of Transportation shall include projects proposed to be funded under this section in the tentative work program developed pursuant to s. 339.135(4). *This subsection expires on July 1, 2020.*

And the title is amended as follows:

Delete line 9 and insert: her driver license; amending s. 311.101, F.S.; revising the amount of funds to be made available annually from the State Transportation Trust Fund for the Intermodal Logistics Center Infrastructure Support Program; providing an expiration date; amending s. 316.003, F.S.;

Senator Clemens moved the following amendment which was adopted:

Amendment 2 (131380) (with title amendment)—Between lines 335 and 336 insert:

Section 4. Subsection (3) of section 316.081, Florida Statutes, is amended to read:

316.081 Driving on right side of roadway; exceptions.—

(3) On a road, street, or highway having two or more lanes allowing movement in the same direction, a driver may not continue to operate a motor vehicle ~~at any speed which is more than 10 miles per hour slower than the posted speed limit~~ in the furthermost left-hand lane if the driver knows or reasonably should know that he or she is being overtaken in that lane from the rear by a motor vehicle traveling at a higher rate of speed. This subsection does not apply to drivers operating a vehicle that is overtaking another vehicle proceeding in the same direction, or is preparing for a left turn at an intersection.

And the title is amended as follows:

Between lines 17 and 18 insert: amending s. 316.081, F.S.; deleting a provision that prohibits a driver from operating a motor vehicle slower than a specified speed in the furthermost left-hand lane of certain roads, streets, or highways;

Senator Soto moved the following amendment:

Amendment 3 (237646) (with title amendment)—Between lines 658 and 659 insert:

Section 11. Section 316.3035, Florida Statutes, is created to read:

316.3035 Death caused by motor vehicle operator using a wireless communications device; criminal penalty.—

(1) As used in this section, the term "wireless communications device" has the same meaning as provided in s. 316.305.

(2) A person who causes the death of a human being or a viable fetus as provided in s. 782.071 while operating a motor vehicle and using a wireless communications device in violation of s. 316.305 commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

And the title is amended as follows:

Delete line 53 and insert: of attachments on windshields; creating s. 316.3035, F.S.; defining the term "wireless communications device"; providing a criminal penalty if a person operating a motor vehicle while using a wireless communications device causes the death of a human being or a viable fetus; amending s. 316.86,

POINT OF ORDER

Senator Benacquisto raised a point of order that pursuant to Rule 7.1(4)(c) **Amendment 3 (237646)** contained language of a bill not reported favorably by a Senate committee and was therefore out of order.

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

Further consideration of pending **Amendment 3 (237646)** by Senator Soto was deferred.

Senator Soto moved the following amendment which failed:

Amendment 4 (881432) (with directory amendment)—Between lines 863 and 864 insert:

(67) IN GOD WE TRUST LICENSE PLATES.—

(b) The license plate annual use fees shall be distributed to the In God We Trust Foundation, Inc., to *use to address the needs of currently serving military members, spouses, and their dependents based on the advice and comment of the military community; to address the needs of public safety employees and their families based on advice and comment of the public safety community; and for education in public and private schools regarding the historical significance of religion in* ~~fund educational scholarships for the children of Florida residents who are members of the United States Armed Forces, the National Guard, and the United States Armed Forces Reserve and for the children of public safety employees who have died in the line of duty who are not covered by existing state law. Funds shall also be distributed to other s. 501(c)(3) organizations that may apply for grants and scholarships and to provide educational grants to public and private schools to promote the historical and religious significance of~~ American and Florida history. *All of these uses may be accomplished through or with other 501(c)(3) organizations, and all of these uses may include educational scholarships and grants.* The In God We Trust Foundation, Inc., shall distribute the license plate annual use fees in the following manner:

1. The In God We Trust Foundation, Inc., *may* ~~shall~~ retain all revenues from the sale of such plates until all startup costs for developing and establishing the plate have been recovered.

2. Ten percent of the funds received by the In God We Trust Foundation, Inc., *may* ~~shall~~ be expended for administrative costs, promotion, and marketing of the license plate ~~directly associated with the operations of the In God We Trust Foundation, Inc~~.

3. All remaining funds *may* ~~shall~~ be expended by the In God We Trust Foundation, Inc., for programs.

And the directory clause is amended as follows:

Delete line 837 and insert:

Section 17. Paragraphs (a) and (b) of subsection (47), paragraph (b) of subsection (67), and

Senator Ring moved the following amendment which was adopted:

Amendment 5 (695460) (with title amendment)—Between lines 1052 and 1053 insert:

Section 21. Subsection (2) of section 320.525, Florida Statutes, is amended to read:

320.525 Port vehicles and equipment; definition; exemption.—

(2) Port vehicles and equipment shall be exempt from the provisions of this chapter which require the registration of motor vehicles, the payment of license taxes, and the display of license plates when operated

or used within the port facility of any deepwater port of this state, as listed in s. 403.021(9)(b), for the purpose of transporting cargo, containers, or other equipment:

(a) From wharves to storage areas or terminals and return to wharves within the port; ~~and~~

(b) From such storage areas or terminals to other storage areas or terminals within the port*; and*~~.~~

(c) On public roads connecting port facilities of a single deepwater port, as listed in s. 403.021(9)(b), which are designated as port district roads for the purpose of transporting cargo, containers, and other equipment. The Department of Transportation shall designate port district roads with appropriate signage.

And the title is amended as follows:

Delete lines 2-102 and insert: An act relating to transportation; amending s. 61.13016, F.S.; revising notification requirements with respect to the suspension of the driver license of a child support obligor; requiring delinquent child support obligors to provide certain documentation within a specified period in order to prevent the suspension of his or her driver license; amending s. 316.003, F.S.; defining the terms "sanitation vehicle" and "utility service vehicle" for purposes of the Florida Uniform Traffic Control Law; creating s. 316.0778, F.S.; defining the term "automated license plate recognition system"; requiring the Department of State to consult with the Department of Law Enforcement in establishing a retention schedule for records generated by the use of an automated license plate recognition system; amending s. 316.126, F.S.; requiring a driver to change lanes when approaching a sanitation or utility service vehicle performing a service-related task on the roadside; amending s. 316.193, F.S.; authorizing the court to order the placement of an ignition interlock device for certain first-time offenders of driving under the influence; authorizing the court to dismiss an order of impoundment or immobilization as a result of driving under the influence if the defendant provides proof to the court of the installation of a functioning, certified ignition interlock device; authorizing the court to order sobriety and drug monitoring in addition to specified ignition interlock device requirements; defining terms; amending s. 316.1937, F.S.; providing requirements for a person otherwise required to have an installed ignition interlock device to operate a leased motor vehicle in the course and scope of employment without installation of such device; amending s. 316.1938, F.S.; revising requirements for certification of ignition interlock devices; requiring contracts between the department and ignition interlock device service providers; providing contract requirements; requiring the provider to maintain confidentiality under specified provisions; providing for application of specified provisions; amending s. 316.1975, F.S.; providing that certain requirements for an unattended vehicle do not apply to a vehicle that is started by remote control under certain circumstances; amending s. 316.2126, F.S.; revising the timeframe for the authorized use of golf carts, low-speed vehicles, and utility vehicles related to seasonal delivery personnel; amending s. 316.2952, F.S.; revising a provision exempting a global position system device or similar satellite receiver device from the prohibition of attachments on windshields; amending s. 316.86, F.S.; revising provisions relating to the operation of vehicles equipped with autonomous technology on state roads for testing purposes; authorizing certain research organizations to operate such vehicles; deleting an obsolete provision; amending s. 318.15, F.S.; prohibiting the department from accepting the resubmission of certain driver license suspensions; amending s. 318.18, F.S.; providing for a clerk of court to designate a local governmental entity for disposition of certain parking citations; authorizing such entity to retain the processing fee; amending s. 320.02, F.S.; requiring the department to withhold the renewal of registration or replacement registration of a motor vehicle identified in a notice submitted by a lienor for failure to surrender the vehicle; providing conditions under which a revalidation sticker or replacement license plate may be issued; amending ss. 320.08056 and 320.08058, F.S.; revising the names of certain specialty license plates; revising distribution of revenue received from the sale of a certain plate; revising requirements for the use of specialty license plate annual use fees; defining the term "administrative expenses"; amending s. 320.089, F.S.; creating a new military-related special use license plate that will be stamped with the word "Veteran"; amending s. 320.08062, F.S.; revising audit and attestation requirements for specialty license plate organizations and the department; revising procedures for discontinuance of revenue payments and deauthorization of a plate; directing the department to notify the Legislature within a certain timeframe if an organization has failed to use revenue in accordance with specified provisions; amending s. 320.083, F.S.; revising the requirements for a special license plate for certain amateur radio operators; amending s. 320.1316, F.S.; prohibiting the department from issuing a license plate, revalidation sticker, or replacement license plate for a vehicle, or a vessel registration number or decal for a vessel, identified in a notice from a lienor; requiring that a notice to surrender a vehicle or vessel be signed under oath by the lienor; authorizing a registered owner of a vehicle or vessel to bring a civil action to dispute a notice to surrender a vehicle or vessel or his or her inclusion on the list of persons who may not be issued a license plate, revalidation sticker, replacement license plate, or vessel registration number or decal; providing procedures for such a civil action; providing for the award of attorney fees and costs; amending s. 320.525, F.S.; providing that certain public roads may be designated as port district roads; requiring the Department of Transportation to designate such roads with appropriate signage;

Senator Soto moved the following amendment which failed:

Amendment 6 (254046) (with title amendment)—Delete lines 1263-1305 and insert:

Section 26. Paragraph (c) of subsection (2) of section 322.08, Florida Statutes, is amended to read:

322.08 Application for license; requirements for license and identification card forms.—

(2) Each such application shall include the following information regarding the applicant:

(c) Proof of identity satisfactory to the department. Such proof must include one of the following documents issued to the applicant:

1. A driver license record or identification card record from another jurisdiction that required the applicant to submit a document for identification which is substantially similar to a document required under subparagraph 2., subparagraph 3., subparagraph 4., subparagraph 5., subparagraph 6., subparagraph 7., or subparagraph 8.;

2. A certified copy of a United States birth certificate;

3. A valid, unexpired United States passport;

4. A naturalization certificate issued by the United States Department of Homeland Security;

5. A valid, unexpired alien registration receipt card (green card);

6. A Consular Report of Birth Abroad provided by the United States Department of State;

7. An unexpired employment authorization card issued by the United States Department of Homeland Security; or

8. Proof of nonimmigrant classification provided by the United States Department of Homeland Security, for an original driver license. In order to prove nonimmigrant classification, an applicant must provide at least one of the following documents. In addition, the department may require applicants to produce United States Department of Homeland Security documents for the sole purpose of establishing the maintenance of, or efforts to maintain, continuous lawful presence:

a. A notice of hearing from an immigration court scheduling a hearing on any proceeding.

b. A notice from the Board of Immigration Appeals acknowledging pendency of an appeal.

c. A notice of the approval of an application for adjustment of status issued by the United States Bureau of Citizenship and Immigration Services.

d. An official documentation confirming the filing of a petition for asylum or refugee status or any other relief issued by the United States Bureau of Citizenship and Immigration Services.

e. A notice of action transferring any pending matter from another jurisdiction to this state issued by the United States Bureau of Citizenship and Immigration Services.

f. An order of an immigration judge or immigration officer granting relief that authorizes the alien to live and work in the United States, including, but not limited to, asylum.

g. Evidence that an application is pending for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States, if a visa number is available having a current priority date for processing by the United States Bureau of Citizenship and Immigration Services.

h. On or after January 1, 2010, an unexpired foreign passport with an unexpired United States Visa affixed, accompanied by an approved I-94, documenting the most recent admittance into the United States.

i. An employment authorization document issued by United States Citizenship and Immigration Services.

A driver license or temporary permit issued based on documents required in subparagraph 7. or subparagraph 8. is valid for a period not to exceed the expiration date of the document presented or 1 year.

Section 27. Subsection (3) of section 322.141, Florida Statutes, is amended to read:

322.141 Color or markings of certain licenses or identification cards.—

(3) All licenses for the operation of motor vehicles or identification cards originally issued or reissued by the department to persons who are designated as sexual predators under s. 775.21 or subject to registration as sexual offenders under s. 943.0435 or s. 944.607*, or who have a similar designation or are subject to a similar registration under the laws of another jurisdiction,* shall have on the front of the license or identification card the following:

(a) For a person designated as a sexual predator under s. 775.21 *or who has a similar designation under the laws of another jurisdiction*, the marking *"SEXUAL PREDATOR."* ~~"775.21, F.S."~~

(b) For a person subject to registration as a sexual offender under s. 943.0435 or s. 944.607, *or subject to a similar registration under the laws of another jurisdiction,* the marking "943.0435, F.S."

Section 28. Present subsection (9) of section 322.143, Florida Statutes, is renumbered as subsection (10), and a new subsection (9) is added to that section, to read:

322.143 Use of a driver license or identification card.—

(9) A first responder, emergency medical technician, or other authorized health care practitioner engaged in immediate emergency or other medical treatment may swipe an individual's driver license or identification card to access medical information held by a third party when available and authorized through a previously arranged consent agreement.

Section 29. Subsection (1) of section 322.15, Florida Statutes, is amended to read:

322.15 License to be carried and exhibited on demand; fingerprint to be imprinted upon a citation.—

(1) Every licensee shall have his or her *driver* ~~driver's~~ license, which must be fully legible with no portion of such license faded, altered, mutilated, or defaced, in his or her immediate possession at all times when operating a motor vehicle and shall *present or submit* ~~display~~ the same upon the demand of a law enforcement officer or an authorized representative of the department. *A licensee may present or submit a digital proof of driver license as provided in s. 322.032 in lieu of a physical driver license.*

Section 30. For the purpose of incorporating the amendment made by this act to section 322.08, Florida Statutes, in references thereto, subsection (3) of section 322.17, Florida Statutes, is reenacted to read:

322.17 Replacement licenses and permits.—

(3) Notwithstanding any other provisions of this chapter, if a licensee establishes his or her identity for a driver's license using an identification document authorized under s. 322.08(2)(c)7. or 8., the licensee may not obtain a duplicate or replacement instruction permit or driver's license except in person and upon submission of an identification document authorized under s. 322.08(2)(c)7. or 8.

Section 31. For the purpose of incorporating the amendment made by this act to section 322.08, Florida Statutes, in references thereto, paragraph (d) of subsection (2) and paragraph (c) of subsection (4) of section 322.18, Florida Statutes, are reenacted to read:

322.18 Original applications, licenses, and renewals; expiration of licenses; delinquent licenses.—

(2) Each applicant who is entitled to the issuance of a driver license, as provided in this section, shall be issued a driver license, as follows:

(d) Notwithstanding any other provision of this chapter, if an applicant establishes his or her identity for a driver license using a document authorized in s. 322.08(2)(c)7. or 8., the driver license shall expire 1 year after the date of issuance or upon the expiration date cited on the United States Department of Homeland Security documents, whichever date first occurs.

(4)

(c) Notwithstanding any other provision of this chapter, if a licensee establishes his or her identity for a driver license using an identification document authorized under s. 322.08(2)(c)7. or 8., the licensee may not renew the driver license except in person and upon submission of an identification document authorized under s. 322.08(2)(c)7. or 8. A driver license renewed under this paragraph expires 1 year after the date of issuance or upon the expiration date cited on the United States Department of Homeland Security documents, whichever date first occurs.

Section 32. For the purpose of incorporating the amendment made by this act to section 322.08, Florida Statutes, in references thereto, subsection (4) of section 322.19, Florida Statutes, is reenacted to read:

322.19 Change of address or name.—

(4) Notwithstanding any other provision of this chapter, if a licensee established his or her identity for a driver's license using an identification document authorized under s. 322.08(2)(c)7. or 8., the licensee may not change his or her name or address except in person and upon submission of an identification document authorized under s. 322.08(2)(c)7. or 8.

And the title is amended as follows:

Delete lines 131-144 and insert: suspended; amending s. 322.08, F.S.; including an employment authorization document issued by United States Citizenship and Immigration Services as valid proof of identity for purposes of applying for a driver license; amending s. 322.141, F.S.; revising requirements for special markings on driver licenses and state identification cards for persons designated as sexual predators or subject to registration as sexual offenders to include persons so designated or subject to registration under the laws of another jurisdiction; amending s. 322.143, F.S.; providing for a first responder, emergency medical technician, or other authorized health care practitioner to access medical information through use of a person's driver license or identification card under certain conditions; amending s. 322.15, F.S.; authorizing a digital proof of driver license to be accepted in lieu of a physical driver license; reenacting ss. 322.17(3), 322.18(2)(d) and (4)(c), and 322.19(4), F.S., relating to conditions and limitations with respect to obtaining a duplicate or replacement instruction permit or driver license, expiration of and renewal of a driver license, and change of name or address on a driver license for licensees who establish their identity in a specified manner, to incorporate the amendment made by the act to s. 322.08, F.S., in references thereto; amending s. 322.27,

Senator Brandes moved the following amendments which were adopted:

Amendment 7 (297370) (with title amendment)—Delete lines 1283-1292.

And the title is amended as follows:

Delete lines 137-142 and insert: jurisdiction; amending s. 322.15, F.S., authorizing a

Amendment 8 (199740) (with title amendment)—Between lines 1305 and 1306 insert:

Section 29. Paragraph (f) of subsection (1) of s. 322.21, Florida Statutes, is amended to read:

322.21 License fees; procedure for handling and collecting fees.—

(1) Except as otherwise provided herein, the fee for:

(f) An original, renewal, or replacement identification card issued pursuant to s. 322.051 is $25*, except that an applicant who presents evidence satisfactory to the department that he or she is homeless as defined in s. 414.0252(7) or his or her annual income is at or below 100 percent of the federal poverty level is exempt from such fee*. Funds collected from ~~these~~ fees *for original, renewal, or replacement identification cards* shall be distributed as follows:

1. For an original identification card issued pursuant to s. 322.051*,* the fee ~~is $25. This amount~~ shall be deposited into the General Revenue Fund.

2. For a renewal identification card issued pursuant to s. 322.051 ~~the fee is $25. Of this amount~~, $6 shall be deposited into the Highway Safety Operating Trust Fund*,* and $19 shall be deposited into the General Revenue Fund.

3. For a replacement identification card issued pursuant to s. 322.051 ~~the fee is $25. Of this amount~~, $9 shall be deposited into the Highway Safety Operating Trust Fund*,* and $16 shall be deposited into the General Revenue Fund. Beginning July 1, 2015, or upon completion of the transition of the driver license issuance services, if the replacement identification card is issued by the tax collector, the tax collector shall retain the $9 that would otherwise be deposited into the Highway Safety Operating Trust Fund and the remaining revenues shall be deposited into the General Revenue Fund.

And the title is amended as follows:

Delete line 144 and insert: of a physical driver license; amending s. 322.21, F.S.; exempting certain individuals who are homeless or whose annual income is at or below a certain percentage of the federal poverty level from paying a fee for an original, renewal, or replacement identification card; amending s. 322.27,

Senator Ring moved the following amendment:

Amendment 9 (271406) (with title amendment)—Between lines 1464 and 1465 insert:

Section 33. Section 339.70, Florida Statutes, is created to read:

339.70 Authority referendum.—

(1) An authority created by an act of the Legislature which has authority over matters related to transportation, including matters concerning a public right-of-way, and which has the authority to issue bonds, must not, in the event of referendum and upon approval by vote of the electors of the area affected, be subject to consolidation or dissolution more than once every 8 years.

(2) A referendum that has not been expressly agreed to by an authority affected under this section may apply only to future bond issuances and may not affect an existing bond issuance.

(3) This section does not apply to the following:

(a) If the authority subject to referendum expressly agrees to a consolidation or dissolution.

(b) An entity governed by or created by chapter 308, chapter 309, chapter 310, chapter 311, chapter 313, chapter 315, chapter 329, chapter 330, chapter 331, chapter 332, chapter 333, chapter 343, chapter 348, or chapter 349.

And the title is amended as follows:

Delete line 178 and insert: vehicle; creating s. 339.70, F.S.; limiting the number of referenda for consolidation or dissolution that certain authorities may be subject to upon approval of the electors of the area affected; specifying that a referendum not expressly agreed to by an authority applies only to future bond issuances; providing exceptions; amending s. 526.141, F.S.; requiring self-

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

Senator Ring moved the following amendment to **Amendment 9 (271406)** which was adopted:

Amendment 9A (967188)—Delete lines 8-14 and insert:

(1) An authority created by an act of the Legislature, under condition to become effective upon approval by vote of the electors of the area affected, which has authority over matters related to transportation, including matters concerning a public right-of-way, and which has the authority to issue bonds, must not, in the event of referendum, be subject to consolidation or dissolution more than once every 8 years.

Amendment 9 (271406) as amended was adopted.

Senator Montford moved the following amendment which was adopted:

Amendment 10 (159172) (with title amendment)—Delete lines 1493-1499 and insert:

2. This paragraph does not bar a county or municipality from adopting an ordinance, or enforcing an existing ordinance, that expands the accessibility, safety, or availability of fueling assistance to a motor vehicle operator described in paragraph (a).

And the title is amended as follows:

Delete lines 183-184 and insert: additional local laws and regulations to expand fueling assistance for certain motor vehicle

Senator Soto moved the following amendment which failed:

Amendment 11 (838176) (with title amendment)—Between lines 1543 and 1544 insert:

Section 36. Subsection (6) is added to section 627.0653, Florida Statutes, to read:

627.0653 Insurance discounts for specified motor vehicle equipment.—

(6) The office may approve a premium discount applicable to any rates, rating schedules, or rating manuals for liability, personal injury protection, and collision coverages for motor vehicle insurance policies filed with the office for vehicles equipped with electronic vehicle crash avoidance technology that is factory installed or with a retrofitted system that complies with National Highway Traffic Safety Administration standards.

And the title is amended as follows:

Between lines 189 and 190 insert: amending s. 627.0653, F.S.; authorizing the Office of Insurance Regulation to approve premium discounts for motor vehicle insurance policies for vehicles equipped with certain electronic crash avoidance technology;

Senator Ring moved the following amendment which was adopted:

Amendment 12 (954686) (with title amendment)—Between lines 1644 and 1645 insert:

Section 42. *To ensure the safe and efficient operation of this state's roadways, a county or municipality must respond to a request by a county or municipality to which it provides, by agreement, traffic signal or traffic control device services within 60 days after receiving such a request regarding the evaluation, installation, operation, or maintenance of such traffic signals or other traffic control devices.*

And the title is amended as follows:

Delete lines 2-208 and insert: An act relating to transportation; amending s. 61.13016, F.S.; revising notification requirements with respect to the suspension of the driver license of a child support obligor; requiring delinquent child support obligors to provide certain documentation within a specified period in order to prevent the suspension of his or her driver license; amending s. 316.003, F.S.; defining the terms "sanitation vehicle" and "utility service vehicle" for purposes of the Florida Uniform Traffic Control Law; creating s. 316.0778, F.S.; defining the term "automated license plate recognition system"; requiring the Department of State to consult with the Department of Law Enforcement in establishing a retention schedule for records generated by the use of an automated license plate recognition system; amending s. 316.126, F.S.; requiring a driver to change lanes when approaching a sanitation or utility service vehicle performing a service-related task on the roadside; amending s. 316.193, F.S.; authorizing the court to order the placement of an ignition interlock device for certain first-time offenders of driving under the influence; authorizing the court to dismiss an order of impoundment or immobilization as a result of driving under the influence if the defendant provides proof to the court of the installation of a functioning, certified ignition interlock device; authorizing the court to order sobriety and drug monitoring in addition to specified ignition interlock device requirements; defining terms; amending s. 316.1937, F.S.; providing requirements for a person otherwise required to have an installed ignition interlock device to operate a leased motor vehicle in the course and scope of employment without installation of such device; amending s. 316.1938, F.S.; revising requirements for certification of ignition interlock devices; requiring contracts between the department and ignition interlock device service providers; providing contract requirements; requiring the provider to maintain confidentiality under specified provisions; providing for application of specified provisions; amending s. 316.1975, F.S.; providing that certain requirements for an unattended vehicle do not apply to a vehicle that is started by remote control under certain circumstances; amending s. 316.2126, F.S.; revising the timeframe for the authorized use of golf carts, low-speed vehicles, and utility vehicles related to seasonal delivery personnel; amending s. 316.2952, F.S.; revising a provision exempting a global position system device or similar satellite receiver device from the prohibition of attachments on windshields; amending s. 316.86, F.S.; revising provisions relating to the operation of vehicles equipped with autonomous technology on state roads for testing purposes; authorizing certain research organizations to operate such vehicles; deleting an obsolete provision; amending s. 318.15, F.S.; prohibiting the department from accepting the resubmission of certain driver license suspensions; amending s. 318.18, F.S.; providing for a clerk of court to designate a local governmental entity for disposition of certain parking citations; authorizing such entity to retain the processing fee; amending s. 320.02, F.S.; requiring the department to withhold the renewal of registration or replacement registration of a motor vehicle identified in a notice submitted by a lienor for failure to surrender the vehicle; providing conditions under which a revalidation sticker or replacement license plate may be issued; amending ss. 320.08056 and 320.08058, F.S.; revising the names of certain specialty license plates; revising distribution of revenue received from the sale of a certain plate; revising requirements for the use of specialty license plate annual use fees; defining the term "administrative expenses"; amending s. 320.089, F.S.; creating a new military-related special use license plate that will be stamped with the word "Veteran"; amending s. 320.08062, F.S.; revising audit and attestation requirements for specialty license plate organizations and the department; revising procedures for discontinuance of revenue payments and deauthorization of a plate; directing the department to notify the Legislature within a certain timeframe if an organization has failed to use revenue in accordance with specified provisions; amending s. 320.083, F.S.; revising the requirements for a special license plate for certain amateur radio operators; amending s. 320.1316, F.S.; prohibiting the department from issuing a license plate, revalidation sticker, or replacement license plate for a vehicle, or a vessel registration number or decal for a vessel, identified in a notice from a lienor; requiring that a notice to surrender a vehicle or vessel be signed under oath by the lienor; authorizing a registered owner of a vehicle or vessel to bring a civil action to dispute a notice to surrender a vehicle or vessel or his or her inclusion on the list of persons who may not be issued a license plate, revalidation sticker, replacement license plate, or vessel registration number or decal; providing procedures for such a civil action; providing for the award of attorney fees and costs; amending s. 320.771, F.S.; requiring a licensed recreational vehicle dealer who applies for a supplemental license to hold certain off-premises sales to notify the local department office of the dates and location for such sales; specifying requirements for licensed recreational vehicle dealers to hold such sales; creating s. 322.032, F.S.; requiring the department to begin to review and prepare for the development of a system for issuing an optional digital proof of driver license; authorizing the department to contract with private entities to develop the system; providing requirements for digital proof of driver license; providing criminal penalties for manufacturing or possessing a false digital proof of driver license; amending s. 322.055, F.S.; reducing the mandatory period of revocation or suspension of, or delay in eligibility for, a driver license for persons convicted of certain drug offenses; requiring the court to make a determination as to whether a restricted license would be appropriate for persons convicted of certain drug offenses; amending s. 322.058, F.S.; requiring the department to reinstate the driving privilege and allow registration of a motor vehicle of a child support obligor upon receipt of an affidavit containing specified information; amending s. 322.059, F.S.; requiring the department to invalidate the digital proof of driver license for a person whose license or registration has been suspended; amending s. 322.141, F.S.; revising requirements for special markings on driver licenses and state identification cards for persons designated as sexual predators or subject to registration as sexual offenders to include persons so designated or subject to registration under the laws of another jurisdiction; amending s. 322.143, F.S.; providing for a first responder, emergency medical technician, or other authorized health care practitioner to access medical information through use of a person's driver license or identification card under certain conditions; amending s. 322.15, F.S.; authorizing a digital proof of driver license to be accepted in lieu of a physical driver license; amending s. 322.27, F.S.; providing for a clerk of court to remove a habitual traffic offender designation if the offender meets certain conditions; amending s. 322.2715, F.S.; authorizing ignition interlock device installation for at least 6 continuous months for a first offense of driving under the influence; creating s. 322.276, F.S.; authorizing the department to issue a driver license to a person whose license is suspended or revoked in another state under certain circumstances; amending s. 323.002, F.S.; providing that an unauthorized wrecker operator's wrecker, tow truck, or other motor vehicle used during certain offenses may be immediately removed and impounded; requiring an unauthorized wrecker operator to disclose in writing to the owner or operator of a motor vehicle certain information; requiring the unauthorized wrecker operator to provide a copy of the disclosure to the owner or operator in the presence of a law enforcement officer if such officer is at the scene of a motor vehicle accident; authorizing a law enforcement officer from a local governmental agency or state law enforcement agency to cause to be removed and impounded from the scene of a wrecked or disabled vehicle an unauthorized wrecker, tow truck, or other motor vehicle; authorizing the authority that caused the removal and impoundment to assess a cost recovery fine; requiring a release form; requiring the wrecker, tow truck, or other motor vehicle to remain impounded until the fine is paid; providing the amounts for the cost recovery fine for first and subsequent violations; requiring the unauthorized wrecker operator to pay the fees associated with the removal and storage of the wrecker, tow truck, or other motor vehicle; amending s. 526.141, F.S.; requiring self-service gasoline pumps to display an additional decal containing specified information; requiring the Department of Agriculture and Consumer Services to confirm compliance by a specified date; providing for preemption of local laws and regulations pertaining to fueling assistance for certain motor vehicle operators; amending s. 526.142, F.S.; providing for preemption of local laws and regulations pertaining to air and vacuum devices; amending s. 562.11, F.S.; authorizing the court to direct the department to issue a restricted driver license to certain persons; amending s. 812.0155, F.S.; deleting a provision requiring the suspension of the driver license of a person adjudicated guilty of certain offenses; authorizing the court to direct the department to issue a restricted driver license to certain persons; amending s. 832.09, F.S.; providing that the suspension of a driver license of a person being prosecuted for passing a worthless check is discretionary; amending section 45 of chapter 2008-176, Laws of Florida; extending the prohibition of the issuance of new specialty license plates; directing the department to develop and present to the Governor and the Legislature a plan that addresses certain vehicle registration holds; directing the department to conduct and submit to the Governor and the Legislature a study on the effectiveness of ignition interlock device use; providing for the use of revenue received from the sale of certain specialty license plates; requiring a county or municipality to respond to certain requests from other counties or municipalities within a specified timeframe; providing an effective date.

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

Senator Abruzzo moved the following amendment which was adopted:

Amendment 13 (436100) (with title amendment)—Between lines 1644 and 1645 insert:

Section 42. *Yellow dot critical motorist medical information program; yellow dot decal, folder, and information form.—*

(1) The governing body of a county may create a yellow dot critical motorist medical information program to facilitate the provision of emergency medical care to program participants by emergency medical responders by making critical medical information readily available to responders in the event of a motor vehicle accident or a medical emergency involving a participant's vehicle.

(2)(a) The governing body of a county may solicit sponsorships from business entities and not-for-profit organizations to cover the costs of the program, including the cost of decals and folders that must be provided free of charge to participants. Two or more counties may enter into an interlocal agreement to solicit such sponsorships.

(b) The Department of Highway Safety and Motor Vehicles or the Department of Transportation may provide education and training to encourage emergency medical responders to participate in the program and may take reasonable measures to publicize the program.

(3) Any owner or lessee of a motor vehicle may request to participate in the program in the manner prescribed by the governing body of the county. A participant shall receive a yellow dot decal, a yellow dot folder, and a form on which the participant shall provide his or her personal and medical information.

(a) The form must include a statement that the information provided will be disclosed only to authorized personnel of law enforcement and public safety agencies, emergency medical services agencies, and hospitals for the purposes authorized in subsection (5).

(b) The form must describe the confidential nature of the medical information voluntarily provided by the participant and must include a notice to the participant stating that, by providing the medical information and signing the form, he or she agrees to the disclosure of the medical information to authorized personnel and their use of such information solely for the purposes listed in subsection (5).

(c) The county may not charge a fee to participate in the yellow dot program.

(4)(a) The participant shall affix the decal onto the rear window in the left lower corner of a motor vehicle or in a clearly visible location on a motorcycle.

(b) A person who rides in a motor vehicle as a passenger may also participate in the program but may not be issued a decal if a decal has been issued to the owner or lessee of the motor vehicle in which the person rides.

(c) The yellow dot folder, which shall be stored in the glove compartment of the motor vehicle or in a compartment attached to a motorcycle, shall contain a form with the following information about the participant:

1. The participant's name.

2. The participant's photograph.

3. Emergency contact information for no more than two persons.

4. The participant's medical information, including medical conditions, recent surgeries, allergies, and current medications.

5. The participant's hospital preference.

6. Contact information for no more than two physicians.

(5)(a) If the driver or a passenger of a motor vehicle is involved in a motor vehicle accident or emergency situation and a yellow dot decal is affixed to the vehicle, an emergency medical responder at the scene may search the glove compartment of the vehicle for the corresponding yellow dot folder.

(b) The use of the information contained in the yellow dot folder by an emergency medical responder at the scene is limited to the following purposes:

1. To positively identify the participant.

2. To ascertain whether the participant has a medical condition that might impede communications between the participant and the responder.

3. To access the medical information form.

4. To ensure that the participant's current medications and preexisting medical conditions are considered when emergency medical treatment is administered for any injury to or condition of the participant.

(6) The governing body of a participating county shall adopt guidelines and procedures to prevent the public disclosure of confidential information through the program.

And the title is amended as follows:

Delete line 208 and insert: plates; authorizing the governing body of a county to create a yellow dot critical motorist medical information program for certain purposes; authorizing a county to solicit sponsorships and enter into an interlocal agreement with another county to solicit such sponsorships for the medical information program; authorizing the Department of Highway Safety and Motor Vehicles and the Department of Transportation to provide education and training and publicize the program; requiring the program to be free to participants; providing for yellow dot program decals, folders, and participant information forms; providing procedures for use of the decal, folder, and form; providing for limited use of information on the forms by emergency medical responders; requiring the governing body of a participating county to adopt guidelines and procedures to ensure that confidential information is not made public; providing an effective date.

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 which was adopted:

Amendment 14 (407748) (with title amendment)—Delete lines 409-597 and insert:

Section 5. Paragraphs (i), (j), and (k) of subsection (6) of section 316.193, Florida Statutes, are redesignated as paragraphs (j), (k), and (l), and a new paragraph (i) is added to that section, to read:

316.193 Driving under the influence; penalties.—

(6) With respect to any person convicted of a violation of subsection (1), regardless of any penalty imposed pursuant to subsection (2), subsection (3), or subsection (4):

(i) The court may also dismiss the order of impoundment or immobilization if the defendant provides proof to the satisfaction of the court that a functioning, certified ignition interlock device has been installed upon all vehicles that are individually or jointly leased or owned and routinely operated by the convicted person.

(j)~~(i)~~ All costs and fees for the impoundment or immobilization, including the cost of notification, must be paid by the owner of the vehicle or, if the vehicle is leased or rented, by the person leasing or renting the vehicle, unless the impoundment or immobilization order is dismissed. All provisions of s. 713.78 shall apply. The costs and fees for the impoundment or immobilization must be paid directly to the person impounding or immobilizing the vehicle.

(k)~~(j)~~ The person who owns a vehicle that is impounded or immobilized under this paragraph, or a person who has a lien of record against such a vehicle and who has not requested a review of the impoundment pursuant to paragraph (e), paragraph (f), or paragraph (g), may, within 10 days after the date that person has knowledge of the location of the vehicle, file a complaint in the county in which the owner resides to determine whether the vehicle was wrongfully taken or

withheld from the owner or lienholder. Upon the filing of a complaint, the owner or lienholder may have the vehicle released by posting with the court a bond or other adequate security equal to the amount of the costs and fees for impoundment or immobilization, including towing or storage, to ensure the payment of such costs and fees if the owner or lienholder does not prevail. When the bond is posted and the fee is paid as set forth in s. 28.24, the clerk of the court shall issue a certificate releasing the vehicle. At the time of release, after reasonable inspection, the owner or lienholder must give a receipt to the towing or storage company indicating any loss or damage to the vehicle or to the contents of the vehicle.

(l)~~(k)~~ A defendant, in the court's discretion, may be required to serve all or any portion of a term of imprisonment to which the defendant has been sentenced pursuant to this section in a residential alcoholism treatment program or a residential drug abuse treatment program. Any time spent in such a program must be credited by the court toward the term of imprisonment.

For the purposes of this section, any conviction for a violation of s. 327.35; a previous conviction for the violation of former s. 316.1931, former s. 860.01, or former s. 316.028; or a previous conviction outside this state for driving under the influence, driving while intoxicated, driving with an unlawful blood-alcohol level, driving with an unlawful breath-alcohol level, or any other similar alcohol-related or drug-related traffic offense, is also considered a previous conviction for violation of this section. However, in satisfaction of the fine imposed pursuant to this section, the court may, upon a finding that the defendant is financially unable to pay either all or part of the fine, order that the defendant participate for a specified additional period of time in public service or a community work project in lieu of payment of that portion of the fine which the court determines the defendant is unable to pay. In determining such additional sentence, the court shall consider the amount of the unpaid portion of the fine and the reasonable value of the services to be ordered; however, the court may not compute the reasonable value of services at a rate less than the federal minimum wage at the time of sentencing.

Section 6. Subsection (7) of section 316.1937, Florida Statutes, is amended to read:

316.1937 Ignition interlock devices, requiring; unlawful acts.—

(7) Notwithstanding the provisions of this section, if a person is required to operate a motor vehicle in the course and scope of his or her employment and if the vehicle is owned *or leased* by the employer, the person may operate that vehicle without installation of an approved ignition interlock device if the employer has been notified of such driving privilege restriction. ~~and if~~ Proof of that notification *must be* ~~is~~ with the vehicle. This employment exemption does not apply, however, if the business entity which owns the vehicle is owned or controlled by the person whose driving privilege has been restricted.

Section 7. Section 316.1938, Florida Statutes, is amended to read:

316.1938 Ignition interlock devices, certification; warning label.—

(1) *The department shall contract with a minimum of three providers, who have been selected through a competitive procurement process pursuant to s. 287.057, needed to implement the ignition interlock requirements of this chapter and chapter 322. Such contract shall be at no cost to the state. The contract between the department and the selected providers of ignition interlock devices shall be for a term of five years. The department is authorized to adopt rules to implement the ignition interlock requirements of this chapter and chapter 322. Such rules may include, but shall not be limited to, medical waivers, specifications for such devices, and their approval, installation, removal, servicing, and monitoring.* ~~The Department of Highway Safety and Motor Vehicles shall certify or cause to be certified the accuracy and precision of the breath testing component of the ignition interlock devices as required by s. 316.1937, and shall publish a list of approved devices, together with rules governing the accuracy and precision of the breath testing component of such devices as adopted by rule in compliance with s. 316.1937. The cost of certification shall be borne by the manufacturers of ignition interlock devices.~~

(2) *Ignition interlock devices required by this chapter and chapter 322 shall conform to specification of the rules or contracts of the department.* ~~No model of ignition interlock device shall be certified unless it meets the accuracy requirements specified by rule of the department.~~

(3) ~~The department shall design and adopt by rule~~ A warning label *must* ~~which shall~~ be affixed to each ignition interlock device upon installation. The label *must* ~~shall~~ contain a warning that any person *who tampers with, circumvents,* ~~tampering, circumventing,~~ or otherwise *misuses* ~~misusing~~ the device *commits* ~~is guilty of~~ a violation of law and may be subject to civil liability.

And the title is amended as follows:

Delete lines 21-43 and insert: the roadside; amending s. 316.193, F.S.; authorizing the court to dismiss the order of impoundment or immobilization under certain circumstances; amending s. 316.1937, F.S.; revising provisions relating to the authority to operate a vehicle without installation of an approved ignition interlock device; amending s. 316.1938, F.S.; requiring the Department of Highway Safety and Motor Vehicles to contract with certain providers of ignition interlock devices; specifying contract years; authorizing the department to adopt rules; requiring ignition interlock devices to conform to department rules; specifying a warning label requirement; amending s. 316.1975, F.S.;

POINT OF ORDER DISPOSITION

Pending **Amendment 3 (237646)** by Senator Soto was withdrawn.

Pursuant to Rule 4.19, **CS for CS for HB 7005** as amended was placed on the calendar of Bills on Third Reading.

SB 1748—A bill to be entitled An act relating to establishing minimum water flows and levels for water bodies; exempting specified rules from legislative ratification under s. 120.541(3), F.S.; requiring the Department of Environmental Protection to publish a certain notice; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 1748**, on motion by Senator Dean, by two-thirds vote **HB 7171** was withdrawn from the Committees on Environmental Preservation and Conservation; and Rules.

On motion by Senator Dean—

HB 7171—A bill to be entitled An act relating to establishing minimum water flows and levels for water bodies; exempting specified rules from legislative ratification under s. 120.541(3), F.S.; requiring the Department of Environmental Protection to publish a certain notice; providing an effective date.

—a companion measure, was substituted for **SB 1748** and read the second time by title.

Pursuant to Rule 4.19, **HB 7171** was placed on the calendar of Bills on Third Reading.

RECONSIDERATION OF BILL

On motion by Senator Detert, the Senate recalled—

CS for HB 977—A bill to be entitled An act relating to motor vehicle insurance and driver education for children in foster care; creating s. 743.047, F.S.; removing the disability of nonage of minors for purposes of obtaining motor vehicle insurance; amending s. 1003.48, F.S.; providing for preferential enrollment in driver education courses for children in foster care; providing an effective date.

—for further consideration as amended this day.

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

Senator Detert moved the following amendments which were adopted:

Amendment 2 (965520) (with title amendment)—Delete lines 13-50 and insert:

Section 1. Section 743.047, Florida Statutes, is created to read:

743.047 Removal of disabilities of minors; executing agreements for motor vehicle insurance.—For the purpose of ensuring that a child in foster care will be able to secure motor vehicle insurance, the disability of nonage of minors shall be removed provided that the child has reached 16 years of age, has been adjudicated dependent, is residing in an out-of-home placement as defined in s. 39.01, and has completed a driver education program. Upon issuance of an order by a court of competent jurisdiction, such child is authorized to make and execute all documents, contracts, or agreements necessary for obtaining motor vehicle insurance as if the child is otherwise competent to make and execute contracts. Execution of any such contract or agreement for motor vehicle insurance has the same effect as if it were the act of a person who is not a minor. A child seeking to enter into such contract or agreement or execute other necessary instrument incidental to obtaining motor vehicle insurance must present an order from a court of competent jurisdiction removing the disabilities of nonage of the minor pursuant to this section.

Section 2. Section 1003.48, Florida Statutes, is amended to read:

1003.48 Instruction in operation of motor vehicles.—

(1) A course of study and instruction in the safe and lawful operation of a motor vehicle shall be made available by each district school board to students in the secondary schools in the state. *The secondary school shall provide preferential enrollment to a student who is in the custody of the Department of Children and Families if the student maintains appropriate progress as required by the school.* As used in this section, the term "motor vehicle" *has* ~~shall have~~ the same meaning as in s. 320.01(1)(a) and *includes* ~~shall include~~ motorcycles and mopeds. Instruction in motorcycle or moped operation may be limited to classroom instruction. The course *may* ~~shall~~ not be made a part of, or a substitute for, any of the minimum requirements for graduation.

(2) In order to make such a course available to any secondary school student, the district school board may use any one of the following procedures or any combination thereof:

(a) *Use* ~~Utilize~~ instructional personnel employed by the district school board.

(b) Contract with a commercial driving school licensed under ~~the provisions of~~ chapter 488.

(c) Contract with an instructor certified under ~~the provisions of~~ chapter 488.

(3)~~(a)~~ District school boards shall earn funds on full-time equivalent students at the appropriate basic program cost factor, regardless of the method by which such courses are offered.

(4)~~(b)~~ For the purpose of financing the Driver Education Program in the secondary schools, there shall be levied an additional 50 cents per year to the *driver* ~~driver's~~ license fee required by s. 322.21. The additional fee shall be promptly remitted to the Department of Highway Safety and Motor Vehicles, which shall transmit the fee to the Chief Financial Officer to be deposited in the General Revenue Fund.

(5)~~(4)~~ The district school board shall prescribe standards for the course required by this section and for instructional personnel directly employed by the district school board. *A* ~~Any~~ certified instructor or licensed commercial driving school *is* ~~shall be deemed~~ sufficiently qualified and *is* ~~shall~~ not ~~be~~ required to meet any standards in lieu of or in addition to those prescribed under chapter 488.

Section 3. *The sum of $800,000 in recurring funds is appropriated from the General Revenue Fund to the Department of Children and Families for the purpose of implementing this act during the 2014-2015 fiscal year.*

Section 4. This act shall take effect July 1, 2014.

And the title is amended as follows:

Delete lines 4-9 and insert: 743.047, F.S.; removing the disability of nonage of minors for purposes of obtaining motor vehicle insurance; requiring an order by the court for the disability of nonage to be removed; amending s. 1003.48, F.S.; providing for preferential enrollment in driver education for specified children in care; providing an appropriation; providing an effective date.

Amendment 3 (322822) (with title amendment)—Before line 13 insert:

Section 1. Paragraph (a) of subsection (3) of section 39.701, Florida Statutes, is amended to read:

39.701 Judicial review.—

(3) REVIEW HEARINGS FOR CHILDREN 17 YEARS OF AGE.—

(a) In addition to the review and report required under paragraphs (1)(a) and (2)(a), respectively, the court shall hold a judicial review hearing within 90 days after a child's 17th birthday. The court shall also issue an order, separate from the order on judicial review, that the disability of nonage of the child has been removed pursuant to *ss. 743.045 and 743.047 for any of these disabilities that the court finds is in the child's best interest to remove. The court* ~~s. 743.045 and~~ shall continue to hold timely judicial review hearings. If necessary, the court may review the status of the child more frequently during the year before the child's 18th birthday. At each review hearing held under this subsection, in addition to any information or report provided to the court by the foster parent, legal custodian, or guardian ad litem, the child shall be given the opportunity to address the court with any information relevant to the child's best interest, particularly in relation to independent living transition services. The department shall include in the social study report for judicial review written verification that the child has:

1. A current Medicaid card and all necessary information concerning the Medicaid program sufficient to prepare the child to apply for coverage upon reaching the age of 18, if such application is appropriate.

2. A certified copy of the child's birth certificate and, if the child does not have a valid driver license, a Florida identification card issued under s. 322.051.

3. A social security card and information relating to social security insurance benefits if the child is eligible for those benefits. If the child has received such benefits and they are being held in trust for the child, a full accounting of these funds must be provided and the child must be informed as to how to access those funds.

4. All relevant information related to the Road-to-Independence Program, including, but not limited to, eligibility requirements, information on participation, and assistance in gaining admission to the program. If the child is eligible for the Road-to-Independence Program, he or she must be advised that he or she may continue to reside with the licensed family home or group care provider with whom the child was residing at the time the child attained his or her 18th birthday, in another licensed family home, or with a group care provider arranged by the department.

5. An open bank account or the identification necessary to open a bank account and to acquire essential banking and budgeting skills.

6. Information on public assistance and how to apply for public assistance.

7. A clear understanding of where he or she will be living on his or her 18th birthday, how living expenses will be paid, and the educational program or school in which he or she will be enrolled.

8. Information related to the ability of the child to remain in care until he or she reaches 21 years of age under s. 39.013.

9. A letter providing the dates that the child is under the jurisdiction of the court.

10. A letter stating that the child is in compliance with financial aid documentation requirements.

11. The child's educational records.

12. The child's entire health and mental health records.

13. The process for accessing his or her case file.

14. A statement encouraging the child to attend all judicial review hearings occurring after the child's 17th birthday.

Section 2. Section 409.1454, Florida Statutes, is created to read:

409.1454 Motor vehicle insurance for children in care.—

(1) The Legislature finds that the costs of driver education, licensure and costs incidental to licensure, and motor vehicle insurance for a child in licensed out-of-home care after such child obtains a driver license creates an additional barrier to engaging in normal age-appropriate activities and gaining independence and may limit opportunities for obtaining employment and completing educational goals. The Legislature also finds that the completion of an approved driver education course is necessary to develop safe driving skills.

(2) To the extent that funding is available, the department shall establish a 3-year pilot program to pay the cost of driver education, licensure and other costs incidental to licensure, and motor vehicle insurance for children in licensed out-of-home care who have successfully completed a driver education program.

(3) If a caregiver, or an individual or not-for-profit entity approved by the caregiver, adds a child to his or her existing insurance policy, the amount paid to the caregiver or approved purchaser may not exceed the increase in cost attributable to the addition of the child to the policy.

(4) Payment shall be made to eligible recipients in the order of eligibility until available funds are exhausted.

(5) The department shall contract with a not-for-profit entity whose mission is to support youth aging out of foster care to develop procedures for operating and administering the pilot program, including, but not limited to:

(a) Determining eligibility, including responsibilities for the child and caregivers.

(b) Developing application and payment forms.

(c) Notifying eligible children, caregivers, group homes, and residential programs of the pilot program.

(d) Providing technical assistance to lead agencies, providers, group homes, and residential programs to support removing obstacles that prevent children in foster care from driving.

(6) By July 1, 2015, and annually thereafter for the duration of the pilot program, the department shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives evaluating the success of and outcomes achieved by the pilot program. The report shall include a recommendation as to whether the pilot program should be continued, terminated, or expanded.

And the title is amended as follows:

Delete lines 2-3 and insert: An act relating to motor vehicle insurance and driver education for children in care; amending s. 39.701, F.S.; authorizing the court to consider the best interest of a child in removing specified disabilities of nonage for certain minors; creating s. 409.1454, F.S.; providing legislative findings; directing the Department of Children and Families to establish a statewide pilot program to pay specified costs of driver education, licensure and costs incidental to licensure, and motor vehicle insurance for a child in licensed out-of-home care who meets certain qualifications; providing limits of the amount to be paid; requiring payments to be made in the order of eligibility until funds are exhausted; requiring the department to contract with a qualified not-for-profit entity to operate and develop procedures for the pilot program; requiring the department to submit an annual report with recommendations to the Governor and the Legislature; creating s.

Pursuant to Rule 4.19, **CS for HB 977** as amended was placed on the calendar of Bills on Third Reading.

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

CS for HB 7095—A bill to be entitled An act relating to the professional sports facilities incentive application process; amending s. 212.20, F.S.; providing for the distribution of a specified amount of tax proceeds to certain applicants of the professional sports facility incentive program; prohibiting the Department of Revenue from distributing more than a specified amount to program applicants; amending s. 218.64, F.S.; authorizing municipalities and counties to use local government half-cent sales tax distributions to reimburse the state for funding received under the professional sports facility incentive program; amending s. 288.0001, F.S.; requiring the Office of Economic and Demographic Research and the Office of Program Policy Analysis and Government Accountability to provide a detailed analysis of the professional sports facility incentive program; creating s. 288.11625, F.S.; creating the professional sports facility incentive program; providing definitions; requiring certain professional sports franchises to meet additional requirements to be a beneficiary; providing application requirements and procedures; providing procedures and criteria for the evaluation of applications and the recommendation of applications for a distribution of state funds; providing that an applicant must receive legislative approval of its application in order to receive state funding; requiring an applicant whose application is approved by the Legislature to enter into a contract with the Department of Economic Opportunity containing specified terms in order to become certified; providing for the duration of certain certifications; providing for the distribution of state funds to certified applicants; requiring certified applicants to submit an annual analysis including specified information; restricting the amount of state funds that may be provided to certified applicants in a specified period; restricting the use of state funds received by a certified applicant to specified purposes; providing for the repayment of distributions under certain circumstances; requiring the department to submit an annual report containing specified information to the Governor and Legislature; requiring the Auditor General to conduct an audit of the program; authorizing the Department of Revenue to recover improperly expended distributions at the request of the Auditor General; providing for the halting of distributions; authorizing the Department of Economic Opportunity to adopt rules; amending s. 288.1166, F.S.; requiring a local government to issue an emergency declaration in order to designate a professional sports facility constructed with financial assistance from the state as a shelter site for the homeless; providing an effective date.

—which was previously considered and amended this day.

Pursuant to Rule 4.19, **CS for HB 7095** as amended was placed on the calendar of Bills on Third Reading.

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

HB 5601—A bill to be entitled An act relating to economic development; amending s. 202.11, F.S.; revising the definition of "prepaid calling arrangement"; providing for retroactive applicability and construction; amending s. 203.01, F.S.; imposing an additional rate on gross receipts for electrical power or energy; revising exemptions from the tax on gross receipts for utility and communications services; providing exemptions from the additional tax on gross receipts from electrical power or energy; requiring the additional tax to be excluded from the taxable base on which gross receipts are calculated under certain circumstances; amending s. 212.05, F.S.; revising the definition of "prepaid calling arrangement" to clarify and update which services are included under the definition and subject to sales tax; reducing the sales tax rate for charges for electrical power or energy; providing for retroactive applicability and construction; amending s. 212.08, F.S.; extending the expiration date applicable to the granting of community contribution tax credits against the sales and use tax for contributions to eligible sponsors of community projects approved by the Department of Economic Opportunity; revising a provision exempting certain machinery and equipment from the sales and use tax to exempt certain mixer drums and parts and labor required to affix certain mixer drums to mixer trucks from the sales and use tax; exempting sales of child restraint systems and booster seats for use in motor vehicles and youth bicycle helmets from the sales and use tax; amending s. 212.12, F.S.; conforming a provision to a change made by the act; amending s. 212.20, F.S.; requiring the Department of Revenue to distribute funds to the State Transportation Trust Fund for strategic and regionally significant transportation projects; amending s. 220.14, F.S.; increasing the amount of income that is exempt from the corporate income tax; providing applicability; amending s. 220.183, F.S.; extending the expiration date applicable to the granting of community contribution tax credits against the corporate income tax for contributions to eligible sponsors of community projects approved by the Department of Economic Opportunity; amending s. 220.63, F.S.; increasing the amount of

income that is exempt from the franchise tax imposed on banks and savings associations; providing applicability; creating s. 288.127, F.S.; providing definitions; providing a purpose; creating the Qualified Television Loan Fund; requiring the Department of Economic Opportunity to contract with a fund administrator; providing fund administrator qualifications; providing for the fund administrator's compensation and removal; specifying the fund administrator powers and duties; providing the structure of the loans; providing qualified television content criteria; requiring the Auditor General to conduct an operational audit of the fund and the fund administrator; authorizing the department to adopt rules; providing for expiration of the act; providing emergency rulemaking authority; amending s. 288.9914, F.S.; revising limits on tax credits that may be approved by the Department of Economic Opportunity under the New Markets Development Program; creating s. 339.0803, F.S.; requiring a specified amount of funds deposited into the State Transportation Trust Fund to be used annually for strategic and regionally significant transportation projects; amending s. 624.5105, F.S.; extending the expiration date applicable to the granting of community contribution tax credits against the insurance premium tax for contributions to eligible sponsors of community projects approved by the Department of Economic Opportunity; providing for a sales tax holiday for certain Energy Star and WaterSense products; providing restrictions; providing definitions; authorizing the Department of Revenue to adopt emergency rules; providing that the admissions tax may not be levied on the sale of athletic, exercise, and physical fitness facility memberships by certain health studios during a specified period; authorizing the Department of Revenue to adopt emergency rules; specifying a period during which the sale of clothing, wallets, bags, school supplies, personal computers, and personal computer-related accessories are exempt from the sales tax; providing definitions; providing exceptions; authorizing the Department of Revenue to adopt emergency rules; providing an exemption from the sales and use tax for sales during a specified period of certain tangible personal property related to hurricane preparedness; authorizing the Department of Revenue to adopt emergency rules; providing appropriations; providing an effective date.

—which was previously considered this day with pending **Amendment 1 (965938)** by the Committee on Appropriations.

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

Senator Negron moved the following substitute amendment:

Amendment 2 (526842) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Effective July 1, 2014, subsection (9) of section 202.11, Florida Statutes, is amended to read:

202.11 Definitions.—As used in this chapter, the term:

(9) "Prepaid calling arrangement" means*:* ~~the separately stated retail sale by advance payment of~~

(a) A right to use communications services*, other than mobile communications services, for which a separately stated price must be paid in advance, which is sold at retail in predetermined units that decline in number with use on a predetermined basis, and which* ~~that~~ consist exclusively of telephone calls originated by using an access number, authorization code, or other means that may be manually, electronically, or otherwise entered*; or* ~~and that are sold in predetermined units or dollars of which the number declines with use in a known amount.~~

(b) A right to use mobile communications services that must be paid for in advance and is sold at retail in predetermined units that expire or decline in number on a predetermined basis if:

1. The purchaser's right to use mobile communications services terminates upon all purchased units' expiring or being exhausted unless the purchaser pays for additional units;

2. The purchaser is not required to purchase additional units; and

3. Any right of the purchaser to use units to obtain communications services other than mobile communications services is limited to services that are provided to or through the same handset or other electronic device that is used by the purchaser to access mobile communications services. Predetermined units described in this subsection may be quantified as amounts of usage, time, money, or a combination of these or other means of measurement.

Section 2. Effective July 1, 2014, paragraph (e) 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:

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

a. Prepaid calling arrangements. The tax on charges for prepaid calling arrangements shall be collected at the time of sale and remitted by the selling dealer.

(I) "Prepaid calling arrangement" *has the same meaning as provided in s. 202.11* ~~means the separately stated retail sale by advance payment of communications services that consist exclusively of telephone calls originated by using an access number, authorization code, or other means that may be manually, electronically, or otherwise entered and that are sold in predetermined units or dollars whose number declines with use in a known amount~~.

(II) If the sale or recharge of the prepaid calling arrangement does not take place at the dealer's place of business, it shall be deemed to *have taken* ~~take~~ place at the customer's shipping address or, if no item is shipped, at the customer's address or the location associated with the customer's mobile telephone number.

(III) The sale or recharge of a prepaid calling arrangement shall be treated as a sale of tangible personal property for purposes of this chapter, *regardless of* whether ~~or not~~ a tangible item evidencing such arrangement is furnished to the purchaser, and such sale within this state subjects the selling dealer to the jurisdiction of this state for purposes of this subsection.

(IV) No additional tax under this chapter or chapter 202 is due or payable if a purchaser of a prepaid calling arrangement who has paid tax under this chapter on the sale or recharge of such arrangement applies one or more units of the prepaid calling arrangement to obtain communications services as described in s. 202.11(9)(b)3., other services that are not communications services, or products.

b. The installation of telecommunication and telegraphic equipment.

c. Electrical power or energy, except that the tax rate for charges for electrical power or energy is *4.35* ~~7~~ percent. *Charges for electrical power and energy do not include taxes imposed under ss. 166.231 and 203.01(1)(a)3.*

2. *Section* ~~The provisions of s.~~ 212.17(3), regarding credit for tax paid on charges subsequently found to be worthless, *is* ~~shall be~~ equally applicable to any tax paid under ~~the provisions of~~ this section on charges for prepaid calling arrangements, telecommunication or telegraph services, or electric power subsequently found to be uncollectible. *As used in this paragraph,* the *term* ~~word~~ "charges" ~~in this paragraph~~ does not include any excise or similar tax levied by the Federal Government, *a* ~~any~~ political subdivision of *this* ~~the~~ state, or *a* ~~any~~ municipality upon the purchase, sale, or recharge of prepaid calling arrangements or upon the purchase or sale of telecommunication, television system program, or telegraph service or electric power, which tax is collected by the seller from the purchaser.

Section 3. *The amendments made to ss. 202.11 and 212.05(1)(e)1.a., Florida Statutes, by this act are intended to be remedial in nature and apply retroactively, but do not provide a basis for an assessment of any tax not paid or create a right to a refund or credit of any tax paid before the effective date of this act.*

Section 4. Effective July 1, 2014, subsections (1), (3), (4), and (7) of section 203.01, Florida Statutes, are amended 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 ~~the provisions of~~ 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 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.

(b)1. The rate applied to utility services shall be 2.5 percent.

2. The rate applied to communications services shall be 2.37 percent.

3. ~~There shall be~~ An additional rate of 0.15 percent *shall be* applied to communication services subject to the tax levied pursuant to s. 202.12(1)(a), (c), and (d). The exemption provided in s. 202.125(1) applies to the tax levied pursuant to this subparagraph.

4. The rate applied to electrical power or energy taxed under subparagraph (a)3. shall be 2.6 percent.

(c)1. The tax *imposed under subparagraph (a)1.* shall be levied against the total amount of gross receipts received by a distribution company for its sale of utility services if the utility service is delivered to the retail consumer by a distribution company and the retail consumer pays the distribution company a charge for utility service which includes a charge for both the electricity and the transportation of electricity to the retail consumer. The distribution company shall report and remit to the Department of Revenue by the 20th day of each month the taxes levied pursuant to this paragraph during the preceding month.

2. To the extent practicable, the Department of Revenue must distribute all receipts of taxes remitted under this chapter to the Public Education Capital Outlay and Debt Service Trust Fund in the same month as the department collects such taxes.

(d)1. Each distribution company that receives payment for the delivery of electricity to a retail consumer in this state is subject to tax on the exercise of this privilege as provided by this paragraph unless the payment is subject to tax under paragraph (c). For the exercise of this privilege, the tax levied on *the* ~~such~~ distribution company's receipts for the delivery of electricity shall be determined by multiplying the number of kilowatt hours delivered by the index price and applying the rate in *subparagraph (b)1.* ~~paragraph (b)~~ to the result.

2. The index price is the Florida price per kilowatt hour for retail consumers in the previous calendar year, as published in the United States Energy Information Administration Electric Power Monthly and announced by the Department of Revenue on June 1 of each year to be effective for the 12-month period beginning July 1 of that year. For each residential, commercial, and industrial customer class, the applicable index posted for residential, commercial, and industrial *shall* ~~will~~ be applied in calculating the gross receipts to which the tax applies. If publication of the indices is delayed or discontinued, the last posted index shall be used until a current index is posted or the department adopts a comparable index by rule.

3. Tax due under this paragraph shall be administered, paid, and reported in the same manner as the tax due under paragraph (c).

4. The amount of tax due under this paragraph shall be reduced by the amount of any like tax lawfully imposed on and paid by the person from whom the retail consumer purchased the electricity, whether imposed by and paid to this state, another state, a territory of the United States, or the District of Columbia. This reduction in tax shall be available to the retail consumer as a refund made pursuant to s. 215.26 and does not inure to the benefit of the person who receives payment for the delivery of the electricity. The methods of demonstrating proof of payment and the amount of such refund shall be made according to rules of the Department of Revenue.

(e)1. *A* ~~Every~~ distribution company that receives payment for the sale or transportation of natural or manufactured gas to a retail consumer in this state is subject to tax on the exercise of this privilege as provided by this paragraph. For the exercise of this privilege, the tax levied on *the* ~~such~~ distribution company's receipts for the sale or transportation of natural or manufactured gas shall be determined by dividing the number of cubic feet delivered by 1,000, multiplying the resulting number by the index price, and applying the rate in *subparagraph (b)1.* ~~paragraph (b)~~ to the result.

2. The index price is the Florida price per 1,000 cubic feet for retail consumers in the previous calendar year as published in the United States Energy Information Administration Natural Gas Monthly and announced by the Department of Revenue on June 1 of each year to be effective for the 12-month period beginning July 1 of that year. For each residential, commercial, and industrial customer class, the applicable index posted for residential, commercial, and industrial *shall* ~~will~~ be applied in calculating the gross receipts to which the tax applies. If publication of the indices is delayed or discontinued, the last posted index shall be used until a current index is posted or the department adopts a comparable index by rule.

3. Tax due under this paragraph shall be administered, paid, and reported in the same manner as the tax due under paragraph (c).

4. The amount of tax due under this paragraph shall be reduced by the amount of any like tax lawfully imposed on and paid by the person from whom the retail consumer purchased the natural gas or manufactured gas, whether imposed by and paid to this state, another state, a territory of the United States, or the District of Columbia. This reduction in tax shall be available to the retail consumer as a refund pursuant to s. 215.26 and does not inure to the benefit of the person providing the transportation service. The methods of demonstrating proof of payment and the amount of such refund shall be made according to rules of the Department of Revenue.

(f) Any person who imports into this state electricity, natural gas, or manufactured gas, or severs natural gas, for that person's own use or consumption as a substitute for purchasing utility, transportation, or delivery services taxable under *subparagraph (a)1.* ~~this chapter~~ and who cannot demonstrate payment of the tax imposed by this chapter must register with the Department of Revenue and pay into the State Treasury each month an amount equal to the cost price*, as defined in s. 212.02,* of such electricity, natural gas, or manufactured gas times the rate set forth in *subparagraph (b)1.* ~~paragraph (b)~~, reduced by the amount of any like tax lawfully imposed on and paid by the person from whom the electricity, natural gas, or manufactured gas was purchased or any person who provided delivery service or transportation service in connection with the electricity, natural gas, or manufactured gas. ~~For purposes of this paragraph, the term "cost price" has the meaning ascribed in s. 212.02(4).~~ The methods of demonstrating proof of payment and the amount of such reductions in tax shall be made according to rules of the Department of Revenue.

(g) Electricity produced by cogeneration or by small power producers which is transmitted and distributed by a public utility between two locations of a customer of the utility pursuant to s. 366.051 is subject to the tax imposed by *subparagraph (a)1* ~~this section~~. The tax shall be applied to the cost price*, as defined in s. 212.02,* of such electricity ~~as~~

~~provided in s. 212.02(4)~~ and shall be paid each month by the producer of such electricity.

(h) Electricity produced by cogeneration or by small power producers during the 12-month period ending June 30 of each year which is in excess of nontaxable electricity produced during the 12-month period ending June 30, 1990, is subject to the tax imposed by *subparagraph (a)1* ~~this section~~. The tax shall be applied to the cost price*, as defined in s. 212.02,* of such electricity ~~as provided in s. 212.02(4)~~ and shall be paid each month, beginning with the month in which total production exceeds the production of nontaxable electricity for the 12-month period ending June 30, 1990. *As used in* ~~For purposes of~~ this paragraph, *the term* "nontaxable electricity" means electricity produced by cogeneration or by small power producers which is not subject to tax under paragraph (g). Taxes paid pursuant to paragraph (g) may be credited against taxes due under this paragraph. Electricity generated as part of an industrial manufacturing process *that* ~~which~~ manufactures products from phosphate rock, raw wood fiber, paper, citrus, or any agricultural product *is* ~~shall~~ not ~~be~~ subject to the tax imposed by this paragraph. *The term* "industrial manufacturing process" means the entire process conducted at the location where the process takes place.

(i) Any person other than a cogenerator or small power producer described in paragraph (h) who produces for his or her own use electrical energy *that* ~~which~~ is a substitute for electrical energy produced by an electric utility as defined in s. 366.02 is subject to the tax imposed by *subparagraph (a)1* ~~this section~~. The tax shall be applied to the cost price*, as defined in s. 212.02,* of such electrical energy ~~as provided in s. 212.02(4)~~ and shall be paid each month. ~~The provisions of~~ This paragraph *does* ~~do~~ not apply to ~~any~~ electrical energy produced and used by an electric utility.

(j) Notwithstanding any other provision of this chapter, with the exception of a communications services dealer reporting taxes administered under chapter 202, the department may require:

1. A quarterly return and payment when the tax remitted for the preceding four calendar quarters did not exceed $1,000;

2. A semiannual return and payment when the tax remitted for the preceding four calendar quarters did not exceed $500; or

3. An annual return and payment when the tax remitted for the preceding four calendar quarters did not exceed $100.

(3) The tax imposed by *subparagraph (1)(a)1.* ~~subsection (1)~~ does not apply to:

(a)1. The sale or transportation of natural gas or manufactured gas to a public or private utility, including a municipal corporation or rural electric cooperative association, ~~either~~ for resale or for use as fuel in the generation of electricity; or

2. The sale or delivery of electricity to a public or private utility, including a municipal corporation or rural electric cooperative association, for resale, or as part of an electrical interchange agreement or contract between such utilities for the purpose of transferring more economically generated power;

if ~~provided~~ the person deriving gross receipts from such sale demonstrates that a sale, transportation, or delivery for resale in fact occurred and complies with the following requirements: A sale, transportation, or delivery for resale must be in strict compliance with the rules ~~and regulations~~ of the Department of Revenue; and any sale subject to the tax imposed by this section which is not in strict compliance with the rules ~~and regulations~~ of the Department of Revenue shall be subject to the tax at the appropriate rate imposed on utilities *under subparagraph (1)(b)1.* ~~by paragraph (b)~~ on the person making the sale. Any person making a sale for resale may, through an informal protest provided ~~for~~ in s. 213.21 and the rules of the Department of Revenue, provide the department with evidence of the exempt status of a sale. The department shall adopt rules that provide that valid proof and documentation of the resale by a person making the sale for resale will be accepted by the department when submitted during the protest period but will not be accepted when submitted in any proceeding under chapter 120 or any circuit court action instituted under chapter 72;

(b) Wholesale sales of electric transmission service;

(c) The use of natural gas in the production of oil or gas, or the use of natural or manufactured gas by a person transporting natural or manufactured gas, when used and consumed in providing such services; or

(d) The sale or transportation to, or use of, natural gas or manufactured gas by a person eligible for an exemption under s. 212.08(7)(ff)2. for use as an energy source or a raw material. Possession by a seller of natural or manufactured gas or by any person providing transportation or delivery of natural or manufactured gas of a written certification by the purchaser, certifying the purchaser's entitlement to the exclusion permitted by this paragraph, relieves the seller or person providing transportation or delivery from the responsibility of remitting tax on the nontaxable amounts, and the department shall look solely to the purchaser for recovery of such tax if the department determines that the purchaser was not entitled to the exclusion. The certification must include an acknowledgment by the purchaser that it will be liable for tax pursuant to paragraph (1)(f) if the requirements for exclusion are not met.

(4) The tax imposed pursuant to *subparagraph (1)(a)1.* ~~this chapter~~ relating to the provision of ~~any~~ utility services at the option of the person supplying the taxable services may be separately stated as Florida gross receipts tax on the total amount of any bill, invoice, or other tangible evidence of the provision of such taxable services and may be added as a component part of the total charge. *If* ~~Whenever~~ a provider of taxable services elects to separately state such tax as a component of the charge for the provision of such taxable services, *any* ~~every~~ person, including all governmental units, shall remit the tax to the person who provides such taxable services as a part of the total bill, and the tax is a component part of the debt of the purchaser to the person who provides such taxable services until paid and, if unpaid, is recoverable at law in the same manner as any other part of the charge for such taxable services. For a utility, the decision to separately state any increase in the rate of tax imposed by this chapter which is effective after December 31, 1989, and the ability to recover the increased charge from the customer *is* ~~shall~~ not ~~be~~ subject to regulatory approval.

(7) Gross receipts subject to the tax imposed *under subparagraph (1)(a)1.* ~~by this section~~ for the provision of electricity *must* ~~shall~~ include receipts from monthly customer charges or monthly customer facility charges.

Section 5. *The amendments to s. 212.05(1)(e)1.c. made in section 2 of this act and to s. 203.01 made in section 4 of this act apply to taxable transactions included on bills that are for utility services and that are dated on or after July 1, 2014.*

Section 6. *In complying with the amendments to ss. 203.01 and 212.05, Florida Statutes, relating to the additional tax on electrical power or energy, made by this act, a seller of electrical power or energy may collect a combined rate of 6.95 percent, which consists of the 4.35 percent and 2.6 percent required under ss. 212.05(1)(e)1.c. and 203.01(1)(b)4., Florida Statutes, respectively, if the provider properly reflects the tax collected with respect to the two provisions as required in the return to the Department of Revenue.*

Section 7. Subsections (4) and (5) of section 205.0535, Florida Statutes, are amended to read:

205.0535 Reclassification and rate structure revisions.—

(4) After the conditions specified in subsections (2) and (3) are met, municipalities and counties may, every other year thereafter, increase or decrease by ordinance the rates of business taxes by up to 5 percent. *However,* an increase *must*~~, however, may not~~ be enacted by *at least* ~~less than~~ a majority plus one vote of the governing body.

(5) ~~Nothing in~~ This chapter *does not* ~~shall be construed to~~ prohibit a municipality or county from decreasing or repealing any business tax authorized under this chapter. *By majority vote, the governing body of a county or municipality may adopt an ordinance repealing a local business tax or establishing new rates that decrease local business taxes and do not result in an increase in local business taxes for a taxpayer. Such ordinances are not subject to subsections (2) and (3).*

(6)~~(5)~~ A receipt may not be issued unless the federal employer identification number or social security number is obtained from the person to be taxed.

Section 8. 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* ~~2013~~, and continuing through June 30, 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* ~~2.75~~ 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 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 subparagraph been in effect.

Section 9. Effective July 1, 2014, paragraphs (i) through (k) of subsection (2) of section 212.08, Florida Statutes, are redesignated as paragraphs (j) through (l), respectively, and a new paragraph (i) is added to that subsection, paragraph (p) of subsection (5) and paragraph (r) of subsection (7) are amended, paragraph (kkk) of subsection (7), as created by chapter 2013-39, Laws of Florida, is amended, and paragraphs (lll) and (mmm) are added to subsection (7) of that section, 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.

(2) EXEMPTIONS; MEDICAL.—

(i) Sales of therapeutic veterinary diets specifically formulated to aid in the management of illness and disease of a diagnosed health disorder in an animal and which are only available from a licensed veterinarian are exempt from the tax imposed under this chapter.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(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 *$12.8* ~~$10.5~~ million annually for projects that provide homeownership opportunities for low-income *households* or very-low-income households as *those terms are* defined in s. 420.9071~~(19) and (28)~~ and $3.5 million annually for all other projects.

f. A person who is eligible to receive the credit provided ~~for~~ in this paragraph, s. 220.183, or s. 624.5105 may receive the credit only under ~~the~~ 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;

(III) Goods or inventory; or

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

b. All community contributions must be reserved exclusively for use in a project. As used in this sub-subparagraph, the term "project" means ~~any~~ 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 as *those terms are* defined in s. 420.9071~~(19) and (28)~~; 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 rural communities with enterprise zones, 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* ~~any~~ project approved between January 1, 1996, and December 31, 1999, and located in an enterprise zone designated pursuant to s. 290.0065. 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. With respect to housing, contributions may be used to pay the following eligible low-income and very-low-income housing-related activities:

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

(II) Down payment and closing costs for *low-income persons and very-low-income* ~~eligible~~ persons, as *those terms are* defined in s. 420.9071~~(19) and (28)~~;

(III) Administrative costs, including housing counseling and marketing fees, not to exceed 10 percent of the community contribution, directly related to 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* ~~when~~ satisfaction of the lien is a necessary precedent to the transfer of the property to *a low-income person or very-low- income* ~~an eligible~~ person, as *those terms are* 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.

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 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 regional workforce 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.

~~In no event may~~ A contributing person *may not* have a financial interest in the eligible sponsor.

d. The project must be located in an area designated an enterprise zone or a Front Porch Florida Community, unless the project increases access to high-speed broadband capability for rural communities *that have* ~~with~~ enterprise zones 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 as *those terms are* defined in s. 420.9071~~(19) and (28)~~ 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 homeownership opportunities for low-income *households* or very-low-income households as *those terms are* defined in s. 420.9071~~(19) and (28)~~ 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 ~~any~~ 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 homeownership opportunities for low-income *households* or very-low-income households as *those terms are* defined in s. 420.9071~~(19) and (28)~~ 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 homeownership opportunities for low-income *households* or very-low-income households as *those terms are* defined in s. 420.9071~~(19) and (28)~~ 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 ~~any~~ 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 homeownership opportunities for low-income *households* or very-low-income households as *those terms are* defined in s. 420.9071~~(19) and (28)~~ 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. Any 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. Any 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* ~~which~~ verification must ~~be in writing and~~ 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. Any 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* ~~any~~ 12-month period.

4. Administration.—

a. The Department of Economic Opportunity may adopt rules ~~pursuant to ss. 120.536(1) and 120.54~~ 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 ~~of Revenue~~.

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, *2016* ~~2015~~; 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.

(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 en-

tity 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.

(r) *School books and school lunches.*—This exemption applies to school books used in regularly prescribed courses of study, and to school lunches served in public, parochial, or nonprofit schools operated for and attended by pupils of grades K through 12. Yearbooks, magazines, newspapers, directories, bulletins, and similar publications distributed by such educational institutions to their students are also exempt. School books and food sold or served at community colleges and other institutions of higher learning are taxable*, except that prepaid meal plans purchased from a college or other institution of higher learning by students currently enrolled at that college or other institution of higher learning are exempt. As used in this subparagraph, "prepaid meal plans" means payment in advance to a college or institution of higher learning for the provision of a defined quantity of units that must expire at the end of an academic term, cannot be refunded to the student upon expiration, and which may only be exchanged for food.*

(kkk) Certain machinery and equipment.—

1. Industrial machinery and equipment purchased by eligible manufacturing businesses which is used at a fixed location within this state*, or a mixer drum affixed to a mixer truck which is used at any location within this state to mix, agitate, and transport freshly mixed concrete in a plastic state,* for the manufacture, processing, compounding, or production of items of tangible personal property for sale shall be exempt from the tax imposed by this chapter. *Parts and labor required to affix a mixer drum exempt under this paragraph to a mixer truck are also exempt.* If at the time of purchase the purchaser furnishes the seller with a signed certificate certifying the purchaser's entitlement to exemption pursuant to this paragraph, the seller is relieved of the responsibility for collecting the tax on the sale of such items, and the department shall look solely to the purchaser for recovery of the tax if it determines that the purchaser was not entitled to the exemption.

2. For purposes of this paragraph, the term:

a. "Eligible manufacturing business" means any business whose primary business activity at the location where the industrial machinery and equipment is located is within the industries classified under NAICS codes 31, 32, and 33. As used in this subparagraph, "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.

b. "Primary business activity" means an activity representing more than fifty percent of the activities conducted at the location where the industrial machinery and equipment is located.

c. "Industrial machinery and equipment" means tangible personal property or other property that has a depreciable life of 3 years or more and that is used as an integral part in the manufacturing, processing, compounding, or production of tangible personal property for sale. A building and its structural components are not industrial machinery and equipment unless the building or structural component is so closely related to the industrial machinery and equipment that it houses or supports that the building or structural component can be expected to be replaced when the machinery and equipment are replaced. Heating and air conditioning systems are not industrial machinery and equipment unless the sole justification for their installation is to meet the requirements of the production process, even though the system may provide incidental comfort to employees or serve, to an insubstantial degree, nonproduction activities. The term includes parts and accessories for industrial machinery and equipment only to the extent that the parts and accessories are purchased prior to the date the machinery and equipment are placed in service.

3. This paragraph is repealed April 30, 2017.

(lll) Motor vehicle child restraint.—The sale of a child restraint system or booster seat for use in a motor vehicle is exempt from the tax imposed by this chapter.

(mmm) Youth bicycle helmets.—The sale of a bicycle helmet marketed for use by youth is exempt from the tax imposed by this chapter.

Section 10. Subsection (11) of section 212.12, Florida Statutes, is amended to read:

212.12 Dealer's credit for collecting tax; penalties for noncompliance; powers of Department of Revenue in dealing with delinquents; brackets applicable to taxable transactions; records required.—

(11) The department shall make available in an electronic format or otherwise the tax amounts and brackets applicable to all taxable transactions that occur in counties that have a surtax at a rate other than 1 percent which ~~transactions~~ would otherwise have been transactions taxable at the rate of 6 percent. Likewise, the department shall make available in an electronic format or otherwise the tax amounts and brackets applicable to transactions taxable at *4.35* ~~7~~ percent pursuant to *s. 212.05(1)(e)1.c.* ~~s. 212.05(1)(e)~~ and on transactions which would otherwise have been so taxable in counties which have adopted a discretionary sales surtax.

Section 11. Effective September 1, 2014, paragraphs (c) and (d) of subsection (6) of section 212.20, Florida Statutes, are amended to read:

212.20 Funds collected, disposition; additional powers of department; operational expense; refund of taxes adjudicated unconstitutionally collected.—

(6) Distribution of all proceeds under this chapter*,* ~~and~~ s. 202.18(1)(b) and (2)(b)*, and s. 203.01(1)(a)3. is* ~~shall be~~ as follows:

(c)*1.* Proceeds from the fees imposed under ss. 212.05(1)(h)3. and 212.18(3) shall remain with the General Revenue Fund.

2. The portion of the proceeds which constitutes gross receipts tax imposed pursuant to s. 203.01(1)(a)3. shall be deposited as provided by law and in accordance with s. 9, Art. XII of the State Constitution.

(d) The proceeds of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be distributed as follows:

1. In any fiscal year, the greater of $500 million, minus an amount equal to 4.6 percent of the proceeds of the taxes collected pursuant to chapter 201, or 5.2 percent of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in monthly installments into the General Revenue Fund.

2. After the distribution under subparagraph 1., *8.8854* ~~8.814~~ percent of the amount remitted by a sales tax dealer located within a participating county pursuant to s. 218.61 shall be transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund. Beginning July 1, 2003, the amount to be transferred shall be reduced by 0.1 percent, and the department shall distribute this amount to the Public Employees Relations Commission Trust Fund less $5,000 each month, which shall be added to the amount calculated in subparagraph 3. and distributed accordingly.

3. After the distribution under subparagraphs 1. and 2., *0.0956* ~~0.095~~ percent shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund and distributed pursuant to s. 218.65.

4. After the distributions under subparagraphs 1., 2., and 3., *2.0603* ~~2.0440~~ percent of the available proceeds shall be transferred monthly to the Revenue Sharing Trust Fund for Counties pursuant to s. 218.215.

5. After the distributions under subparagraphs 1., 2., and 3., *1.3517* ~~1.3409~~ percent of the available proceeds shall be transferred monthly to the Revenue Sharing Trust Fund for Municipalities pursuant to s. 218.215. If the total revenue to be distributed pursuant to this subparagraph is at least as great as the amount due from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, no municipality shall receive less than the amount due from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Fi-

nancial Assistance Trust Fund in state fiscal year 1999-2000. If the total proceeds to be distributed are less than the amount received in combination from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, each municipality shall receive an amount proportionate to the amount it was due in state fiscal year 1999-2000.

6. Of the remaining proceeds:

a. In each fiscal year, the sum of $29,915,500 shall be divided into as many equal parts as there are counties in the state, and one part shall be distributed to each county. The distribution among the several counties must begin each fiscal year on or before January 5th and continue monthly for a total of 4 months. If a local or special law required that any moneys accruing to a county in fiscal year 1999-2000 under the then-existing provisions of s. 550.135 be paid directly to the district school board, special district, or a municipal government, such payment must continue until the local or special law is amended or repealed. The state covenants with holders of bonds or other instruments of indebtedness issued by local governments, special districts, or district school boards before July 1, 2000, that it is not the intent of this subparagraph to adversely affect the rights of those holders or relieve local governments, special districts, or district school boards of the duty to meet their obligations as a result of previous pledges or assignments or trusts entered into which obligated funds received from the distribution to county governments under then-existing s. 550.135. This distribution specifically is in lieu of funds distributed under s. 550.135 before July 1, 2000.

b. The department shall distribute $166,667 monthly ~~pursuant to s. 288.1162~~ to each applicant certified as a facility for a new or retained professional sports franchise pursuant to s. 288.1162. Up to $41,667 shall be distributed monthly by the department to each certified applicant as defined in s. 288.11621 for a facility for a spring training franchise. However, not more than $416,670 may be distributed monthly in the aggregate to all certified applicants for facilities for spring training franchises. Distributions begin 60 days after such certification and continue for not more than 30 years, except as otherwise provided in s. 288.11621. A certified applicant identified in this sub-subparagraph may not receive more in distributions than expended by the applicant for the public purposes provided ~~for~~ in s. 288.1162(5) or s. 288.11621(3).

c. Beginning 30 days after notice by the Department of Economic Opportunity to the Department of Revenue that an applicant has been certified as the professional golf hall of fame pursuant to s. 288.1168 and is open to the public, $166,667 shall be distributed monthly, for up to 300 months, to the applicant.

d. Beginning 30 days after notice by the Department of Economic Opportunity to the Department of Revenue that the applicant has been certified as the International Game Fish Association World Center facility pursuant to s. 288.1169, and the facility is open to the public, $83,333 shall be distributed monthly, for up to 168 months, to the applicant. This distribution is subject to reduction pursuant to s. 288.1169. A lump sum payment of $999,996 shall be made~~,~~ after certification and before July 1, 2000.

e. The department shall distribute up to $55,555 monthly to each certified applicant as defined in s. 288.11631 for a facility used by a single spring training franchise, or up to $111,110 monthly to each certified applicant as defined in s. 288.11631 for a facility used by more than one spring training franchise. Monthly distributions begin 60 days after such certification or July 1, 2016, whichever is later, and continue for not more than 30 years, except as otherwise provided in s. 288.11631. A certified applicant identified in this sub-subparagraph may not receive more in distributions than expended by the applicant for the public purposes provided in s. 288.11631(3).

7. All other proceeds must remain in the General Revenue Fund.

Section 12. 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, for the purpose of implementing the amendments to ss. 203.01, 212.05, 212.12, and 212.20, Florida Statutes, relating to changes to the taxation of electrical power or energy, made by this act. This section expires July 1, 2017.

Section 13. Effective July 1, 2014, section 212.17, Florida Statutes, is reordered and amended to read:

212.17 *Tax* credits *or refunds* ~~for returned goods, rentals, or admissions; goods acquired for dealer's own use and subsequently resold; additional powers of department.—~~

(1)(a) *If* ~~In the event~~ purchases are returned to a dealer by the purchaser or consumer after the tax imposed by this chapter has been collected from or charged to the account of the consumer or user, the dealer *is* ~~shall be~~ entitled to reimbursement of the amount of tax collected or charged by the dealer, in the manner prescribed by the department.

(b) A registered dealer that purchases property for the dealer's own use, pays tax on acquisition, and sells the property subsequent to acquisition without ~~ever~~ having used the property is entitled to reimbursement, in the manner prescribed by the department, of the amount of tax paid on the property's acquisition.

(c) If the tax has not been remitted by a dealer to the department, the dealer may deduct the same in submitting his or her return upon receipt of a signed statement *by* ~~of~~ the dealer as to the gross amount of such refunds during the period covered by *the* ~~said~~ signed statement, which *may* ~~period shall~~ not be longer than 90 days. The department shall issue to the dealer an official credit memorandum equal to the net amount remitted by the dealer for such tax collected or paid. Such memorandum shall be accepted by the department at full face value from the dealer to whom it is issued *upon*~~, in~~ the remittance *of* ~~for~~ subsequent taxes accrued under ~~the provisions of~~ this chapter. If a dealer has retired from business and ~~has~~ filed a final return, a refund of tax may be made if it can be established to the satisfaction of the department that the tax was not due.

(2) A dealer who has paid the tax imposed by this chapter on tangible personal property sold under a retained title, conditional sale, or similar contract, or under a contract *in which* ~~wherein~~ the dealer retains a security interest in the property pursuant to chapter 679, may take credit or obtain a refund for the tax paid by the dealer on the unpaid balance due him or her when he or she repossesses *the property,* ~~(~~with or without judicial process,~~) the property~~ within 12 months *after* ~~following~~ the month in which the property was repossessed. *If* ~~When~~ such repossessed property is resold, the sale is subject in all respects to the tax imposed by this chapter.

(3) *Except as provided in subsection (4),* a dealer who has paid the tax imposed by this chapter on tangible personal property or services may take a credit or obtain a refund for any tax paid by the dealer on the unpaid balance due on worthless accounts within 12 months *after* ~~following~~ the month in which the bad debt has been charged off for federal income tax purposes. If any accounts so charged off for which a credit or refund has been obtained are *subsequently,* ~~thereafter~~ in whole or in part, paid to the dealer, the amount so paid shall be included in the first return filed after such collection and the tax paid accordingly.

(4) With respect to the payment of taxes on purchases made through a private-label credit card program:

(a) If consumer accounts or receivables are found to be worthless or uncollectible, the dealer may claim a credit for, or obtain a refund of, the tax remitted by the dealer on the unpaid balance due if:

1. The accounts or receivables have been charged off as bad debt on the lender's books and records on or after January 1, 2014;

2. A credit was not previously claimed and a refund was not previously allowed on any portion of the accounts or receivables; and

3. The credit or refund is claimed within 12 months after the month in which the bad debt has been charged off by the lender for federal income tax purposes.

(b) If the dealer or the lender subsequently collects, in whole or in part, the accounts or receivables for which a credit or refund has been granted under paragraph (a), the dealer shall include the taxable percentage of the amount collected in the first return filed after the collection and pay the tax on the portion of that amount for which a credit or refund was granted.

(c) The credit or refund allowed includes all credit sale transaction amounts that are outstanding in the specific private-label credit card account or receivable at the time the account or receivable is charged off,

regardless of the date on which the credit sale transaction actually occurred.

(d) A dealer must use one of the following methods to determine the amount of the credit or refund:

1. An apportionment method to substantiate the amount of tax imposed under this chapter which is included in the bad debt to which the credit or refund applies. The method must use the dealer's Florida and non-Florida sales, the dealer's taxable and nontaxable sales, and the amount of tax the dealer remitted to this state; or

2. A specified percentage of the accounts or receivables giving rise to the credit or refund, which is derived from a sampling of the dealer's or lender's records in accordance with a methodology agreed upon by the department and the dealer.

(e) For purposes of computing the credit or refund, payments on the accounts or receivables shall be allocated based on the terms and conditions of the contract between the dealer or lender and the consumer.

(f) The credit or refund for tax on bad debt may be claimed on any return filed by an entity related by a direct or indirect common ownership of 50 percent or more.

(g) The amount of the credit or refund that a dealer is eligible to recover under this subsection is limited to 64.4 percent of the tax paid to the department which is attributable to bad debt.

(h) As used in this subsection, the term:

1. "Dealer's affiliates" means an entity affiliated with the dealer under 26 U.S.C. s. 1504 or an entity that would be an affiliate under that section if the entity were a corporation.

2. "Lender" means a person who owns or has owned a private-label credit card account or an interest in a private-label credit card receivable that:

a. The person purchased directly from a dealer who remitted the tax imposed under this chapter or from the dealer's affiliates, or that was transferred from a third party;

b. The person originated pursuant to that person's contract with a dealer who remitted the tax imposed under this chapter or with the dealer's affiliates; or

c. Is affiliated in the manner described under 26 U.S.C. s. 1504, regardless of whether the different entities are corporations, with a person described in sub-subparagraph a. or sub-subparagraph b. or with an assignee or other transferee of such person.

3. "Private-label credit card" means a charge card or credit card that carries, refers to, or is branded with the name or logo of a dealer and can be used for purchases from the dealer whose name or logo appears on the card or for purchases from the dealer's affiliates or franchises.

(6)~~(4)(a)~~ The department shall*:*

(a) Design, prepare, print and furnish to all dealers, except dealers filing through electronic data interchange, or make available or prescribe to the dealers, all necessary forms for filing returns and instructions to ensure a full collection from dealers and an accounting for the taxes due. *The*~~, but~~ failure of *a* ~~any~~ dealer to secure such forms does not relieve the dealer from the payment of the tax at the time and in the manner provided.

(b) ~~The department shall~~ Prescribe the format and instructions necessary for filing returns in a manner that is initiated through an electronic data interchange to ensure a full collection from dealers and an accounting for the taxes due. The failure of *a* ~~any~~ dealer to use such format does not relieve the dealer from the payment of the tax at the time and in the manner provided.

(7)~~(5)~~ The department and its assistants are ~~hereby~~ authorized and empowered to administer the oath for the purpose of enforcing and administering ~~the provisions of~~ this chapter.

(8)~~(6)~~ The department *may* ~~has authority to~~ adopt rules ~~pursuant to ss. 120.536(1) and 120.54~~ to *administer and* enforce ~~the provisions of~~ this *section* ~~chapter~~.

(5)~~(7)~~ *If* ~~The department, where~~ admissions, license fees, ~~or~~ rental payments, or payments for services are made and ~~thereafter~~ returned to ~~the~~ payors after the taxes ~~thereon~~ have been paid, *the department* shall return or credit the taxpayer for taxes ~~so~~ paid on the moneys returned in the same manner as ~~is~~ provided for returns or credits of taxes *if* ~~where~~ purchases or tangible personal property are returnable to a dealer.

Section 14. Subsection (5) of section 213.0535, Florida Statutes, is amended to read:

213.0535 Registration Information Sharing and Exchange Program.—

(5) *A* ~~Any~~ provision of law imposing confidentiality upon data shared under this section, including, but not limited to, *a* ~~any~~ provision imposing penalties for disclosure, applies to recipients of this data and their employees. Data exchanged under this section may not be provided to *a* ~~any~~ person or entity other than a person or entity administering the tax or licensing provisions of those provisions ~~of law~~ enumerated in paragraph (4)(a), and such data may not be used for any purpose other than for enforcing those tax or licensing provisions. *This subsection does not prevent a level-two participant from publishing statistics classified so as to prevent the identification of particular accounts, reports, declarations, or returns. However, statistics may not be published if they contain data pertaining to fewer than three taxpayers or if the statistics are prepared for geographic areas below the county level and contain data pertaining to fewer than 10 taxpayers. This subsection does not authorize the publishing of statistics that could be used to calculate the gross receipts or income of any individual taxpayer. Statistics may not be published under this section if a single taxpayer has remitted more than 33 percent of the tax that is the subject of the statistics. Statistics published under this subsection must relate only to tourist development taxes imposed under s. 125.0104, the tourist impact tax imposed under s. 125.0108, convention development taxes imposed under s. 212.0305, or the municipal resort tax authorized under chapter 67-930, Laws of Florida. This subsection does not prevent the Department of Revenue from meeting the requirements of s. 125.0104(3)(h).*

Section 15. Effective July 1, 2014, 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 *$12.8* ~~$10.5~~ million annually for projects that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071~~(19) and (28)~~ and $3.5 million annually for all other projects.

(5) EXPIRATION.—The provisions of this section, except paragraph (1)(e), ~~shall~~ expire and *are* ~~be~~ void on June 30, *2016* ~~2015~~.

Section 16. Effective July 1, 2014, paragraph (c) of subsection (3) of section 288.9914, Florida Statutes, is amended to read:

288.9914 Certification of qualified investments; investment issuance reporting.—

(3) REVIEW.—

(c) The department may not approve a cumulative amount of qualified investments that may result in the claim of more than *$216.34* ~~$178.8~~ million in tax credits during the existence of the program or more than $36.6 million in tax credits in a single state fiscal year. However, the potential for a taxpayer to carry forward an unused tax credit may not be considered in calculating the annual limit.

Section 17. Effective January 1, 2015, subsection (5) of section 624.4094, Florida Statutes, is amended to read:

624.4094 Bail bond premiums.—

~~(5) This section does not affect the reporting or payment of insurance premium taxes under ss. 624.509, 624.5091, and 624.5092, and the insurance premium tax and related excise taxes shall continue to be calculated using gross bail bond premiums.~~

Section 18. Effective January 1, 2015, subsections (1) and (8) of section 624.509, Florida Statutes, are amended to read:

624.509 Premium tax; rate and computation.—

(1) In addition to the license taxes provided for in this chapter, each insurer shall also annually, and on or before March 1 in each year, except as to wet marine and transportation insurance taxed under s. 624.510, pay to the Department of Revenue a tax on insurance premiums, premiums for title insurance, or assessments, including membership fees and policy fees and gross deposits received from subscribers to reciprocal or interinsurance agreements, and on annuity premiums or considerations, received during the preceding calendar year, the amounts thereof to be determined as set forth in this section, to wit:

(a) An amount equal to 1.75 percent of the gross amount of such receipts on account of life and health insurance policies covering persons resident in this state and on account of all other types of policies and contracts*,* ~~(~~except annuity policies or contracts taxable under paragraph (b) *and bail bond policies or contracts taxable under paragraph (c),*~~)~~ covering property, subjects, or risks located, resident, or to be performed in this state, omitting premiums on reinsurance accepted, and less return premiums or assessments, but without deductions:

1. For reinsurance ceded to other insurers;

2. For moneys paid upon surrender of policies or certificates for cash surrender value;

3. For discounts or refunds for direct or prompt payment of premiums or assessments; and

4. On account of dividends of any nature or amount paid and credited or allowed to holders of insurance policies; certificates; or surety, indemnity, reciprocal, or interinsurance contracts or agreements; ~~and~~

(b) An amount equal to 1 percent of the gross receipts on annuity policies or contracts paid by holders thereof in this state*; and*~~.~~

(c) An amount equal to 1.75 percent of the direct written premiums for bail bonds, excluding any amounts retained by licensed bail bond agents or licensed managing general agents.

(8) ~~From and after July 1, 1980,~~ The premium tax authorized by this section *may* ~~shall~~ not be imposed *on:* ~~upon~~

(a) Any portion of the title insurance premium retained by a title insurance agent or agency; or

(b) Receipts of annuity premiums or considerations paid by holders in this state if the tax savings derived are credited to the annuity holders. Upon request by the Department of Revenue, *an* ~~any~~ insurer availing itself of this provision shall submit to the department evidence *that* ~~which~~ establishes that the tax savings derived have been credited to annuity holders. As used in this *paragraph* ~~subsection~~, the term "holders" *includes* ~~shall be deemed to include~~ employers contributing to an employee's pension, annuity, or profit-sharing plan.

Section 19. Effective July 1, 2014, 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 *$12.8* ~~$10.5~~ million annually for projects that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071~~(19) and (28)~~ and $3.5 million annually for all other projects.

(6) EXPIRATION.—The provisions of this section, except paragraph (1)(e), ~~shall~~ expire and *are* ~~be~~ void on June 30, *2016* ~~2015~~.

Section 20. Effective January 1, 2015, subsection (2) of section 627.7711, Florida Statutes, is amended to read

627.7711 Definitions.—As used in this part, the term:

(2) "Premium" means the charge, as specified by rule of the commission, *which* ~~that~~ is made by a title insurer for a title insurance policy, including the charge for performance of primary title services by a title insurer or title insurance agent or agency, and incurring the risks incident to such policy, under the several classifications of title insurance contracts and forms~~, and upon which charge a premium tax is paid under s. 624.509~~. As used in this part or in any other law, with respect to title insurance, the word "premium" does not include a commission.

Section 21. *Sales tax holiday for Energy Star and WaterSense products.—*

(1) The tax levied under chapter 212, Florida Statutes, may not be collected during the period from 12:01 a.m. on September 19, 2014, through 11:59 p.m. on September 21, 2014, on the first $1,500 of the sales price of a new Energy Star product or WaterSense product. However, a person is limited to one purchase of each specific type of Energy Star or WaterSense product listed in paragraph (2)(a) or paragraph (2)(b) with a sales price of $500 or more. A second or subsequent purchase of a specific type of Energy Star product or WaterSense product with a sales price of $500 or more is subject to tax.

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

(a) "Energy Star product" means a room air conditioner, air purifier, ceiling fan, clothes washer, clothes dryer, dehumidifier, dishwasher, freezer, refrigerator, water heater, swimming pool pump, or package of light bulbs that is designated by the United States Environmental Protection Agency and the United States Department of Energy as meeting or exceeding each agency's requirements under the Energy Star program and that is affixed with an Energy Star label.

(b) "WaterSense product" means a bathroom sink faucet, faucet accessory, high-efficiency toilet or urinal, showerhead, or weather or sensor-based irrigation controller that is recognized as water efficient by the WaterSense program sponsored by the United States Environmental Protection Agency and that is affixed with a WaterSense label.

(3) 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.

Section 22. *(1) The tax levied under chapter 212, Florida Statutes, may not be collected during the period from 12:01 a.m. on August 1, 2014, through 11:59 p.m. on August 3, 2014, on the 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 $100 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 1, 2014, through 11:59 p.m. on August 3, 2014, on the first $750 of the sales price of per-

sonal computers or personal computer-related accessories purchased for noncommercial home or personal use. As used in 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 designed or intended primarily for recreational use.

(c) "Monitors" does not include devices that have 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 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.

Section 23. *(1) The tax levied under chapter 212, Florida Statutes, may not be collected during the period from 12:01 a.m. on May 31, 2014, through 11:59 p.m. on June 8, 2014, on the 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.

Section 24. *For fiscal year 2014-2015, the sum of $43,941 of nonrecurring funds is appropriated from the General Revenue Fund to the Department of Revenue for the purpose of administering the sales tax holiday for Energy Star and WaterSense products.*

Section 25. *For the 2013-2014 fiscal year, the sum of $223,048 in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Revenue for the purpose of administering the provisions of this act relating to the tax exemption for specified school supplies. Funds from the appropriation that remain unexpended or unencumbered as of June 30, 2014, shall revert and be reappropriated for the same purpose in the 2014-2015 fiscal year.*

Section 26. *For the 2013-2014 fiscal year, the sum of $280,912 in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Revenue for purposes of administering the tax exemptions for the purchase of tangible personal property relating to hurricane preparedness specified under this act.*

Section 27. 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 taxation; amending s. 202.11, F.S.; revising the term "prepaid calling arrangement"; amending s. 212.05, F.S.; clarifying and updating which services are included under the definition "prepaid calling arrangement" and subject to a sales tax; conforming provisions to changes made by the act to taxes on electrical power and energy made; providing retroactive application; amending s. 203.01, F.S.; providing for an additional tax on charges for, or the use of, certain electrical power or energy and the rate for such tax; providing an exemption; providing for the redistribution of certain taxes on electrical power and energy; providing applicability; providing that a seller of electrical power or energy may combine the collection of certain taxes if properly reflected in its return to the Department of Revenue; amending s. 205.0535, F.S.; providing that a county or municipality may repeal or reduce a local business tax by majority vote; amending s. 210.20, F.S.; revising the payment and distribution of the Cigarette Tax Collection Trust Fund; amending s. 212.08, F.S.; exempting therapeutic veterinary diets obtainable only from a licensed veterinarian from the state tax on sales, use, and other transactions; increasing the amount of tax credits that may be granted for certain approved projects that provide homeownership opportunities; extending the expiration date applicable to the granting of community contribution tax credits against the sales and use tax for contributions to eligible sponsors of community projects approved by the Department of Economic Opportunity; revising provisions exempting certain prepaid meal plans and certain machinery and equipment from the sales and use tax exempting sales of child restraint systems and booster seats for use in motor vehicles and youth bicycle helmets from the sales and use tax; amending s. 212.12, F.S.; conforming provisions to changes made by the act; amending s. 212.20, F.S.; revising the distribution of taxes, including the taxes collected on charges for electrical power and energy; authorizing the Department of Revenue to adopt emergency rules; amending s. 212.17, F.S.; providing procedures, requirements, and calculation methodologies that allow dealers to obtain tax credits or refunds for taxes paid on worthless or uncollectible private-label credit card accounts or receivables; providing a cap on the amount that may be recovered; providing definitions; amending s. 213.0535, F.S.; providing provisions related to the publication of statistics regarding the Registration Information Sharing and Exchange Program; amending s. 220.183, F.S.; increasing the amount of tax credits that may be granted for certain approved programs; extending the expiration date applicable to the granting of community contribution tax credits against the corporate income tax for contributions to eligible sponsors of community projects approved by the Department of Economic Opportunity; amending s. 288.9914, F.S.; revising limits on tax credits that may be approved by the Department of Economic Opportunity under the New Markets Development Program; amending s. 624.4094, F.S.; deleting a provision relating to the reporting or payment of specified insurance premium taxes; amending s. 624.509, F.S.; requiring an insurer to pay to the Department of Revenue a specified amount of the direct written premiums for bail bonds; amending s. 624.5105, F.S.; increasing the amount of tax credits that may be granted for certain approved programs; extending the expiration date applicable to the granting of community contribution tax credits against the insurance premium tax for contributions to eligible sponsors of community projects approved by the Department of Economic Opportunity; amending s. 627.7711, F.S.; conforming provisions to changes made by the act; providing for a sales tax holiday for certain Energy Star and WaterSense products; providing restrictions; specifying a period during which the sale of clothing, wallets, bags, school supplies, personal computers, and personal computer-related accessories are exempt from the sales tax; providing definitions; providing exceptions; authorizing the Department of Revenue to adopt emergency rules; providing an exemption from the sales and use tax for sales during a specified period of certain tangible personal property related to hurricane preparedness; authorizing the Department of Revenue to adopt emergency rules; providing an exemption from the sales and use tax for sales during a specified period of certain tangible personal property related to hurricane preparedness; authorizing the Department of Revenue to adopt emergency rules; providing appropriations; providing effective dates.

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

Senator Diaz de la Portilla moved the following amendment to substitute **Amendment 2 (526842)** which failed:

Amendment 2A (646042) (with title amendment)—Between lines 1385 and 1386 insert:

Section 26. *The governing body of a municipality that created a downtown development authority and was authorized to levy an additional ad valorem tax under chapter 65-1090, Laws of Florida, for which ad valorem taxing authority was continued by the emplacement of such authority in the local ordinances of all affected municipalities by chapter 71-29, Laws of Florida, and that was not repealed by the Legislature, so that all ordinances enacted and operating under chapters 65-1090 and 71-29, Laws of Florida, were, are, and continue exercising such valid ad valorem taxing authority, may continue to levy such additional ad valorem tax on all real and personal property in the downtown district of up to 0.5 mills for the purpose of financing the operation of the authority. The levy of the ad valorem tax is in addition to regular ad valorem taxes and special assessments for improvements imposed by the governing body of the municipality; however, the combined levy may not exceed the maximum millage authorized for municipal purposes under s. 9(b), Article VII of the State Constitution.*

And the title is amended as follows:

Delete line 1487 and insert: appropriations; authorizing certain municipalities to continue levying an additional ad valorem tax to finance the operation of a downtown development authority; providing that the tax is in addition to regular ad valorem taxes and assessments imposed by the municipality; prohibiting the combined taxes and assessments of the municipality from exceeding a specified millage; providing effective dates.

The question recurred on **Amendment 2 (526842)** which was adopted.

Pursuant to Rule 4.19, **HB 5601** as amended was placed on the calendar of Bills on Third Reading.

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

CS for HB 7093—A bill to be entitled An act relating to rehabilitation of petroleum contamination sites; amending s. 287.0595, F.S.; deleting a provision exempting certain professional service contracts from pollution response action contract requirements; amending s. 376.3071, F.S.; providing legislative findings and intent regarding the Petroleum Restoration Program and the rehabilitation of contamination sites; providing requirements for site rehabilitation contracts and procedures for payment of rehabilitation work under the Petroleum Restoration Program; revising provisions relating to the duty of the Department of Environmental Protection to seek recovery and reimbursement of certain costs; providing applicability of funding under the Early Detection Incentive Program; deleting obsolete provisions relating to reimbursement for certain cleanup expenses; repealing s. 376.30711, F.S., relating to preapproved site rehabilitation; amending 376.30713, F.S.; providing for certain applicants to use a commitment to pay, a demonstrated cost savings, or both to meet advanced cleanup cost-share requirements; amending ss. 376.301, 376.302, 376.305, 376.30714, 376.3072, 376.3073, and 376.3075, F.S.; conforming provisions to changes made by the act; providing an effective date.

—which was previously considered April 30.

Senator Dean offered the following amendment, which was moved by Senator Bean and adopted:

Amendment 1 (876590) (with title amendment)—Between lines 1882 and 1883 insert:

Section 12. Subsections (17) and (18) of section 161.053, Florida Statutes, are amended to read:

161.053 Coastal construction and excavation; regulation on county basis.—

(17) The department may grant areawide permits to local governments, other governmental agencies, and utility companies for special classes of activities in areas under their general jurisdiction or responsibility *or for the construction of minor structures,* if these activities *or structures*, due to the type, size, or temporary nature of the activity *or structure*, will not cause measurable interference with the natural functioning of the beach-dune system or with marine turtles or their nesting sites. Such activities *or structures must comply with this section and may* include, but are not limited to: road repairs, not including new construction; utility repairs and replacements, or other minor activities necessary to provide utility services; beach cleaning; *dune restoration; on-grade walkovers for enhancing accessibility or use in compliance with the Americans with Disabilities Act;* and emergency response. The department *shall* ~~may~~ adopt rules to establish criteria and guidelines for permit applicants. The department *shall consult with the Fish and Wildlife Conservation Commission on each proposed areawide permit and* must require notice provisions appropriate to the type and nature of the activities for which the areawide permits are sought.

(18)*(a)* The department may grant general permits for projects, including *dune restoration,* dune walkovers, decks, fences, landscaping, sidewalks, driveways, pool resurfacing, minor pool repairs, and other nonhabitable structures, if the projects, due to type, size, or temporary nature, will not cause a measurable interference with the natural functioning of the beach-dune system or with marine turtles or their nesting sites. Multifamily habitable structures do not qualify for general permits. However, single-family habitable structures *and swimming pools associated with such single-family habitable structures* that do not advance the line of existing construction and satisfy all siting and design requirements of this section*, and minor reconstruction for existing coastal armoring structures,* may be eligible for a general permit.

(b) The department *shall* ~~may~~ adopt rules to establish criteria and guidelines for permit applicants.

(c)~~(a)~~ Persons wishing to use the general permits must, at least 30 days before beginning any work, notify the department in writing on forms adopted by the department. The notice must include a description of the proposed project and supporting documents depicting the proposed project, its location, and other pertinent information as required by rule, to demonstrate that the proposed project qualifies for the requested general permit. Persons who undertake projects without proof of notice to the department, but whose projects would otherwise qualify for general permits, shall be considered to have undertaken a project without a permit and are subject to enforcement pursuant to s. 161.121.

(d)~~(b)~~ Persons wishing to use a general permit must provide notice as required by the applicable local building code where the project will be located. If a building code *does not require* ~~requires no~~ notice, *a* ~~any~~ person wishing to use a general permit must, at a minimum, post a sign describing the project on the property at least 5 days before commencing construction. The sign must be at least 88 square inches, with letters no smaller than one-quarter inch.

Section 13. Section 258.435, Florida Statutes, is created to read:

258.435 Use of aquatic preserves for the accommodation of visitors.—

(1) The Department of Environmental Protection shall promote the public use of aquatic preserves and their associated uplands. The department may receive gifts and donations to carry out the purpose of part II of this chapter. Moneys received in trust by the department by gift, devise, appropriation, or otherwise, subject to the terms of such trust, shall be deposited into the Land Acquisition Trust Fund and appropriated to the department for the administration, development, improvement, promotion, and maintenance of aquatic preserves and their associated uplands and for any future acquisition or development of aquatic preserves and their associated uplands.

(2) The department may grant a privilege or concession for the accommodation of visitors in and use of aquatic preserves and their associated state-owned uplands if the privilege or concession does not deny or interfere with the public's access to such lands and is compatible with the aquatic preserve's management plan as approved by the Acquisition and Restoration Council. A concession must be granted based on business plans, qualifications, approach, and specified expectations or criteria. A privilege or concession may not be assigned or transferred by the grantee without the consent of the department.

(3) Upon submittal to the department of a proposed concession or privilege, the department shall post a description of the proposed concession or privilege on the department's website, including a description of the activity to occur under the proposed concession or privilege, the time of year that the activity would take place, and the location of the activity. Once the description of the proposed privilege or concession is posted on the department's website and at least 60 days before execution of a privilege or concession agreement, the department shall provide an opportunity for public comment on the proposed privilege or concession agreement.

Section 14. Subsections (2) and (7) of section 380.276, Florida Statutes, are amended to read:

380.276 Beaches and coastal areas; display of uniform warning and safety flags at public beaches; placement of uniform notification signs; beach safety education.—

(2) The Department of Environmental Protection, through the Florida Coastal Management Program, shall direct and coordinate the uniform warning and safety flag program. The purpose of the program shall be to encourage the display of uniform warning and safety flags at public beaches along the coast of the state and to encourage the placement of uniform notification signs that provide the meaning of such flags. *Unless additional safety and warning devices are authorized pursuant to subsection (7),* only warning and safety flags developed by the department shall be displayed. Participation in the program shall be open to any government having jurisdiction over a public beach along the coast, whether or not the beach has lifeguards.

(7) The Department of Environmental Protection, through the Florida Coastal Management Program, may ~~also~~ develop and make available to the public other educational information and materials related to beach safety *and may also authorize state agencies and local governments to use additional safety and warning devices in conjunction with the display of uniform warning and safety flags at public beaches*.

And the title is amended as follows:

Delete lines 2-27 and insert: An act relating to the Department of Environmental Protection; amending s. 287.0595, F.S.; deleting a provision exempting certain professional service contracts from pollution response action contract requirements; amending s. 376.3071, F.S.; providing legislative findings and intent regarding the Petroleum Restoration Program and the rehabilitation of contamination sites; providing requirements for site rehabilitation contracts and procedures for payment of rehabilitation work under the Petroleum Restoration Program; revising provisions relating to the duty of the Department of Environmental Protection to seek recovery and reimbursement of certain costs; providing applicability of funding under the Early Detection Incentive Program; deleting obsolete provisions relating to reimbursement for certain cleanup expenses; repealing s. 376.30711, F.S., relating to preapproved site rehabilitation; amending 376.30713, F.S.; providing for certain applicants to use a commitment to pay, a demonstrated cost savings, or both to meet advanced cleanup cost-share requirements; amending ss. 376.301, 376.302, 376.305, 376.30714, 376.3072, 376.3073, and 376.3075, F.S.; conforming provisions to changes made by the act; amending s. 161.053, F.S.; revising permit requirements for coastal construction and excavation; authorizing the Department of Environmental Protection, in consultation with the Fish and Wildlife Conservation Commission, to grant areawide permits for certain structures; requiring the department to adopt rules; creating s. 258.435, F.S.; requiring the Department of Environmental Protection to promote the public use of aquatic preserves and their associated uplands; authorizing the department to receive gifts and donations for specified purposes; providing restrictions for moneys received; authorizing the department to grant privileges and concessions for accommodation of visitors in and use of aquatic preserves and their associated uplands; providing criteria for granting such concessions; providing restrictions on such privileges and concessions and prohibiting them from being assigned or transferred without the department's consent; requiring the department to post descriptions of proposed privileges and concessions on the department's website; requiring the department to provide an opportunity for public comment on agreements for such privileges and concessions; amending s. 380.276, F.S.; authorizing the department to allow state agencies and local governments to use additional safety and warning devices at public beaches under certain conditions; providing an effective date.

Pursuant to Rule 4.19, **CS for HB 7093** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Stargel—

CS for CS for SB 1512—A bill to be entitled An act relating to education; amending s. 11.45, F.S.; authorizing the Auditor General to conduct audits of the accounts and records of nonprofit scholarship-funding organizations; creating s. 1002.385, F.S.; establishing the Florida Personal Learning Scholarship Accounts; defining terms; specifying criteria for students who are eligible to participate in the program; identifying certain students who are not eligible to participate in the program; authorizing the use of awarded funds for specific purposes; prohibiting specific providers, schools, institutions, school districts, and other entities from sharing, refunding, or rebating program funds; specifying the terms of the program; providing that the school district retains all duties, authority, and responsibilities specified in the Florida K-20 Education Code; specifying the duties of the Department of Education relating to the program; providing that the Commissioner of Education retains all current duties, authority, and responsibilities as specified in the Florida K-20 Education Code; requiring the Agency for Persons with Disabilities to deny, suspend, or revoke participation in the program or use of program funds under certain circumstances; providing additional factors under which the agency may deny, suspend, or revoke a participation in the program or program funds; requiring a parent to sign an agreement with the Agency for Persons with Disabilities to enroll his or her child in the program which specifies the responsibilities of a parent or student for using funds in a personal learning scholarship account and for submitting a compliance statement to the agency; providing that a parent who fails to comply with the responsibilities of the agreement forfeits the personal learning scholarship account; providing eligibility requirements and obligations for private schools under the program; specifying agency obligations under the program; authorizing the agency to contract for services; providing for funding and payment; providing the Auditor General's obligations under the program; providing that the state is not liable for the use of awarded funds; providing for the scope of authority; requiring the agency to adopt rules; providing for implementation of the program in a specified school year; providing an appropriation; amending s. 1002.395, F.S.; revising purpose; revising definitions; revising eligibility requirements for the Florida Tax Credit Scholarship Program; requiring the Department of Education and Department of Revenue to publish the tax credit cap on their websites when it is increased; requiring the Department of Revenue to provide a copy of a letter approving a taxpayer for a specified tax credit to the eligible nonprofit scholarship-funding organization; authorizing certain entities to convey, transfer, or assign certain tax credits; providing for the calculation of underpayment of estimated corporate income taxes and tax installation payments for taxes on insurance premiums and assessments and the determination of whether penalties or interest shall be imposed on the underpayment; revising the disqualifying offenses for nonprofit scholarship-funding organization owners and operators; revising priority for new applicants; allowing a student in foster care or out-of-home care to apply for a scholarship at any time; prohibiting use of eligible contributions from being used for lobbying or political activity or related expenses; requiring application fees to be expended for student scholarships in any year a nonprofit scholarship-funding organization uses eligible contributions for administrative expenses; requiring amounts carried forward to be specifically reserved for particular students and schools for audit purposes; revising audit and report requirements for nonprofit scholarship-funding organizations and Auditor General review of all reports; requiring nonprofit scholarship-funding organizations to maintain a surety bond or letter of credit and to adjust the bond or letter of credit quarterly based upon a statement from a certified public accountant; providing exceptions; requiring the nonprofit scholarship-funding organization to provide the Auditor General any information or documentation requested in connection with an operational audit; requiring a private school to provide agreed upon transportation and make arrangements for taking statewide assessments at the school district testing site and in accordance with the district's testing schedule if the student chooses to take the statewide assessment; requiring parental authorization for access to income eligibility information; specifying that the independent research organization is the Learning System Institute at the Florida State University; identifying grant terms and payments; revising statewide and individual school report requirements; revising limitations on annual scholarship amounts; providing initial and renewal application requirements and an approval process for a charitable

organization that seeks to be a nonprofit scholarship-funding organization; requiring the State Board of Education to adopt rules; providing a registration notice requirement for public and private universities to be nonprofit scholarship-funding organizations; requiring the State Board of Education to adopt rules; allowing existing nonprofit scholarship-funding organizations to provide the required bond at a specified date; amending s. 1003.4282, F.S.; providing standard high school diploma requirements for certain students with disabilities; requiring the State Board of Education to adopt rules; authorizing a student with a disability to defer the receipt of a standard high school diploma if certain conditions are met; authorizing certain students with disabilities to continue to receive certain instructions and services; requiring an independent review and a parent's approval to waive statewide, standardized assessment requirements by the individual education plan (IEP) team; repealing s. 1003.438, F.S., relating to special high school graduation requirements for certain exceptional students; creating s. 1003.5716, F.S.; providing that certain students with disabilities have a right to free, appropriate public education; requiring an IEP team to begin the process of, and to develop an IEP for, identifying transition services needs for a student with a disability before the student attains a specified age; providing requirements for the process; requiring certain statements to be included and annually updated in the IEP; providing that changes in the goals specified in an IEP are subject to independent review and parental approval; requiring the school district to reconvene the IEP team to identify alternative strategies to meet transition objectives if a participating agency fails to provide transition services specified in the IEP; providing that the agency's failure does not relieve the agency of the responsibility to provide or pay for the transition services that the agency otherwise would have provided; amending s. 1003.572, F.S.; prohibiting a school district from imposing additional requirements on private instructional personnel or charging fees; creating s. 1008.2121, F.S.; requiring the Commissioner of Education to permanently exempt certain students with disabilities from taking statewide, standardized assessments; requiring the State Board of Education to adopt rules; amending s. 1008.25, F.S.; requiring written notification relating to portfolios to a parent of a student with a substantial reading deficiency; requiring a student promoted to a certain grade with a good cause exemption to receive intensive reading instruction and intervention; requiring a school district to assist schools and teachers with the implementation of reading strategies; revising good cause exemptions; amending ss. 120.81, 409.1451, and 1007.263, F.S.; conforming cross-references; providing effective dates.

—was read the second time by title.

Senator Bullard moved the following amendment which failed:

Amendment 1 (849264)—Between lines 292 and 293 insert: *Notwithstanding any other provision of law, beginning with the 2014-2015 school year and thereafter, a student whose household income is $100,000 or less is eligible for full funding under the program. A student whose household income is more than $100,000 but less than $200,000 is eligible for half of the funding under the program. A student whose household income is $200,000 or more is not eligible for funding under the program. A portion of the administrative funding for the program must be used to staff people at schools who must educate parents on the availability of the program.*

Senator Sachs moved the following amendment:

Amendment 2 (540868)—Delete lines 337-339.

POINT OF ORDER

Senator Galvano raised a point of order that pursuant to Rule 7.1 **Amendment 1 (849264)** and **Amendment 2 (540868)** were out of order.

RULING ON POINT OF ORDER

The President ruled the point well taken and the amendments out of order.

On motion by Senator Stargel, further consideration of **CS for CS for SB 1512** was deferred.

CS for SB 1126—A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; amending s. 327.355, F.S.; providing that a boating safety course may be offered in a classroom or online; conforming provisions relating to the reassignment of the boating safety program from the Department of Environmental Protection to the commission; amending s. 327.4105, F.S.; requiring the commission to submit an updated report relating to the regulation of mooring vessels; extending the expiration date of the pilot program for the regulation of mooring vessels; amending s. 327.731, F.S.; providing that a boating safety course may be offered in a classroom or online; eliminating an exemption from boating safety education requirements for boating law violators; amending s. 328.72, F.S.; expanding a county's authorization to use moneys collected from vessel registration fees; repealing s. 379.2257(3), F.S., relating to a charge to be applied to areas covered by cooperative agreements with the United States Forest Service over and above the license fee for hunting; amending s. 379.247, F.S.; removing provisions relating to noncommercial trawling; amending s. 379.353, F.S.; conforming provisions relating to the change in responsibility for providing developmental disabilities services from the Department of Children and Families to the Agency for Persons with Disabilities; amending s. 379.354, F.S.; clarifying the activities authorized under an annual military gold sportsman's license; repealing s. 379.355, F.S., relating to special recreational spiny lobster licenses; repealing s. 379.363(1)(h) and (i), F.S., relating to the annual gear license fee; repealing s. 379.3635, F.S., relating to haul seine and trawl permits to be used in Lake Okeechobee; amending ss. 379.101, 379.208, and 379.401, F.S.; conforming cross-references; providing an effective date.

—was read the second time by title.

An amendment was considered and failed to conform **CS for SB 1126** to **CS for CS for HB 955**.

Pending further consideration of **CS for SB 1126**, on motion by Senator Dean, by two-thirds vote **CS for CS for HB 955** was withdrawn from the Committees on Environmental Preservation and Conservation; and Appropriations.

On motion by Senator Dean—

CS for CS for HB 955—A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; amending s. 327.355, F.S.; providing that a boating safety course may be offered in a classroom or online; conforming provisions relating to the reassignment of the boating safety program from the Department of Environmental Protection to the commission; amending s. 327.4105, F.S.; requiring the commission to submit an updated report relating to the regulation of mooring vessels; extending the expiration date of the pilot program for the regulation of mooring vessels; amending s. 327.731, F.S.; providing that a boating safety course may be offered in a classroom or online; eliminating an exemption from boating safety education requirements for boating law violators; amending s. 328.72, F.S.; expanding a county's authorization to use moneys collected from vessel registration fees; repealing s. 379.2257(3), F.S., relating to a charge to be applied to areas covered by cooperative agreements with the United States Forest Service over and above the license fee for hunting; amending s. 379.247, F.S.; removing provisions relating to noncommercial trawling; amending s. 379.353, F.S.; conforming provisions relating to the change in responsibility for providing developmental disabilities services from the Department of Children and Families to the Agency for Persons with Disabilities; amending s. 379.354, F.S.; clarifying the activities authorized under an annual military gold sportsman's license; repealing s. 379.355, F.S., relating to special recreational spiny lobster licenses; repealing s. 379.363(1)(h) and (i), F.S., relating to the annual gear license fee; repealing s. 379.3635, F.S., relating to haul seine and trawl permits to be used in Lake Okeechobee; amending ss. 379.101, 379.208, and 379.401, F.S.; conforming cross-references; providing an effective date.

—a companion measure, was substituted for **CS for SB 1126** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 955** was placed on the calendar of Bills on Third Reading.

On motion by Senator Brandes—

HB 683—A bill to be entitled An act relating to Hillsborough County; amending chapter 2000-445, Laws of Florida, relating to the Civil Service Act; providing an agency or authority with the ability to opt out of or opt into provisions of the act that regulate personnel functions; authorizing an agency or authority that has elected to opt out of certain personnel functions to contract with the Civil Service Board to provide the same personnel functions in a nonregulatory capacity; providing for an appropriation to the Civil Service Board to carry out the purposes of the act; requiring the commission to consider the level of services provided by the Civil Service Board to the participating agencies or authorities; providing an effective date.

—was read the second time by title.

MOTION

Senator Smith moved to indefinitely postpone **HB 683**, pursuant to Rule 6.9. The motion failed.

Pursuant to Rule 4.19, **HB 683** was placed on the calendar of Bills on Third Reading.

The Senate resumed consideration of—

CS for CS for SB 1512—A bill to be entitled An act relating to education; amending s. 11.45, F.S.; authorizing the Auditor General to conduct audits of the accounts and records of nonprofit scholarship-funding organizations; creating s. 1002.385, F.S.; establishing the Florida Personal Learning Scholarship Accounts; defining terms; specifying criteria for students who are eligible to participate in the program; identifying certain students who are not eligible to participate in the program; authorizing the use of awarded funds for specific purposes; prohibiting specific providers, schools, institutions, school districts, and other entities from sharing, refunding, or rebating program funds; specifying the terms of the program; providing that the school district retains all duties, authority, and responsibilities specified in the Florida K-20 Education Code; specifying the duties of the Department of Education relating to the program; providing that the Commissioner of Education retains all current duties, authority, and responsibilities as specified in the Florida K-20 Education Code; requiring the Agency for Persons with Disabilities to deny, suspend, or revoke participation in the program or use of program funds under certain circumstances; providing additional factors under which the agency may deny, suspend, or revoke a participation in the program or program funds; requiring a parent to sign an agreement with the Agency for Persons with Disabilities to enroll his or her child in the program which specifies the responsibilities of a parent or student for using funds in a personal learning scholarship account and for submitting a compliance statement to the agency; providing that a parent who fails to comply with the responsibilities of the agreement forfeits the personal learning scholarship account; providing eligibility requirements and obligations for private schools under the program; specifying agency obligations under the program; authorizing the agency to contract for services; providing for funding and payment; providing the Auditor General's obligations under the program; providing that the state is not liable for the use of awarded funds; providing for the scope of authority; requiring the agency to adopt rules; providing for implementation of the program in a specified school year; providing an appropriation; amending s. 1002.395, F.S.; revising purpose; revising definitions; revising eligibility requirements for the Florida Tax Credit Scholarship Program; requiring the Department of Education and Department of Revenue to publish the tax credit cap on their websites when it is increased; requiring the Department of Revenue to provide a copy of a letter approving a taxpayer for a specified tax credit to the eligible nonprofit scholarship-funding organization; authorizing certain entities to convey, transfer, or assign certain tax credits; providing for the calculation of underpayment of estimated corporate income taxes and tax installation payments for taxes on insurance premiums and assessments and the determination of whether penalties or interest shall be imposed on the underpayment; revising the disqualifying offenses for nonprofit scholarship-funding organization owners and operators; revising priority for new applicants; allowing a student in foster care or out-of-home care to apply for a scholarship at any time; prohibiting use of eligible contributions from being used for lobbying or political activity or related expenses; requiring application fees to be expended for student scholarships in any year a nonprofit scholarship-funding organization uses eligible contributions for administrative expenses; requiring amounts carried forward to be specifically reserved for particular students and schools for audit purposes; revising audit and report requirements for nonprofit scholarship-funding organizations and Auditor General review of all reports; requiring nonprofit scholarship-funding organizations to maintain a surety bond or letter of credit and to adjust the bond or letter of credit quarterly based upon a statement from a certified public accountant; providing exceptions; requiring the nonprofit scholarship-funding organization to provide the Auditor General any information or documentation requested in connection with an operational audit; requiring a private school to provide agreed upon transportation and make arrangements for taking statewide assessments at the school district testing site and in accordance with the district's testing schedule if the student chooses to take the statewide assessment; requiring parental authorization for access to income eligibility information; specifying that the independent research organization is the Learning System Institute at the Florida State University; identifying grant terms and payments; revising statewide and individual school report requirements; revising limitations on annual scholarship amounts; providing initial and renewal application requirements and an approval process for a charitable organization that seeks to be a nonprofit scholarship-funding organization; requiring the State Board of Education to adopt rules; providing a registration notice requirement for public and private universities to be nonprofit scholarship-funding organizations; requiring the State Board of Education to adopt rules; allowing existing nonprofit scholarship-funding organizations to provide the required bond at a specified date; amending s. 1003.4282, F.S.; providing standard high school diploma requirements for certain students with disabilities; requiring the State Board of Education to adopt rules; authorizing a student with a disability to defer the receipt of a standard high school diploma if certain conditions are met; authorizing certain students with disabilities to continue to receive certain instructions and services; requiring an independent review and a parent's approval to waive statewide, standardized assessment requirements by the individual education plan (IEP) team; repealing s. 1003.438, F.S., relating to special high school graduation requirements for certain exceptional students; creating s. 1003.5716, F.S.; providing that certain students with disabilities have a right to free, appropriate public education; requiring an IEP team to begin the process of, and to develop an IEP for, identifying transition services needs for a student with a disability before the student attains a specified age; providing requirements for the process; requiring certain statements to be included and annually updated in the IEP; providing that changes in the goals specified in an IEP are subject to independent review and parental approval; requiring the school district to reconvene the IEP team to identify alternative strategies to meet transition objectives if a participating agency fails to provide transition services specified in the IEP; providing that the agency's failure does not relieve the agency of the responsibility to provide or pay for the transition services that the agency otherwise would have provided; amending s. 1003.572, F.S.; prohibiting a school district from imposing additional requirements on private instructional personnel or charging fees; creating s. 1008.2121, F.S.; requiring the Commissioner of Education to permanently exempt certain students with disabilities from taking statewide, standardized assessments; requiring the State Board of Education to adopt rules; amending s. 1008.25, F.S.; requiring written notification relating to portfolios to a parent of a student with a substantial reading deficiency; requiring a student promoted to a certain grade with a good cause exemption to receive intensive reading instruction and intervention; requiring a school district to assist schools and teachers with the implementation of reading strategies; revising good cause exemptions; amending ss. 120.81, 409.1451, and 1007.263, F.S.; conforming cross-references; providing effective dates.

—which was previously considered this day.

MOTION

Senator Stargel moved to consider **HB 7167**. The motion failed to receive the required two-thirds vote.

The vote was:

Yeas—25

Mr. President	Evers	Legg
Altman	Flores	Negron
Bean	Galvano	Richter
Benacquisto	Garcia	Simmons
Bradley	Gardiner	Simpson
Brandes	Grimsley	Stargel
Dean	Hays	Thrasher
Detert	Latvala	
Diaz de la Portilla	Lee	

Nays—14

Abruzzo	Joyner	Smith
Braynon	Margolis	Sobel
Bullard	Montford	Soto
Clemens	Ring	Thompson
Gibson	Sachs	

CS for CS for SB 1512 was retained on the Special Order Calendar.

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

BILLS ON THIRD READING

Consideration of **CS for CS for SB 764** was deferred.

CS for CS for SB 312—A bill to be entitled An act relating to agriculture; amending s. 193.461, F.S.; authorizing a property appraiser to grant an agricultural classification after the application deadline upon a showing of extenuating circumstances; providing that participation in certain dispersed water storage programs does not change a land's agricultural classification for assessment purposes; amending s. 212.08, F.S.; expanding the exemption for certain farm equipment from the sales and use tax imposed under ch. 212, F.S., to include irrigation equipment, replacement parts and accessories for irrigation equipment, and repairs of irrigation equipment; amending s. 373.4591, F.S.; authorizing agricultural landowners to establish baseline wetland and surface water conditions before implementing certain best management practice implementation agreements; requiring establishment of a process for review of proposed baseline condition determinations; providing an effective date.

—was read the third time by title.

On motion by Senator Simpson, **CS for CS for SB 312** was passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Evers	Negron
Abruzzo	Flores	Richter
Altman	Galvano	Ring
Bean	Garcia	Sachs
Bradley	Gibson	Simmons
Brandes	Grimsley	Simpson
Braynon	Hays	Smith
Bullard	Joyner	Sobel
Clemens	Lee	Soto
Dean	Legg	Stargel
Detert	Margolis	Thompson
Diaz de la Portilla	Montford	Thrasher

Nays—None

Vote after roll call:

Yea—Benacquisto

Vote preference:

May 2, 2014: Yea—Hukill

CS for CS for HB 979—A bill to be entitled An act relating to homelessness; amending s. 420.606, F.S.; revising legislative findings; requiring the Department of Economic Opportunity to provide training and technical assistance to certain designated lead agencies of homeless assistance continuums of care; requiring that the provision of such training and assistance be delegated to certain nonprofit entities; conforming provisions to changes made by the act; amending s. 420.622, F.S.; requiring the department to establish award levels for "Challenge Grants"; specifying criteria to determine award levels; requiring the department, after consultation with the Council on Homelessness, to specify a grant award level in the notice of solicitation of grant applications; revising qualifications for the grant; specifying authorized uses of grant funds; requiring a lead agency that receives a grant to submit a report to the department; providing for contingent effect; providing an effective date.

—as amended April 29 was read the third time by title.

RECONSIDERATION OF AMENDMENT

On motion by Senator Latvala, the Senate reconsidered the vote by which **Amendment 1 (540440)** was adopted as amended.

On motion by Senator Latvala, **Amendment 1** as amended was withdrawn.

On motion by Senator Latvala, **CS for CS for HB 979** was passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Evers	Richter
Abruzzo	Flores	Ring
Altman	Galvano	Sachs
Bean	Gibson	Simmons
Benacquisto	Grimsley	Simpson
Bradley	Hays	Smith
Brandes	Joyner	Sobel
Braynon	Latvala	Soto
Bullard	Lee	Thompson
Clemens	Legg	Thrasher
Detert	Margolis	
Diaz de la Portilla	Montford	

Nays—None

Vote after roll call:

Yea—Dean, Garcia, Negron, Stargel

Vote preference:

May 2, 2014: Yea—Hukill

Consideration of **CS for CS for HB 7069** was deferred.

CS for SB 66—A bill to be entitled An act relating to discretionary sales surtaxes; amending s. 212.055, F.S.; authorizing a county as defined in s. 125.011(1), F.S., to levy a surtax up to a specified amount for the benefit of a Florida College System institution and a state university in the county pursuant to an ordinance conditioned to take effect upon approval in a county referendum; requiring the ordinance to be enacted before a specified date; prohibiting the referendum unless the Florida College System institution attains certain completion rates; providing permissible uses of the surtax proceeds; providing referendum requirements and procedures; requiring that the proceeds from the surtax be transferred into a specified account and managed in a specified manner; establishing an oversight board with specified duties, responsibilities, and requirements relating to the expenditure of surtax proceeds; providing for the appointment of members of the oversight board; requiring

that the board of trustees of each institution receiving surtax proceeds prepare an annual plan for submission to the oversight board for approval; providing that state funding may not be reduced because an institution receives surtax funds; providing for the scheduled expiration of the surtax; prohibiting certain counties from levying the surtax within a specified period; providing an effective date.

—as amended April 30 was read the third time by title.

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

Senators Garcia, Flores, and Braynon offered the following amendment which was moved by Senator Flores and adopted by two-thirds vote:

Amendment 1 (559406)—Delete lines 55-67 and insert:

(a) The ordinance must be enacted by the governing body of the county before June 1 of the year in which the referendum is to be held. However, the referendum may not be held until at least 40 percent of the students seeking an associate degree from the Florida College System institution located in the county attain completion within 150 percent of catalogue time, or at least 45 percent of the students seeking an associate degree from the institution attain completion within 200 percent of catalogue time, as reflected in data collected by the Integrated Postsecondary Education Data System. If the institution has met either completion rate, the referendum shall be scheduled for the next available countywide election after June 1.

On motion by Senator Flores, **CS for SB 66** as amended was passed, ordered engrossed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Flores	Negron
Abruzzo	Galvano	Richter
Altman	Garcia	Ring
Bean	Gardiner	Sachs
Benacquisto	Gibson	Simmons
Bradley	Grimsley	Simpson
Braynon	Hays	Smith
Bullard	Joyner	Sobel
Clemens	Latvala	Soto
Dean	Lee	Stargel
Detert	Legg	Thompson
Diaz de la Portilla	Margolis	Thrasher
Evers	Montford	

Nays—1

Brandes

Vote preference:

May 2, 2014: Yea—Hukill

CS for HB 9—A bill to be entitled An act relating to the Legislature; fixing the date for convening the regular session of the Legislature in even-numbered years; providing an effective date.

—as amended April 30 was read the third time by title.

SENATOR GALVANO PRESIDING

On motion by Senator Flores, **CS for HB 9** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Bradley	Dean
Abruzzo	Brandes	Detert
Altman	Braynon	Diaz de la Portilla
Bean	Bullard	Evers
Benacquisto	Clemens	Flores
Garcia	Margolis	Smith
Gardiner	Montford	Sobel
Gibson	Negron	Soto
Grimsley	Richter	Stargel
Hays	Ring	Thompson
Joyner	Sachs	Thrasher
Lee	Simmons	
Legg	Simpson	

Nays—None

Vote after roll call:

Yea—Galvano

Vote preference:

May 2, 2014: Yea—Hukill

Consideration of **CS for CS for CS for HB 775**, **CS for CS for HB 773**, and **HB 953** was deferred.

CS for CS for HB 811—A bill to be entitled An act relating to foreign investments; amending s. 215.47, F.S.; revising the percentage of investments that the State Board of Administration may invest in foreign securities; amending s. 215.473, F.S.; revising and providing definitions with respect to requirements that the board divest securities in which public moneys are invested in certain companies doing specified types of business in or with Sudan or Iran; revising exclusions from the divestment requirements; conforming cross-references; creating s. 624.449, F.S.; requiring a domestic insurer to provide a list of investments that it has in companies on the State Board of Administration's lists of scrutinized companies with activities in Sudan or in Iran's petroleum energy sector; providing for severability; providing an effective date.

—was read the third time by title.

On motion by Senator Ring, **CS for CS for HB 811** was passed and certified to the House. The vote on passage was:

Yeas—36

Abruzzo	Flores	Negron
Altman	Galvano	Richter
Bean	Gardiner	Ring
Benacquisto	Gibson	Sachs
Bradley	Grimsley	Simmons
Brandes	Hays	Simpson
Braynon	Joyner	Smith
Bullard	Latvala	Sobel
Clemens	Lee	Soto
Dean	Legg	Stargel
Detert	Margolis	Thompson
Evers	Montford	Thrasher

Nays—None

Vote after roll call:

Yea—Mr. President, Diaz de la Portilla, Garcia

Vote preference:

May 2, 2014: Yea—Hukill

CS for HB 7147—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 377.6015, F.S.; removing a provision relating to the department's duty to represent the state in the Southern States Energy Compact; amending s. 377.703, F.S.; requiring the department's annual report to include recommendations for energy efficiency; revising provisions relating to the promotion of the development and use of renewable energy resources; directing the department to cooperate with the Florida Energy Systems Consortium

in the development and use of renewable energy resources; amending s. 377.712, F.S.; authorizing the Commissioner of Agriculture to serve on or appoint a representative to the Southern States Energy Board; redirecting authority to approve proposed activities relating to the Southern States Energy Compact from the Department of Health to a specified member of the board; amending s. 377.801, F.S.; conforming a cross-reference; amending ss. 377.802 and 377.803, F.S.; conforming provisions to changes made by the act; creating s. 377.815, F.S.; authorizing the department to post on its website information relating to alternative fueling stations and electric vehicle charging stations; defining the term "alternative fuel"; authorizing the owner or operator of an alternative fueling station or an electric vehicle charging station to report certain information; amending s. 553.74, F.S.; providing for the appointment of a department representative to the Florida Building Commission; deleting obsolete provisions; repealing ss. 377.806 and 377.807, F.S., relating to the Solar Energy System Incentives Program and the energy-efficient appliance rebate program, respectively; providing definitions; directing the Office of Energy within the Department of Agriculture and Consumer Services to establish a program for allocating or reallocating a federal qualified energy conservation bond volume limitation; providing program requirements; providing an effective date.

—as amended April 30 was read the third time by title.

On motion by Senator Simpson, **CS for HB 7147** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Abruzzo	Flores	Negron
Altman	Galvano	Richter
Bean	Garcia	Ring
Benacquisto	Gardiner	Sachs
Bradley	Gibson	Simmons
Brandes	Grimsley	Simpson
Braynon	Hays	Smith
Bullard	Joyner	Sobel
Clemens	Latvala	Soto
Dean	Lee	Stargel
Detert	Legg	Thompson
Diaz de la Portilla	Margolis	Thrasher
Evers	Montford	

Nays—None

Vote after roll call:

Yea—Mr. President

Vote preference:

May 2, 2014: Yea—Hukill

CS for HB 7105—A bill to be entitled An act relating to health care services rulemaking; amending s. 390.012, F.S.; revising rulemaking authority relating to the operation of certain abortion clinics; amending s. 400.021, F.S.; revising the definition of the term "nursing home bed" to remove rulemaking authority for determining minimum space requirements for nursing home beds; amending s. 400.0712, F.S.; removing rulemaking authority relating to inactive nursing home facility licenses; amending s. 400.23, F.S.; revising general rulemaking authority relating to nursing homes and certain health care providers; amending s. 400.471, F.S.; exempting certain home health agencies from requirements relating to documentation of accreditation; amending s. 400.474, F.S.; revising reporting requirements to be submitted to the Agency for Health Care Administration by home health agencies; revising entities that are not required to submit the report; amending s. 400.487, F.S.; removing rulemaking authority relating to orders not to resuscitate presented to home health agency personnel; amending s. 400.497, F.S.; revising rulemaking authority relating to the Home Health Services Act; amending s. 400.506, F.S.; removing rulemaking authority relating to the licensure of nurse registries and the establishment of certain emergency management plans; amending s. 400.509, F.S.; removing rulemaking authority relating to registration of certain companion services and homemaker services; amending s. 400.6095, F.S.; removing rulemaking authority relating to orders not to resuscitate presented to a hospice care team; amending s. 400.914, F.S.; revising rulemaking authority relating to standards for prescribed pediatric extended care (PPEC) centers; removing rulemaking authority relating to certain limitations on PPEC centers; creating s. 400.9141, F.S.; providing limitations on PPEC centers; amending s. 400.934, F.S.; revising rulemaking authority relating to the preparation of emergency managements plans by home medical equipment providers; amending s. 400.935, F.S.; revising rulemaking authority relating to minimum standards for home medical equipment providers; amending s. 400.962, F.S.; removing rulemaking authority relating to certain standards for active treatment by intermediate care facilities for the developmentally disabled; amending s. 400.967, F.S.; revising rulemaking authority relating to the construction of, the preparation of emergency management plans by, and the classification of deficiencies of intermediate care facilities for the developmentally disabled; amending s. 400.980, F.S.; removing rulemaking authority relating to the registration of health care services pools; amending s. 409.912, F.S.; removing rulemaking authority relating to Medicaid provider lock-in programs; amending s. 409.972, F.S.; revising Medicaid-eligible persons exempt from mandatory managed care enrollment; amending s. 429.255, F.S.; removing rulemaking authority relating to orders not to resuscitate presented to assisted living facility staff and the use of automated external defibrillators; amending s. 429.73, F.S.; removing rulemaking authority relating to orders not to resuscitate presented to adult family-care home providers; amending s. 440.102, F.S.; removing rulemaking authority relating to certain guidelines for drug-free workplace laboratories; amending s. 483.245, F.S.; revising rulemaking authority relating to the imposition of certain administrative penalties against clinical laboratories; amending s. 765.541, F.S.; revising rulemaking authority relating to standards and guidelines for certain organ donation programs; revising provisions relating to organ procurement programs; amending s. 765.544, F.S.; removing rulemaking authority relating to administrative penalties for violations with respect to organ and tissue donations; providing an effective date.

—as amended April 30 was read the third time by title.

Senator Thompson moved the following amendment:

Amendment 11 (145078) (with title amendment)—Before line 82 insert:

Section 1. Subsection (1), paragraphs (a), (b), (g), and (h) of subsection (2), and paragraph (d) of subsection (4) of section 381.004, Florida Statutes, are amended, and subsection (1) of that section is reordered, to read:

381.004 HIV testing.—

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

(a) "Health care setting" means a setting devoted to both the diagnosis and care of persons, such as county health department clinics, hospital emergency departments, urgent care clinics, substance abuse treatment clinics, primary care settings, community clinics, mobile medical clinics, and correctional health care facilities.

(b)~~(a)~~ "HIV test" means a test ordered after July 6, 1988, to determine the presence of the antibody or antigen to human immunodeficiency virus or the presence of human immunodeficiency virus infection.

(c)~~(b)~~ "HIV test result" means a laboratory report of a human immunodeficiency virus test result entered into a medical record on or after July 6, 1988, or any report or notation in a medical record of a laboratory report of a human immunodeficiency virus test. ~~As used in this section,~~ The term ~~"HIV test result"~~ does not include test results reported to a health care provider by a patient.

(d) "Nonhealth care setting" means a site that conducts HIV testing for the sole purpose of identifying HIV infection. Such setting does not provide medical treatment but may include community-based organizations, outreach settings, county health department HIV testing programs, and mobile vans.

(f)~~(e)~~ "Significant exposure" means:

1. Exposure to blood or body fluids through needlestick, instruments, or sharps;

2. Exposure of mucous membranes to visible blood or body fluids~~,~~ to which universal precautions apply according to the National Centers for Disease Control and Prevention, including, without limitations, the following body fluids:

a. Blood.

b. Semen.

c. Vaginal secretions.

d. *Cerebrospinal* ~~Cerebro-spinal~~ fluid (CSF).

e. Synovial fluid.

f. Pleural fluid.

g. Peritoneal fluid.

h. Pericardial fluid.

i. Amniotic fluid.

j. Laboratory specimens that contain HIV (e.g., suspensions of concentrated virus); or

3. Exposure of skin to visible blood or body fluids, especially when the exposed skin is chapped, abraded, or afflicted with dermatitis or the contact is prolonged or involving an extensive area.

(e)~~(d)~~ "Preliminary HIV test" means an antibody *or antibody-antigen* screening test, such as the ~~enzyme-linked~~ immunosorbent assays *(IA), or a rapid test approved by the federal Food and Drug Administration* ~~(ELISAs) or the Single-Use Diagnostic System (SUDS)~~.

(g)~~(e)~~ "Test subject" or "subject of the test" means the person upon whom an HIV test is performed, or the person who has legal authority to make health care decisions for the test subject.

(2) HUMAN IMMUNODEFICIENCY VIRUS TESTING; INFORMED CONSENT; RESULTS; COUNSELING; CONFIDENTIALITY.—

(a) *Before performing an HIV test:*

1. In a health care setting, the person to be tested shall be provided information about the test, and notified that the test is planned, that he or she has the right to decline the test, and that he or she has the right to confidential treatment of information identifying the subject of the test and the results of the test as provided by law. If the person to be tested declines the test, such decision shall be documented in the medical record. ~~No person in this state shall order a test designed to identify the human immunodeficiency virus, or its antigen or antibody, without first obtaining the informed consent of the person upon whom the test is being performed, except as specified in paragraph (h). Informed consent shall be preceded by an explanation of the right to confidential treatment of information identifying the subject of the test and the results of the test to the extent provided by law. Information shall also be provided on the fact that a positive HIV test result will be reported to the county health department with sufficient information to identify the test subject and on the availability and location of sites at which anonymous testing is performed. As required in paragraph (3)(c), each county health department shall maintain a list of sites at which anonymous testing is performed, including the locations, phone numbers, and hours of operation of the sites. Consent need not be in writing provided there is documentation in the medical record that the test has been explained and the consent has been obtained~~.

2. In a nonhealth care setting, a provider shall obtain the informed consent of the person upon whom the test is being performed. Informed consent shall be preceded by an explanation of the right to confidential treatment of information identifying the subject of the test and the results of the test as provided by law.

The test subject shall also be informed that a positive HIV test result will be reported to the county health department with sufficient information to identify the test subject and on the availability and location of sites at which anonymous testing is performed. As required in paragraph (3)(c), each county health department shall maintain a list of sites at which anonymous testing is performed, including the locations, telephone numbers, and hours of operation of the sites.

(b) Except as provided in paragraph (h), informed consent must be obtained from a legal guardian or other person authorized by law *if* ~~when~~ the person:

1. Is not competent, is incapacitated, or is otherwise unable to make an informed judgment; or

2. Has not reached the age of majority, except as provided in s. 384.30.

(g) Human immunodeficiency virus test results contained in the medical records of a hospital licensed under chapter 395 may be released in accordance with s. 395.3025 without being subject to ~~the requirements of~~ subparagraph (e)2., subparagraph (e)9., or paragraph (f) *if*~~; provided~~ the hospital has *notified the patient of the limited confidentiality protections afforded HIV test results contained in hospital medical records* ~~obtained written informed consent for the HIV test in accordance with provisions of this section~~.

(h) Notwithstanding ~~the provisions of~~ paragraph (a), informed consent is not required:

1. When testing for sexually transmissible diseases is required by state or federal law, or by rule including the following situations:

a. HIV testing pursuant to s. 796.08 of persons convicted of prostitution or of procuring another to commit prostitution.

b. HIV testing of inmates pursuant to s. 945.355 *before* ~~prior to their~~ release from prison by reason of parole, accumulation of gain-time credits, or expiration of sentence.

c. Testing for HIV by a medical examiner in accordance with s. 406.11.

d. HIV testing of pregnant women pursuant to s. 384.31.

2. Those exceptions provided for blood, plasma, organs, skin, semen, or other human tissue pursuant to s. 381.0041.

3. For the performance of an HIV-related test by licensed medical personnel in bona fide medical emergencies *if* ~~when~~ the test results are necessary for medical diagnostic purposes to provide appropriate emergency care or treatment to the person being tested and the patient is unable to consent, as supported by documentation in the medical record. Notification of test results in accordance with paragraph (c) is required.

4. For the performance of an HIV-related test by licensed medical personnel for medical diagnosis of acute illness where, in the opinion of the attending physician, *providing notification* ~~obtaining informed consent~~ would be detrimental to the patient, as supported by documentation in the medical record, and the test results are necessary for medical diagnostic purposes to provide appropriate care or treatment to the person being tested. Notification of test results in accordance with paragraph (c) is required if it would not be detrimental to the patient. This subparagraph does not authorize the routine testing of patients for HIV infection without *notification* ~~informed consent~~.

5. *If* ~~When~~ HIV testing is performed as part of an autopsy for which consent was obtained pursuant to s. 872.04.

6. For the performance of an HIV test upon a defendant pursuant to the victim's request in a prosecution for any type of sexual battery where a blood sample is taken from the defendant voluntarily, pursuant to court order for any purpose, or pursuant to ~~the provisions of~~ s. 775.0877, s. 951.27, or s. 960.003; however, the results of *an* ~~any~~ HIV test performed shall be disclosed solely to the victim and the defendant, except as provided in ss. 775.0877, 951.27, and 960.003.

7. *If* ~~When~~ an HIV test is mandated by court order.

8. For epidemiological research pursuant to s. 381.0031, for research consistent with institutional review boards created by 45 C.F.R. part 46,

or for the performance of an HIV-related test for the purpose of research, if the testing is performed in a manner by which the identity of the test subject is not known and may not be retrieved by the researcher.

9. *If* ~~When~~ human tissue is collected lawfully without the consent of the donor for corneal removal as authorized by s. 765.5185 or enucleation of the eyes as authorized by s. 765.519.

10. For the performance of an HIV test upon an individual who comes into contact with medical personnel in such a way that a significant exposure has occurred during the course of employment or within the scope of practice and where a blood sample is available *which* ~~that~~ was taken from that individual voluntarily by medical personnel for other purposes. The term "medical personnel" includes a licensed or certified health care professional; an employee of a health care professional or health care facility; employees of a laboratory licensed under chapter 483; personnel of a blood bank or plasma center; a medical student or other student who is receiving training as a health care professional at a health care facility; and a paramedic or emergency medical technician certified by the department to perform life-support procedures under s. 401.23.

a. *Before performing* ~~Prior to performance of~~ an HIV test on a voluntarily obtained blood sample, the individual from whom the blood was obtained shall be requested to consent to the performance of the test and to the release of the results. If consent cannot be obtained within the time necessary to perform the HIV test and begin prophylactic treatment of the exposed medical personnel, all information concerning the performance of an HIV test and any HIV test result shall be documented only in the medical personnel's record unless the individual gives written consent to entering this information on the individual's medical record.

b. Reasonable attempts to locate the individual and to obtain consent shall be made, and all attempts must be documented. If the individual cannot be found or is incapable of providing consent, an HIV test may be conducted on the available blood sample. If the individual does not voluntarily consent to the performance of an HIV test, the individual shall be informed that an HIV test will be performed, and counseling shall be furnished as provided in this section. However, HIV testing shall be conducted only after appropriate medical personnel under the supervision of a licensed physician documents, in the medical record of the medical personnel, that there has been a significant exposure and that, in accordance with the written protocols based on the National Centers for Disease Control and Prevention guidelines on HIV postexposure prophylaxis and in the physician's medical judgment, the information is medically necessary to determine the course of treatment for the medical personnel.

c. Costs of *an* ~~any~~ HIV test of a blood sample performed with or without the consent of the individual, as provided in this subparagraph, shall be borne by the medical personnel or the employer of the medical personnel. However, costs of testing or treatment not directly related to the initial HIV tests or costs of subsequent testing or treatment may not be borne by the medical personnel or the employer of the medical personnel.

d. In order to *use* ~~utilize~~ the provisions of this subparagraph, the medical personnel must ~~either~~ be tested for HIV pursuant to this section or provide the results of an HIV test taken within 6 months *before* ~~prior to~~ the significant exposure if such test results are negative.

e. A person who receives the results of an HIV test pursuant to this subparagraph shall maintain the confidentiality of the information received and of the persons tested. Such confidential information is exempt from s. 119.07(1).

f. If the source of the exposure will not voluntarily submit to HIV testing and a blood sample is not available, the medical personnel or the employer of such person acting on behalf of the employee may seek a court order directing the source of the exposure to submit to HIV testing. A sworn statement by a physician licensed under chapter 458 or chapter 459 that a significant exposure has occurred and that, in the physician's medical judgment, testing is medically necessary to determine the course of treatment constitutes probable cause for the issuance of an order by the court. The results of the test shall be released to the source of the exposure and to the person who experienced the exposure.

11. For the performance of an HIV test upon an individual who comes into contact with medical personnel in such a way that a significant exposure has occurred during the course of employment or within the scope of practice of the medical personnel while the medical personnel provides emergency medical treatment to the individual; or notwithstanding s. 384.287, an individual who comes into contact with nonmedical personnel in such a way that a significant exposure has occurred while the nonmedical personnel provides emergency medical assistance during a medical emergency. For the purposes of this subparagraph, a medical emergency means an emergency medical condition outside of a hospital or health care facility that provides physician care. The test may be performed only during the course of treatment for the medical emergency.

a. An individual who is capable of providing consent shall be requested to consent to an HIV test *before* ~~prior to the~~ testing. If consent cannot be obtained within the time necessary to perform the HIV test and begin prophylactic treatment of the exposed medical personnel and nonmedical personnel, all information concerning the performance of an HIV test and its result, shall be documented only in the medical personnel's or nonmedical personnel's record unless the individual gives written consent to entering this information *in* ~~on~~ the individual's medical record.

b. HIV testing shall be conducted only after appropriate medical personnel under the supervision of a licensed physician documents, in the medical record of the medical personnel or nonmedical personnel, that there has been a significant exposure and that, in accordance with the written protocols based on the National Centers for Disease Control and Prevention guidelines on HIV postexposure prophylaxis and in the physician's medical judgment, the information is medically necessary to determine the course of treatment for the medical personnel or nonmedical personnel.

c. Costs of any HIV test performed with or without the consent of the individual, as provided in this subparagraph, shall be borne by the medical personnel or the employer of the medical personnel or nonmedical personnel. However, costs of testing or treatment not directly related to the initial HIV tests or costs of subsequent testing or treatment may not be borne by the medical personnel or the employer of the medical personnel or nonmedical personnel.

d. In order to *use* ~~utilize~~ the provisions of this subparagraph, the medical personnel or nonmedical personnel shall be tested for HIV pursuant to this section or shall provide the results of an HIV test taken within 6 months *before* ~~prior to~~ the significant exposure if such test results are negative.

e. A person who receives the results of an HIV test pursuant to this subparagraph shall maintain the confidentiality of the information received and of the persons tested. Such confidential information is exempt from s. 119.07(1).

f. If the source of the exposure will not voluntarily submit to HIV testing and a blood sample was not obtained during treatment for the medical emergency, the medical personnel, the employer of the medical personnel acting on behalf of the employee, or the nonmedical personnel may seek a court order directing the source of the exposure to submit to HIV testing. A sworn statement by a physician licensed under chapter 458 or chapter 459 that a significant exposure has occurred and that, in the physician's medical judgment, testing is medically necessary to determine the course of treatment constitutes probable cause for the issuance of an order by the court. The results of the test shall be released to the source of the exposure and to the person who experienced the exposure.

12. For the performance of an HIV test by the medical examiner or attending physician upon an individual who expired or could not be resuscitated while receiving emergency medical assistance or care and who was the source of a significant exposure to medical or nonmedical personnel providing such assistance or care.

a. HIV testing may be conducted only after appropriate medical personnel under the supervision of a licensed physician documents in the medical record of the medical personnel or nonmedical personnel that there has been a significant exposure and that, in accordance with the written protocols based on the National Centers for Disease Control and Prevention guidelines on HIV postexposure prophylaxis and in the

physician's medical judgment, the information is medically necessary to determine the course of treatment for the medical personnel or nonmedical personnel.

b. Costs of *an* ~~any~~ HIV test performed under this subparagraph may not be charged to the deceased or to the family of the deceased person.

c. For ~~the provisions of~~ this subparagraph to be applicable, the medical personnel or nonmedical personnel must be tested for HIV under this section or must provide the results of an HIV test taken within 6 months before the significant exposure if such test results are negative.

d. A person who receives the results of an HIV test pursuant to this subparagraph shall comply with paragraph (e).

13. For the performance of an HIV-related test medically indicated by licensed medical personnel for medical diagnosis of a hospitalized infant as necessary to provide appropriate care and treatment of the infant *if* ~~when~~, after a reasonable attempt, a parent cannot be contacted to provide consent. The medical records of the infant *must* ~~shall~~ reflect the reason consent of the parent was not initially obtained. Test results shall be provided to the parent when the parent is located.

14. For the performance of HIV testing conducted to monitor the clinical progress of a patient previously diagnosed to be HIV positive.

15. For the performance of repeated HIV testing conducted to monitor possible conversion from a significant exposure.

(4) HUMAN IMMUNODEFICIENCY VIRUS TESTING REQUIREMENTS; REGISTRATION WITH THE DEPARTMENT OF HEALTH; EXEMPTIONS FROM REGISTRATION.—No county health department and no other person in this state shall conduct or hold themselves out to the public as conducting a testing program for acquired immune deficiency syndrome or human immunodeficiency virus status without first registering with the Department of Health, reregistering each year, complying with all other applicable provisions of state law, and meeting the following requirements:

(d) *A program in a health care setting shall meet the notification criteria contained in subparagraph (2)(a)1. A program in a nonhealth care setting shall meet all informed consent criteria contained in subparagraph (2)(a)2.* ~~The program must meet all the informed consent criteria contained in subsection (2).~~

Section 2. Subsection (2) of section 456.032, Florida Statutes, is amended to read:

456.032 Hepatitis B or HIV carriers.—

(2) Any person licensed by the department and any other person employed by a health care facility who contracts a blood-borne infection shall have a rebuttable presumption that the illness was contracted in the course and scope of his or her employment, provided that the person, as soon as practicable, reports to the person's supervisor or the facility's risk manager any significant exposure, as that term is defined in s. *381.004(1)* ~~381.004(1)(e)~~, to blood or body fluids. The employer may test the blood or body fluid to determine if it is infected with the same disease contracted by the employee. The employer may rebut the presumption by the preponderance of the evidence. Except as expressly provided in this subsection, there shall be no presumption that a blood-borne infection is a job-related injury or illness.

And the title is amended as follows:

Delete line 2 and insert: An act relating to health care services; amending s. 381.004, F.S.; revising and providing definitions; specifying the notification and consent procedures for performing an HIV test in a health care setting and a nonhealth care setting; amending s. 456.032, F.S.; conforming a cross-reference;

POINT OF ORDER

Senator Benacquisto raised a point of order that pursuant to Rule 7.1, **Amendment 11 (145078)** contained language of a bill not reported favorably by all Senate committees and was therefore out of order.

RULING ON POINT OF ORDER

On recommendation of Senator Thrasher, Chair of the Committee on Rules, the President ruled the point well taken and the amendment out of order.

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

Amendment 12 (206498) (with title amendment)—Between lines 401 and 402 insert:

Section 5. Paragraph (f) of subsection (5) of section 400.235, Florida Statutes, is amended to read:

400.235 Nursing home quality and licensure status; Gold Seal Program.—

(5) Facilities must meet the following additional criteria for recognition as a Gold Seal Program facility:

(f) Evidence *that verified* ~~an outstanding record regarding the number and types of substantiated~~ complaints reported to the *Office of* State Long-Term Care Ombudsman ~~Council~~ within the 30 months preceding application for the program *have been resolved or, if not resolved, the facility has made a good faith effort to resolve the complaints*.

A facility assigned a conditional licensure status may not qualify for consideration for the Gold Seal Program until after it has operated for 30 months with no class I or class II deficiencies and has completed a regularly scheduled relicensure survey.

And the title is amended as follows:

Delete line 13 and insert: providers; amending s. 400.235, F.S.; clarifying criteria relating to the Gold Seal Program; amending s. 400.471, F.S.; exempting

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

Amendment 13 (816512) (with title amendment)—Between lines 1060 and 1061 insert:

Section 24. Subsection (2) of section 468.1665, Florida Statutes, is amended to read:

468.1665 Board of Nursing Home Administrators; membership; appointment; terms.—

(2) *Effective January 1, 2015, four* ~~Three~~ members of the board must be licensed nursing home administrators. *One member* ~~Two members~~ of the board must be *a* health care *practitioner* ~~practitioners~~. The remaining two members of the board must be laypersons who are not, and have never been, nursing home administrators or members of any health care profession or occupation. At least one member of the board must be 60 years of age or older. *The Governor may reappoint members in order to comply with this requirement by January 1, 2015.*

Section 25. Subsection (2) of section 468.1695, Florida Statutes, is amended to read:

468.1695 Licensure by examination.—

(2) The department shall examine each applicant who the board certifies has completed the application form and remitted an examination fee set by the board not to exceed $250 and who:

(a)1. Holds a baccalaureate *or master's* degree from an accredited college or university and majored in health care administration, health services administration, or an equivalent major, or has credit for at least 60 semester hours in subjects, as prescribed by rule of the board, which prepare the applicant for total management of a nursing home; and

2. Has fulfilled the requirements of a college-affiliated or university-affiliated internship in nursing home administration or of a 1,000-hour nursing home administrator-in-training program prescribed by the board; or

(b)1. Holds a baccalaureate degree from an accredited college or university; and

2.a. Has fulfilled the requirements of a 2,000-hour nursing home administrator-in-training program prescribed by the board; or

b. Has 1 year of management experience allowing for the application of executive duties and skills, including the staffing, budgeting, and directing of resident care, dietary, and bookkeeping departments within a skilled nursing facility, hospital, hospice, assisted living facility with a minimum of 60 licensed beds, or geriatric residential treatment program and, if such experience is not in a skilled nursing facility, has fulfilled the requirements of a 1,000-hour nursing home administrator-in-training program prescribed by the board.

And the title is amended as follows:

Between lines 67 and 68 insert: amending s. 468.1665, F.S.; increasing the number of members of the Board of Nursing Home Administrators who must be licensed nursing home administrators and decreasing the number of members who must be health care practitioners; amending s. 468.1695, F.S.; revising the qualifications of applicants who may sit for the licensed nursing home administrator examination to include an applicant with a master's degree in certain subjects;

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

Amendment 14 (960060) (with title amendment)—Between lines 1060 and 1061 insert:

Section 24. Subsection (3) of section 458.3485, Florida Statutes, is amended to read:

458.3485 Medical assistant.—

~~(3) CERTIFICATION. Medical assistants may be certified by the American Association of Medical Assistants or as a Registered Medical Assistant by the American Medical Technologists.~~

And the title is amended as follows:

Between lines 67 and 68 insert: amending s. 458.3485, F.S.; deleting a provision specifying entities authorized to certify or register medical assistants;

RECONSIDERATION OF AMENDMENT

On motion by Senator Sobel, the Senate reconsidered the vote by which **Amendment 10 (341334)** was previously considered April 30 and adopted.

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

Senator Sobel moved the following amendments to **Amendment 10 (341334)** which were adopted by two-thirds vote:

Amendment 10A (554692) (with title amendment)—Between lines 145 and 146 insert:

Section 31. Subsection (13) of section 429.02, Florida Statutes, is amended to read:

429.02 Definitions.—When used in this part, the term:

(13) "Limited nursing services" means acts that may be performed *by a person licensed under* ~~pursuant to~~ part I of chapter 464 ~~by persons licensed thereunder while carrying out their professional duties but limited to those acts which the department specifies by rule~~. ~~Acts which may be specified by rule as allowable~~ Limited nursing services shall be for persons who meet the admission criteria established by the department for assisted living facilities and shall not be complex enough to require 24-hour nursing supervision and may include such services as the application and care of routine dressings, and care of casts, braces, and splints.

And the title is amended as follows:

Delete line 1044 and insert: conditions; amending s. 429.02, F.S.; revising the definition of the term "limited nursing services"; amending s. 429.07, F.S.; revising the

Amendment 10B (410448)—Delete lines 619-629 and insert:

(c) Notwithstanding ss. 408.813(2)(c) and 408.832, if a facility is cited for 10 or more class III violations during an inspection or survey, the agency shall impose a fine for each violation.

Amendment 10C (786634) (with title amendment)—Delete lines 135-145.

And the title is amended as follows:

Delete lines 1041-1044 and insert: for exercising any other resident right; amending s. 429.07, F.S.; revising the

Amendment 10D (168320)—Delete line 900 and insert: *formats. The agency shall include all content in its possession on November 1, 2014, on the website and add additional content from facilities as their licenses are renewed. At a minimum, such data must include:*

Amendment 10 (341334) as amended was adopted by two-thirds vote.

RECONSIDERATION OF AMENDMENT

On motion by Senator Soto, the Senate reconsidered the withdrawal of **Amendment (634892)**.

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

Amendment 15 (634892) (with title amendment)—Between lines 906 and 907 insert:

Section 19. Subsection (4) of section 400.9905, Florida Statutes, is amended to read:

400.9905 Definitions.—

(4) "Clinic" means an entity where health care services are provided to individuals and which tenders charges for reimbursement for such services, including a mobile clinic and a portable equipment provider. As used in this part, the term does not include and the licensure requirements of this part do not apply to:

(a) Entities licensed or registered by the state under chapter 395; entities licensed or registered by the state and providing only health care services within the scope of services authorized under their respective licenses under ss. 383.30-383.335, chapter 390, chapter 394, chapter 397, this chapter except part X, chapter 429, chapter 463, chapter 465, chapter 466, chapter 478, part I of chapter 483, chapter 484, or chapter 651; end-stage renal disease providers authorized under 42 C.F.R. part 405, subpart U; providers certified under 42 C.F.R. part 485, subpart B or subpart H; or *an* ~~any~~ entity that provides neonatal or pediatric hospital-based health care services or other health care services by licensed practitioners solely within a hospital licensed under chapter 395.

(b) Entities that own, directly or indirectly, entities licensed or registered by the state pursuant to chapter 395; entities that own, directly or indirectly, entities licensed or registered by the state and providing only health care services within the scope of services authorized pursuant to their respective licenses under ss. 383.30-383.335, chapter 390, chapter 394, chapter 397, this chapter except part X, chapter 429, chapter 463, chapter 465, chapter 466, chapter 478, part I of chapter 483, chapter 484, or chapter 651; end-stage renal disease providers authorized under 42 C.F.R. part 405, subpart U; providers certified under 42 C.F.R. part 485, subpart B or subpart H; or *an* ~~any~~ entity that provides neonatal or pediatric hospital-based health care services by licensed practitioners solely within a hospital licensed under chapter 395.

(c) Entities that are owned, directly or indirectly, by an entity licensed or registered by the state pursuant to chapter 395; entities that are owned, directly or indirectly, by an entity licensed or registered by the state and providing only health care services within the scope of services authorized pursuant to their respective licenses under ss. 383.30-383.335, chapter 390, chapter 394, chapter 397, this chapter ex-

cept part X, chapter 429, chapter 463, chapter 465, chapter 466, chapter 478, part I of chapter 483, chapter 484, or chapter 651; end-stage renal disease providers authorized under 42 C.F.R. part 405, subpart U; providers certified under 42 C.F.R. part 485, subpart B or subpart H; or *an* ~~any~~ entity that provides neonatal or pediatric hospital-based health care services by licensed practitioners solely within a hospital under chapter 395.

(d) Entities that are under common ownership, directly or indirectly, with an entity licensed or registered by the state pursuant to chapter 395; entities that are under common ownership, directly or indirectly, with an entity licensed or registered by the state and providing only health care services within the scope of services authorized pursuant to their respective licenses under ss. 383.30-383.335, chapter 390, chapter 394, chapter 397, this chapter except part X, chapter 429, chapter 463, chapter 465, chapter 466, chapter 478, part I of chapter 483, chapter 484, or chapter 651; end-stage renal disease providers authorized under 42 C.F.R. part 405, subpart U; providers certified under 42 C.F.R. part 485, subpart B or subpart H; or *an* ~~any~~ entity that provides neonatal or pediatric hospital-based health care services by licensed practitioners solely within a hospital licensed under chapter 395.

(e) An entity that is exempt from federal taxation under 26 U.S.C. s. 501(c)(3) or (4), an employee stock ownership plan under 26 U.S.C. s. 409 that has a board of trustees at least two-thirds of which are Florida-licensed health care practitioners and provides only physical therapy services under physician orders, *a* ~~any~~ community college or university clinic, and *an* ~~any~~ entity owned or operated by the federal or state government, including agencies, subdivisions, or municipalities thereof.

(f) A sole proprietorship, group practice, partnership, or corporation that provides health care services by physicians covered by s. 627.419, that is directly supervised by one or more of such physicians, and that is wholly owned by one or more of those physicians or by a physician and the spouse, parent, child, or sibling of that physician.

(g) A sole proprietorship, group practice, partnership, or corporation that provides health care services by licensed health care practitioners under chapter 457, chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, chapter 466, chapter 467, chapter 480, chapter 484, chapter 486, chapter 490, chapter 491, or part I, part III, part X, part XIII, or part XIV of chapter 468, or s. 464.012, and that is wholly owned by one or more licensed health care practitioners, or the licensed health care practitioners set forth in this paragraph and the spouse, parent, child, or sibling of a licensed health care practitioner if one of the owners who is a licensed health care practitioner is supervising the business activities and is legally responsible for the entity's compliance with all federal and state laws. However, a health care practitioner may not supervise services beyond the scope of the practitioner's license, except that, for the purposes of this part, a clinic owned by a licensee in s. 456.053(3)(b) which provides only services authorized pursuant to s. 456.053(3)(b) may be supervised by a licensee specified in s. 456.053(3)(b).

(h) Clinical facilities affiliated with an accredited medical school at which training is provided for medical students, residents, or fellows.

(i) Entities that provide only oncology or radiation therapy services by physicians licensed under chapter 458 or chapter 459 or entities that provide oncology or radiation therapy services by physicians licensed under chapter 458 or chapter 459 which are owned by a corporation whose shares are publicly traded on a recognized stock exchange.

(j) Clinical facilities affiliated with a college of chiropractic accredited by the Council on Chiropractic Education at which training is provided for chiropractic students.

(k) Entities that provide licensed practitioners to staff emergency departments or to deliver anesthesia services in facilities licensed under chapter 395 and that derive at least 90 percent of their gross annual revenues from the provision of such services. Entities claiming an exemption from licensure under this paragraph must provide documentation demonstrating compliance.

(l) Orthotic, prosthetic, pediatric cardiology, or perinatology clinical facilities or anesthesia clinical facilities that are not otherwise exempt under paragraph (a) or paragraph (k) and that are a publicly traded corporation or are wholly owned, directly or indirectly, by a publicly traded corporation. As used in this paragraph, a publicly traded corporation is a corporation that issues securities traded on an exchange registered with the United States Securities and Exchange Commission as a national securities exchange.

(m) Entities that are owned by a corporation that has $250 million or more in total annual sales of health care services provided by licensed health care practitioners where one or more of the persons responsible for the operations of the entity is a health care practitioner who is licensed in this state and who is responsible for supervising the business activities of the entity and is responsible for the entity's compliance with state law for purposes of this part.

(n) Entities that employ 50 or more licensed health care practitioners licensed under chapter 458 or chapter 459 where the billing for medical services is under a single tax identification number. The application for exemption under this subsection *must* ~~shall~~ contain information that includes: the name, residence, and business address and phone number of the entity that owns the practice; a complete list of the names and contact information of all the officers and directors of the corporation; the name, residence address, business address, and medical license number of each licensed Florida health care practitioner employed by the entity; the corporate tax identification number of the entity seeking an exemption; a listing of health care services to be provided by the entity at the health care clinics owned or operated by the entity and a certified statement prepared by an independent certified public accountant which states that the entity and the health care clinics owned or operated by the entity have not received payment for health care services under personal injury protection insurance coverage for the preceding year. If the agency determines that an entity which is exempt under this subsection has received payments for medical services under personal injury protection insurance coverage, the agency may deny or revoke the exemption from licensure under this subsection.

Notwithstanding this subsection, an entity shall be deemed a clinic and must be licensed under this part in order to receive reimbursement under the Florida Motor Vehicle No-Fault Law, ss. 627.730-627.7405, unless exempted under s. 627.736(5)(h) *or, as a provider certified pursuant to 42 C.F.R. part 485, subpart H, exempted under this subsection before July 1, 2014. However, if a single legal entity owned a clinic that is exempt under this subsection before July 1, 2014, the exemption extends beyond that date to other clinics owned by that entity which are certified under 42 C.F.R. part 485, subpart H.*

And the title is amended as follows:

Delete line 54 and insert: registration of health care services pools; amending s. 400.9905, F.S.; exempting certain federally certified clinics from licensure under the Health Care Clinic Act; amending

On motion by Senator Grimsley, **CS for HB 7105** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

Abruzzo	Flores	Montford
Altman	Galvano	Richter
Bean	Garcia	Ring
Benacquisto	Gardiner	Sachs
Bradley	Gibson	Simmons
Brandes	Grimsley	Simpson
Braynon	Hays	Smith
Bullard	Joyner	Sobel
Clemens	Latvala	Soto
Dean	Lee	Stargel
Diaz de la Portilla	Legg	Thompson
Evers	Margolis	Thrasher

Nays—None

Vote after roll call:

Yea—Mr. President, Detert, Negron

Vote preference:

May 2, 2014: Yea—Hukill

DISCLOSURE

Pursuant to Senate Rule 1.39, I am disclosing that certain provisions in **CS for HB 7105** provide a special private gain or loss to a principal by whom I or my spouse, parent, or child is retained or employed. The nature of the interest and the persons or entities involved are specified below:

My wife is employed by HCA/Blake Medical Center. **CS for HB 7105** may constitute a special gain or loss to my wife's employer.

As permitted by Senate Rule, I may vote on this matter.

Senator Bill Galvano, 26th District

DISCLOSURE

Pursuant to Senate Rule 1.39, I am disclosing that certain provisions in **CS for HB 7105** and **Amendment Barcode (243198)** provide a special private gain or loss to a principal by whom I or my spouse, parent, or child is retained or employed. The nature of the interest and the persons or entities involved are specified below:

My wife is employed by HCA/Blake Medical Center. **CS for HB 7105** and **Amendment Barcode (243198)**, may constitute a special gain or loss to my wife's employer.

As permitted by Senate Rule, I may vote on this matter.

Senator Bill Galvano, 26th District

Consideration of **CS for CS for SB 1114** was deferred.

CS for CS for CS for HB 851—A bill to be entitled An act relating to postsecondary education tuition and fees; amending s. 1009.21, F.S., relating to the determination of resident status for tuition purposes; revising the definitions of the terms "dependent child" and "parent"; revising certain residency requirements for a dependent child; prohibiting denial of classification as a resident for tuition purposes based on certain immigration status; revising requirements for documentation of residency; revising requirements relating to classification or reclassification as a resident for tuition purposes based on marriage; revising requirements relating to reevaluation of classification as a resident for tuition purposes; classifying persons who receive certain tuition exemptions or waivers as residents for tuition purposes; providing for the adoption of rules and regulations; amending s. 1009.22, F.S.; revising provisions relating to workforce education postsecondary tuition and out-of-state fees; amending s. 1009.23, F.S.; revising provisions relating to Florida College System institution tuition and out-of-state fees; amending s. 1009.24, F.S.; revising provisions relating to state university resident undergraduate tuition; revising the annual percentage increase allowed in the aggregate sum of tuition and the tuition differential at state universities; amending s. 1009.26, F.S.; revising provisions relating to the tuition waiver for a recipient of a Purple Heart or another combat decoration superior in precedence; providing for the waiver of out-of-state fees for students based on certain attendance, graduation, and enrollment requirements; requiring certain reporting; providing an effective date.

—as amended April 30 was read the third time by title.

RECONSIDERATION OF AMENDMENT

On motion by Senator Latvala, the Senate reconsidered the vote by which engrossed **Amendment 1 (922448)** was adopted.

Senators Richter, Thrasher, and Latvala offered the following amendment to **Amendment 1 (922448)**:

Amendment 1A (688084) (with title amendment)—Between lines 485 and 486 insert:

(d) A state university, a Florida College System institution, a career center operated by a school district under s. 1001.44, or a charter technical career center may, within the nonresident student enrollment systemwide, prioritize the enrollment of a veteran who is granted an out-of-state fee waiver pursuant to the Congressman C.W. Bill Young Tuition Waiver Act over a student who is granted an out-of-state fee waiver under this subsection.

And the title is amended as follows:

Delete line 590 and insert: state financial aid; authorizing a state university, a Florida College System institution, a career center operated by a school district, or a charter technical career center to prioritize enrollment of certain veterans; amending s. 1009.21, F.S.,

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 (922448)** which was adopted by two-thirds vote:

Amendment 1B (729500) (with title amendment)—Between lines 485 and 486 insert:

(d) A state university, a Florida College System institution, a career center operated by a school district under s. 1001.44, or a charter technical career center shall, within the nonresident student enrollment systemwide, prioritize the enrollment of a veteran who is granted an out-of-state fee waiver pursuant to the Congressman C.W. Bill Young Tuition Waiver Act over a student who is granted an out-of-state fee waiver under this subsection.

And the title is amended as follows:

Delete line 590 and insert: state financial aid; requiring a state university, a Florida College System institution, a career center operated by a school district, or a charter technical career center to prioritize enrollment of certain veterans; amending s. 1009.21, F.S.,

Pending **Amendment 1A (688084)** by Senators Richter, Thrasher, and Latvala was withdrawn.

Amendment 1 (922448) as amended was adopted by two-thirds vote.

THE PRESIDENT PRESIDING

On motion by Senator Latvala, **CS for CS for CS for HB 851** as amended was passed and certified to the House. The vote on passage was:

Yeas—26

Abruzzo	Gibson	Sachs
Braynon	Grimsley	Simmons
Bullard	Joyner	Simpson
Clemens	Latvala	Smith
Dean	Legg	Sobel
Diaz de la Portilla	Margolis	Soto
Flores	Montford	Thompson
Garcia	Richter	Thrasher
Gardiner	Ring	

Nays—13

Mr. President	Brandes	Lee
Altman	Detert	Negron
Bean	Evers	Stargel
Benacquisto	Galvano	
Bradley	Hays	

Vote preference:

May 2, 2014: Nay—Hukill

MOTION

On motion by Senator Thrasher, the rules were waived and the time of adjournment was extended until 6:30 p.m. or until completion of the Calendar of Bills on Third Reading.

On motion by Senator Galvano—

CS for CS for CS for HB 775—A bill to be entitled An act relating to public records; creating s. 548.062, F.S.; providing an exemption from public records requirements for proprietary confidential business information in reports required to be filed with the Florida State Boxing Commission by a promoter or obtained by the commission through an audit of a promoter's books and records; defining the term "proprietary confidential business information"; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing a contingent effective date.

—was read the third time by title.

On motion by Senator Galvano, **CS for CS for CS for HB 775** 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—34

Mr. President	Diaz de la Portilla	Negron
Abruzzo	Evers	Richter
Altman	Flores	Ring
Bean	Galvano	Sachs
Benacquisto	Garcia	Simmons
Bradley	Gibson	Simpson
Brandes	Grimsley	Smith
Braynon	Hays	Sobel
Bullard	Latvala	Soto
Clemens	Legg	Thrasher
Dean	Margolis	
Detert	Montford	

Nays—None

Vote after roll call:

Yea—Lee, Stargel, Thompson

Nay—Joyner

Vote preference:

May 2, 2014: Yea—Hukill

CS for CS for HB 773—A bill to be entitled An act relating to pugilistic exhibitions; amending s. 548.002, F.S.; revising and providing definitions; amending s. 548.004, F.S.; revising the duties and responsibilities of the executive director of the Florida State Boxing Commission; deleting a provision requiring the electronic recording of commission proceedings; amending s. 548.006, F.S.; clarifying the jurisdiction of the commission over certain amateur and professional matches; amending s. 548.007, F.S.; revising the applicability of chapter 548, F.S.; repealing s. 548.013, F.S., relating to a requirement that foreign copromoters be licensed; amending s. 548.014, F.S.; conforming provisions to changes made by the act; repealing s. 548.015, F.S., relating to the authority of the commission to require a concessionaire to file a form of security with the commission; amending s. 548.017, F.S.; deleting a requirement for the licensure of concessionaires and booking agents; amending s. 548.046, F.S.; providing for immediate license suspension and other disciplinary action if a participant fails or refuses to provide a urine sample or tests positive for specified prohibited substances; amending s. 548.052, F.S.; revising requirements for providing an advance payment or loan against a purse to a participant; amending s. 548.054, F.S.; revising procedure and requirements for requesting a hearing following the withholding of a purse; amending s. 548.06, F.S.; revising the calculation of gross receipts; authorizing a promoter to issue a specified amount of complimentary tickets that are not included in gross receipts; requiring authorization from the commission to issue complimentary tickets that are not included in gross receipts in an amount greater than a specified amount; providing application requirements and procedures; providing that certain promoters are not required to report specified information; requiring promoters to retain specified documents and records; authorizing the commission and the Department of Business and Professional Regulation to audit specified records retained by a promoter; requiring the commission to adopt rules; amending s. 548.066, F.S.; conforming a provision to changes made by the act; amending s. 548.07, F.S.; revising the procedure for suspension of licensure; amending s. 548.073, F.S.; requiring that commission hearings be held in accordance with the Administrative Procedure Act; providing an appropriation; providing an effective date.

—was read the third time by title.

On motion by Senator Galvano, **CS for CS for HB 773** was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Evers	Richter
Abruzzo	Flores	Ring
Altman	Galvano	Sachs
Bean	Garcia	Simmons
Benacquisto	Gibson	Simpson
Bradley	Grimsley	Smith
Brandes	Hays	Sobel
Braynon	Joyner	Soto
Bullard	Lee	Stargel
Clemens	Legg	Thompson
Dean	Margolis	Thrasher
Detert	Montford	
Diaz de la Portilla	Negron	

Nays—None

Vote preference:

May 2, 2014: Yea—Hukill

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Don Gaetz, President

I am directed to inform the Senate that the House of Representatives has passed SB 320, with 1 amendment, and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

SB 320—A bill to be entitled An act relating to commercial parasailing; providing a short title; amending s. 327.02, F.S.; defining terms; creating s. 327.375, F.S.; requiring the operator of a vessel engaged in commercial parasailing to ensure that specified requirements are met; requiring the owner of a vessel engaged in commercial parasailing to obtain and maintain an insurance policy; providing minimum coverage requirements for the insurance policy; providing requirements for proof of insurance; specifying the insurance information that must be provided upon request; requiring the operator to have a current and valid license issued by the United States Coast Guard; prohibiting commercial parasailing unless certain equipment is present on the vessel and certain weather conditions are met; requiring that a weather log be maintained and made available for inspection; providing a criminal penalty; amending ss. 320.08, 327.391, 328.17, 342.07, 713.78, and 715.07, F.S.; conforming cross-references; providing an effective date.

House Amendment 1 (595839) (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. *This act may be cited as the "White-Miskell Act."*

Section 2. Section 327.02, Florida Statutes, is amended to read:

327.02 Definitions.—As used in this chapter and in chapter 328, unless the context clearly requires a different meaning, the term:

(1) "Airboat" means a vessel that is primarily designed for use in shallow waters and powered by an internal combustion engine with an airplane-type propeller mounted above the stern and used to push air across a set of rudders.

(2) "Alien" means a person who is not a citizen of the United States.

(3) "Boating accident" means a collision, accident, or casualty involving a vessel in or upon, or entering into or exiting from, the water, including capsizing, collision with another vessel or object, sinking, personal injury, death, disappearance of *a* ~~any~~ person from on board under circumstances *that* ~~which~~ indicate the possibility of death or injury, or property damage to any vessel or dock.

(4) "Canoe" means a light, narrow vessel with curved sides and with both ends pointed. A canoe-like vessel with a transom may not be excluded from the definition of a canoe if the width of its transom is less than 45 percent of the width of its beam or it has been designated as a canoe by the United States Coast Guard.

(5) "Commercial parasailing" means providing or offering to provide, for consideration, any activity involving the towing of a person by a motorboat if:

(a) One or more persons are tethered to the towing vessel;

(b) The person or persons ascend above the water; and

(c) The person or persons remain suspended under a canopy, chute, or parasail above the water while the vessel is underway.

The term does not include ultralight glider towing conducted under rules of the Federal Aviation Administration governing ultralight vehicles as defined in 14 C.F.R. part 103.

(6)~~(5)~~ "Commercial vessel" means:

(a) *A* ~~Any~~ vessel primarily engaged in the taking or landing of saltwater fish or saltwater products or freshwater fish or freshwater products, or *a* ~~any~~ vessel licensed pursuant to s. 379.361 from which commercial quantities of saltwater products are harvested, from within and without the waters of this state for sale ~~either~~ to the consumer *or to a*~~,~~ retail ~~dealer,~~ or wholesale dealer.

(b) Any other vessel, except a recreational vessel as defined in this section.

(7)~~(6)~~ "Commission" means the Fish and Wildlife Conservation Commission.

(8)~~(7)~~ "Dealer" means *a* ~~any~~ person authorized by the Department of Revenue to buy, sell, resell, or otherwise distribute vessels. Such person *must* ~~shall~~ have a valid sales tax certificate of registration issued by the Department of Revenue and a valid commercial or occupational license required by any county, municipality, or political subdivision of the state in which the person operates.

(9)~~(8)~~ "Division" means the Division of Law Enforcement of the Fish and Wildlife Conservation Commission.

(10)~~(9)~~ "Documented vessel" means a vessel for which a valid certificate of documentation is outstanding pursuant to 46 C.F.R. part 67.

(11)~~(10)~~ "Floating structure" means a floating entity, with or without accommodations built thereon, which is not primarily used as a means of transportation on water but which serves purposes or provides services typically associated with a structure or other improvement to real property. The term ~~"floating structure"~~ includes, but is not limited to, *an* ~~each~~ entity used as a residence, place of business or office with public access*; a*~~,~~ hotel or motel*; a*~~,~~ restaurant or lounge*; a*~~,~~ clubhouse*; a*~~,~~ meeting facility*; a*~~,~~ storage or parking facility*; or a*~~,~~ mining platform, dredge, dragline, or similar facility or entity represented as such. Floating structures are expressly excluded from the definition of the term "vessel" provided in this section. Incidental movement upon water or resting partially or entirely on the bottom *does* ~~shall~~ not, in and of itself, preclude an entity from classification as a floating structure.

(12)~~(11)~~ "Florida Intracoastal Waterway" means the Atlantic Intracoastal Waterway, the Georgia state line north of Fernandina to Miami; the Port Canaveral lock and canal to the Atlantic Intracoastal Waterway; the Atlantic Intracoastal Waterway, Miami to Key West; the Okeechobee Waterway, Stuart to Fort Myers; the St. Johns River, Jacksonville to Sanford; the Gulf Intracoastal Waterway, Anclote to Fort Myers; the Gulf Intracoastal Waterway, Carrabelle to Tampa Bay; Carrabelle to Anclote open bay section*,* ~~(~~using *the* Gulf of Mexico~~)~~; the Gulf Intracoastal Waterway, Carrabelle to the Alabama state line west of Pensacola; and the Apalachicola, Chattahoochee, and Flint Rivers in Florida.

(13)~~(12)~~ "Homemade vessel" means *a* ~~any~~ vessel built after October 31, 1972, for which a federal hull identification number is not required to be assigned by the manufacturer pursuant to federal law, or *a* ~~any~~ vessel constructed or assembled *before* ~~prior to~~ November 1, 1972, by *an entity* other than a licensed manufacturer for *its* ~~his or her~~ own use or the use of a specific person. A vessel assembled from a manufacturer's kit or constructed from an unfinished manufactured hull *is* ~~shall be~~ considered to be a homemade vessel if such a vessel is not required to have a hull identification number assigned by the United States Coast Guard. A rebuilt or reconstructed vessel *may not* ~~shall in no event~~ be construed to be a homemade vessel.

(14) "Kite boarding" or "kite surfing" means an activity in which a kite board or surfboard is tethered to a kite so as to harness the power of the wind and propel the board across a body of water. For purposes of this subsection, the term "kite" has the same meaning as used in 14 C.F.R. part 101.

(15)~~(13)~~ "Houseboat" means *a* ~~any~~ vessel *that* ~~which~~ is used primarily as a residence for *at least* ~~a minimum of~~ 21 days during any 30-day period~~,~~ in a county of this state *if such*~~, and this~~ residential use of the vessel is to the preclusion of *its* ~~the~~ use ~~of the vessel~~ as a means of transportation.

(16)~~(14)~~ "Length" means the measurement from end to end over the deck parallel to the centerline*,* excluding sheer.

(17)~~(15)~~ "Lien" means a security interest *that* ~~which~~ is reserved or created by a written agreement recorded with the Department of Highway Safety and Motor Vehicles pursuant to s. 328.15 *and that* ~~which~~ secures payment or performance of an obligation and is generally valid against third parties.

(18)~~(16)~~ "Lienholder" means a person holding a security interest in a vessel, which interest is recorded with the Department of Highway Safety and Motor Vehicles pursuant to s. 328.15.

(19)~~(17)~~ "Live-aboard vessel" means:

(a) *A* ~~Any~~ vessel used solely as a residence and not for navigation;

(b) *A* ~~Any~~ vessel represented as a place of business or a professional or other commercial enterprise; or

(c) *A* ~~Any~~ vessel for which a declaration of domicile has been filed pursuant to s. 222.17.

A commercial fishing boat is expressly excluded from the term "live-aboard vessel."

(20)~~(18)~~ "Livery vessel" means *a* ~~any~~ vessel leased, rented, or chartered to another for consideration.

(21)~~(19)~~ "Manufactured vessel" means *a* ~~any~~ vessel built after October 31, 1972, for which a federal hull identification number is required pursuant to federal law, or *a* ~~any~~ vessel constructed or assembled *before* ~~prior to~~ November 1, 1972, by a duly licensed manufacturer.

(22)~~(20)~~ "Marina" means a licensed commercial facility *that* ~~which~~ provides secured public moorings or dry storage for vessels on a leased basis. A commercial establishment authorized by a licensed vessel manufacturer as a dealership *is* ~~shall be~~ considered a marina for nonjudicial sale purposes.

(23)~~(21)~~ "Marine sanitation device" means ~~any~~ equipment*,* other than a toilet, for installation on board a vessel~~,~~ which is designed to receive, retain, treat, or discharge sewage, and any process to treat such sewage. Marine sanitation device Types I, II, and III shall be defined as provided in 33 C.F.R. part 159.

(24)~~(22)~~ "Marker" means *a* ~~any~~ channel mark or other aid to navigation, *an* information or regulatory mark, *an* isolated danger mark, *a* safe water mark, *a* special mark, *an* inland waters obstruction mark, or mooring buoy in, on, or over the waters of the state or the shores thereof, and includes, but is not limited to, a sign, beacon, buoy, or light.

(25) "Moored ballooning" means the operation of a moored balloon pursuant to 14 C.F.R. part 101.

(26)~~(23)~~ "Motorboat" means *a* ~~any~~ vessel equipped with machinery for propulsion, irrespective of whether the propulsion machinery is in actual operation.

(27)~~(24)~~ "Muffler" means an automotive-style sound-suppression device or system designed to effectively abate the sound of exhaust gases emitted from an internal combustion engine and prevent excessive sound when installed on such an engine.

(28)~~(25)~~ "Navigation rules" means*, for vessels on*:

(a) ~~For vessels on~~ Waters outside ~~of~~ established navigational lines of demarcation as specified in 33 C.F.R. part 80, the International Navigational Rules Act of 1977, 33 U.S.C. s. 1602, as amended, including the appendix and annexes thereto, through October 1, 2012.

(b) ~~For vessels on~~ All waters not outside of such established lines of demarcation, the Inland Navigational Rules Act of 1980, 33 C.F.R. parts 83-90, as amended, through October 1, 2012.

(29)~~(26)~~ "Nonresident" means a citizen of the United States who has not established residence in this state and has not continuously resided in this state for 1 year and in one county for the 6 months immediately preceding the initiation of a vessel titling or registration action.

(30)~~(27)~~ "Operate" means to be in charge of*,* ~~or~~ in command of*,* or in actual physical control of a vessel upon the waters of this state, ~~or~~ to exercise control over or to have responsibility for a vessel's navigation or safety while the vessel is underway upon the waters of this state, or to control or steer a vessel being towed by another vessel upon the waters of the state.

(31)~~(28)~~ "Owner" means a person, other than a lienholder, having the property in or title to a vessel. The term includes a person entitled to the use or possession of a vessel subject to an interest in another person *which is*~~,~~ reserved or created by agreement and securing payment of performance of an obligation.~~, but~~ The term *does not include* ~~excludes~~ a lessee under a lease not intended as security.

(32)~~(29)~~ "Person" means an individual, partnership, firm, corporation, association, or other entity.

(33)~~(30)~~ "Personal watercraft" means a vessel less than 16 feet in length which uses an inboard motor powering a water jet pump~~,~~ as its primary source of motive power and which is designed to be operated by a person sitting, standing, or kneeling on the vessel, rather than in the conventional manner of sitting or standing inside the vessel.

(34)~~(31)~~ "Portable toilet" means a device consisting of a lid, seat, containment vessel, and support structure *which* ~~that~~ is specifically designed to receive, retain, and discharge human waste and *which* ~~that~~ is capable of being removed from a vessel by hand.

(35)~~(32)~~ "Prohibited activity" means ~~such~~ activity *that* ~~as~~ will impede or disturb navigation or creates a safety hazard on waterways of this state.

(36)~~(33)~~ "Racing shell," "rowing scull," or "racing kayak" means a manually propelled vessel *that* ~~which~~ is recognized by national or international racing associations for use in competitive racing and in which all occupants, with the exception of a coxswain, if one is provided, row, scull, or paddle and *that* ~~which~~ is not designed to carry and does not carry any equipment not solely for competitive racing.

(37)~~(34)~~ "Recreational vessel" means *a* ~~any~~ vessel:

(a) Manufactured and used primarily for noncommercial purposes; or

(b) Leased, rented, or chartered to a person for *his or her* ~~the person's~~ noncommercial use.

(38)~~(35)~~ "Registration" means a state operating license on a vessel which is issued with an identifying number, an annual certificate of registration, and a decal designating the year for which a registration fee is paid.

(39)~~(36)~~ "Resident" means a citizen of the United States who has established residence in this state and has continuously resided in this state for 1 year and in one county for the 6 months immediately preceding the initiation of a vessel titling or registration action.

(40)~~(37)~~ "Sailboat" means *a* ~~any~~ vessel whose sole source of propulsion is the wind.

(41) "Sustained wind speed" means a wind speed determined by averaging the observed wind speed rounded up to the nearest mile per hour over a 2-minute period.

(42)~~(38)~~ "Unclaimed vessel" means *an* ~~any~~ undocumented vessel, including its machinery, rigging, and accessories, which is in the physical possession of *a* ~~any~~ marina, garage, or repair shop for repairs, improvements, or other work with the knowledge of the vessel owner and for which the costs of such services have been unpaid for *more than* ~~a period in excess of~~ 90 days *after* ~~from~~ the date written notice of the completed work is given by the marina, garage, or repair shop to the vessel owner.

(43)~~(39)~~ "Vessel" is synonymous with boat as referenced in s. 1(b), Art. VII of the State Constitution and includes every description of watercraft, barge, and airboat, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

(44)~~(40)~~ "Waters of this state" means any navigable waters of the United States within the territorial limits of this state, ~~and~~ the marginal sea adjacent to this state and the high seas when navigated as a part of a journey or ride to or from the shore of this state, and all the inland lakes, rivers, and canals under the jurisdiction of this state.

Section 3. Subsection (5) of section 327.37, Florida Statutes, is amended, and subsection (6) is added to that section, to read:

327.37 Water skis, parasails, ~~and~~ aquaplanes*, kite boarding, kite surfing, and moored ballooning* regulated.—

(5) A person may not operate any vessel towing a parasail or engage in parasailing *or moored ballooning* within 100 feet of the marked channel of the Florida Intracoastal Waterway *or within 2 miles of the boundary of any airport unless otherwise permitted under federal law.*

(6) A person may not engage in kite boarding or kite surfing within an area that extends 1 mile in a direct line along the centerline of an airport runway and that has a width measuring one-half mile unless otherwise permitted under federal law.

Section 4. Section 327.375, Florida Statutes, is created to read:

327.375 Commercial parasailing.—

(1) The operator of a vessel engaged in commercial parasailing shall ensure that the provisions of this section and s. 327.37 are met.

(2) The owner or operator of a vessel engaged in commercial parasailing may not offer or provide for consideration any parasailing activity unless the owner or operator first obtains and maintains in full force and effect a liability insurance policy from an insurance carrier licensed in this state or approved by the Office of Insurance Regulation or an eligible surplus lines insurer. Such policy must provide bodily injury liability coverage in the amounts of at least $1 million per occurrence and $2 million annual aggregate. Proof of insurance must be available for inspection at the location where commercial parasailing is offered or provided for consideration, and each customer who requests such proof shall be provided with the insurance carrier's name and address and the insurance policy number.

(3) The operator of a vessel engaged in commercial parasailing must have a current and valid license issued by the United States Coast Guard authorizing the operator to carry passengers for hire. The license must be appropriate for the number of passengers carried and the displacement of the vessel. The license must be carried on the vessel and be available for inspection while engaging in commercial parasailing activities.

(4) A vessel engaged in commercial parasailing must be equipped with a functional VHF marine transceiver and a separate electronic device capable of providing access to National Weather Service forecasts and current weather conditions.

(5)(a) Commercial parasailing is prohibited if the current observed wind conditions in the area of operation include a sustained wind speed of more than 20 miles per hour; if wind gusts are 15 miles per hour higher than the sustained wind speed; if the wind speed during gusts exceeds 25 miles per hour; if rain or heavy fog results in reduced visibility of less than 0.5 mile; or if a known lightning storm comes within 7 miles of the parasailing area.

(b) The operator of the vessel engaged in commercial parasailing shall use all available means to determine prevailing and forecasted weather conditions and record this information in a weather log each time passengers are to be taken out on the water. The weather log must be available for inspection at all times at the operator's place of business.

(6) A person or operator who violates this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 5. Paragraph (d) of subsection (5) 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:

(5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT; SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

(d) A wrecker, as defined in s. 320.01, which is used to tow a vessel as defined in s. 327.02~~(39)~~, a disabled, abandoned, stolen-recovered, or impounded motor vehicle as defined in s. 320.01, or a replacement motor vehicle as defined in s. 320.01: $41 flat, of which $11 shall be deposited into the General Revenue Fund.

Section 6. Subsection (1) of section 327.391, Florida Statutes, is amended to read:

327.391 Airboats regulated.—

(1) The exhaust of every internal combustion engine used on any airboat operated on the waters of this state shall be provided with an automotive-style factory muffler, underwater exhaust, or other manufactured device capable of adequately muffling the sound of the exhaust of the engine as described in *s. 327.02(25)* ~~s. 327.02(24)~~. The use of cutouts or flex pipe as the sole source of muffling is prohibited, except as provided in subsection (4). Any person who violates this subsection commits a noncriminal infraction punishable as provided in s. 327.73(1).

Section 7. Subsection (4) of section 328.17, Florida Statutes, is amended to read:

328.17 Nonjudicial sale of vessels.—

(4) A marina, as defined in s. 327.02~~(20)~~, shall have:

(a) A possessory lien upon any vessel for storage fees, dockage fees, repairs, improvements, or other work-related storage charges, and for expenses necessary for preservation of the vessel or expenses reasonably incurred in the sale or other disposition of the vessel. The possessory lien *attaches* ~~shall attach~~ as of the date the vessel is brought to the marina or as of the date the vessel first occupies rental space at the marina facility.

(b) A possessory lien upon any vessel in a wrecked, junked, or substantially dismantled condition~~,~~ which has been left abandoned at a marina~~,~~ for expenses reasonably incurred in the removal and disposal of the vessel. The possessory lien *attaches* ~~shall attach~~ as of the date the vessel arrives at the marina or as of the date the vessel first occupies rental space at the marina facility. If the funds recovered from the sale of ~~the vessel,~~ or ~~from~~ the scrap or salvage value of the vessel~~,~~ are insufficient to cover the expenses reasonably incurred by the marina in removing and disposing of the vessel, all costs in excess of recovery shall be recoverable against the owner of the vessel. For a vessel damaged as a result of a named storm, the provisions of this paragraph shall be suspended for 60 days *after* ~~following~~ the date the vessel is damaged in the named storm. The operation of the provisions specified in this paragraph run concurrently with, and do not extend, the 60-day notice periods provided in subsections (5) and (7).

Section 8. Subsection (2) of section 342.07, Florida Statutes, is amended to read:

342.07 Recreational and commercial working waterfronts; legislative findings; definitions.—

(2) As used in this section, the term "recreational and commercial working waterfront" means a parcel or parcels of real property *which* ~~that~~ provide access for water-dependent commercial activities, including hotels and motels as defined in s. 509.242(1), or provide access for the public to the navigable waters of the state. Recreational and commercial working waterfronts require direct access to or a location on, over, or adjacent to a navigable body of water. The term includes water-dependent facilities that are open to the public and offer public access by vessels to the waters of the state or that are support facilities for recreational, commercial, research, or governmental vessels. These facilities include public lodging establishments, docks, wharfs, lifts, wet and dry marinas, boat ramps, boat hauling and repair facilities, commercial fishing facilities, boat construction facilities, and other support structures over the water. As used in this section, the term "vessel" has the same meaning as in s. 327.02~~(39)~~. Seaports are excluded from the definition.

Section 9. Paragraph (b) of subsection (1) of section 713.78, Florida Statutes, is amended to read:

713.78 Liens for recovering, towing, or storing vehicles and vessels.—

(1) For the purposes of this section, the term:

(b) "Vessel" means every description of watercraft, barge, and airboat used or capable of being used as a means of transportation on water, other than a seaplane or a "documented vessel" as defined in s. 327.02~~(9)~~.

Section 10. Paragraph (b) of subsection (1) of section 715.07, Florida Statutes, is amended to read:

715.07 Vehicles or vessels parked on private property; towing.—

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

(b) "Vessel" means every description of watercraft, barge, and airboat used or capable of being used as a means of transportation on water, other than a seaplane or a "documented vessel" as defined in s. 327.02~~(9)~~.

Section 11. This act shall take effect October 1, 2014.

And the title is amended as follows:

Remove everything before the enacting clause and insert: A bill to be entitled An act relating to commercial and recreational water activities; providing a short title; amending s. 327.02, F.S.; defining terms; amending s. 327.37, F.S.; prohibiting certain commercial and recreational water activities within certain areas; creating s. 327.375, F.S.; requiring the operator of a vessel engaged in commercial parasailing to ensure that specified requirements are met; requiring the owner of a vessel engaged in commercial parasailing to obtain and maintain an insurance policy; providing minimum coverage requirements for the insurance policy; providing requirements for proof of insurance; specifying the insurance information that must be provided upon request; requiring the operator to have a current and valid license issued by the United States Coast Guard; prohibiting commercial parasailing unless certain equipment is present on the vessel and certain weather conditions are met; requiring that a weather log be maintained and made available for inspection; providing a criminal penalty; amending ss. 320.08, 327.391, 328.17, 342.07, 713.78, and 715.07, F.S.; conforming cross-references; providing an effective date.

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

SB 320 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Mr. President	Evers	Negron
Abruzzo	Flores	Richter
Altman	Galvano	Ring
Bean	Garcia	Sachs
Benacquisto	Gibson	Simmons
Bradley	Grimsley	Simpson
Brandes	Hays	Smith
Braynon	Joyner	Sobel
Bullard	Latvala	Soto
Clemens	Lee	Stargel
Dean	Legg	Thompson
Detert	Margolis	Thrasher
Diaz de la Portilla	Montford	

Nays—None

Vote preference:

May 2, 2014: Yea—Hukill

BILLS ON THIRD READING

HB 953—A bill to be entitled An act relating to state contracting; amending s. 287.057, F.S.; revising the criteria for evaluating a proposal to include consideration of prior relevant experience of the vendor; revising the criteria for evaluating a response to an agency's invitation to negotiate to include consideration of prior relevant experience of the vendor; providing an effective date.

—was read the third time by title.

On motion by Senator Latvala, **HB 953** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Evers	Negron
Abruzzo	Flores	Richter
Altman	Galvano	Ring
Bean	Garcia	Sachs
Benacquisto	Gibson	Simmons
Bradley	Grimsley	Simpson
Brandes	Hays	Smith
Braynon	Joyner	Sobel
Bullard	Latvala	Soto
Clemens	Lee	Stargel
Dean	Legg	Thompson
Detert	Margolis	Thrasher
Diaz de la Portilla	Montford	

Nays—None

Vote preference:

May 2, 2014: Yea—Hukill

CS for HB 517—A bill to be entitled An act relating to fraudulent controlled substance prescriptions; amending s. 893.13, F.S.; revising provisions prohibiting possession of incomplete prescription forms; providing enhanced criminal penalties for violations involving incomplete prescription forms; providing an effective date.

—was read the third time by title.

On motion by Senator Latvala, **CS for HB 517** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Evers	Montford
Abruzzo	Flores	Negron
Altman	Galvano	Richter
Bean	Garcia	Ring
Benacquisto	Gardiner	Sachs
Bradley	Gibson	Simmons
Brandes	Grimsley	Simpson
Braynon	Hays	Smith
Bullard	Joyner	Sobel
Clemens	Latvala	Soto
Dean	Lee	Stargel
Detert	Legg	Thompson
Diaz de la Portilla	Margolis	Thrasher

Nays—None

CS for CS for HB 1385—A bill to be entitled An act relating to inspectors general; amending s. 14.32, F.S.; revising provisions relating to the appointment and removal of the Chief Inspector General; amending s. 20.055, F.S.; revising provisions relating to the duties, appointment, and removal of agency inspectors general; updating a cross-reference; providing an effective date.

—was read the third time by title.

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

Yeas—37

Mr. President	Evers	Negron
Abruzzo	Flores	Richter
Altman	Galvano	Ring
Bean	Garcia	Sachs
Benacquisto	Gardiner	Simmons
Bradley	Grimsley	Simpson
Brandes	Hays	Smith
Braynon	Joyner	Sobel
Bullard	Latvala	Soto
Clemens	Lee	Stargel
Dean	Legg	Thompson
Detert	Margolis	
Diaz de la Portilla	Montford	

Nays—1

Gibson

Vote after roll call:

Yea—Thrasher

Vote preference:

May 2, 2014: Yea—Hukill

MOTIONS

On motion by Senator Thrasher, the rules were waived and a deadline of one hour after the availability of engrossed bills was set for filing amendments to Bills on Third Reading to be considered Friday, May 2, 2014.

On motion by Senator Thrasher, the rules were waived and the bills remaining on the Special Order Calendar this day were retained on the Special Order Calendar.

REPORTS OF COMMITTEES

Pursuant to Rule 4.17(1), the Rules Chair, Majority Leader, and Minority Leader submit the following bills to be placed on the Special Order Calendar for Thursday, May 1, 2014: CS for CS for CS for SB 278, CS for CS for SB 326, SB 330, CS for CS for SB 484, SB 712, CS for SB 742, CS for CS for CS for SB 768, CS for SB 840, CS for CS for SB 872, CS for CS for CS for SB 898, CS for SB 928, CS for CS for SB 950, CS for CS for CS for SB 956, CS for SB 1126, CS for SB 1160, CS for CS for SB 1272, SB 1486, CS for CS for CS for SB 1630, SB 1674, CS for SB 1724, HB 5601.

Respectfully submitted,
John Thrasher, Rules Chair
Lizbeth Benacquisto, Majority Leader
Christopher L. Smith, Minority Leader

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

EXECUTIVE APPOINTMENTS SUBJECT TO CONFIRMATION BY THE SENATE:

The Secretary of State has certified that pursuant to the provisions of section 114.05, Florida Statutes, certificates subject to confirmation by the Senate have been prepared for the following:

Office and Appointment		*For Term Ending*
Board of Hearing Aid Specialists		
Appointee:	Hollern, Thomas M., Tallahassee	10/31/2017
Tampa Bay Regional Planning Council, Region 8		
Appointee:	Neal, John A., Bradenton	10/01/2016

Referred to the Committee on Ethics and Elections.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

RETURNING MESSAGES — FINAL ACTION

The Honorable Don Gaetz, President

I am directed to inform the Senate that the House of Representatives has adopted CS for SM 1174.

Robert L. "Bob" Ward, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Don Gaetz, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment 1 and passed CS for CS for HB 53 as amended; concurred in Senate Amendment 1 and passed HB 97 as amended; concurred in Senate Amendment 1 and passed CS for CS for HB 409 as amended; concurred in Senate Amendment 1 and passed HB 427 as amended; concurred in Senate Amendments 1 and 2 and passed CS for CS for HB 629 as amended; and concurred in Senate Amendment 1 and passed HB 7031 as amended.

Robert L. "Bob" Ward, Clerk

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 30 was corrected and approved.

CO-INTRODUCERS

Senator Sachs—CS for SB 742

ADJOURNMENT

On motion by Senator Thrasher, the Senate adjourned at 6:22 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Friday, May 2 or upon call of the President.

Daily Numeric Index for
May 1, 2014

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CO — Co-Introducers
CR — Committee Report
CS — Committee Substitute, First Reading
FR — First Reading
MO — Motion
RC — Reference Change

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