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CALL TO ORDER

The Senate was called to order by President Haridopolos at 10:00 a.m.
A quorum present—39:

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

Excused: Senator Bullard

PRAYER

The following prayer was offered by Rev. Candace McKibben, Director of Supportive Care Services, Big Bend Hospice, Tallahassee:

Creator and lover of the world, as this chamber pauses before resuming the important work before them, we call on a wisdom and strength beyond our own. More than a mere formality—we ask earnestly and expectantly that by your grace we demonstrate our best selves this day. Help these Senators to put aside differences and look for the common good. Give them wisdom to see the big picture, while holding in sight the particular lives that are impacted by the decisions that they make this day. Renew in each of them the purity and passion that was theirs when they first began their public service. May they not grow weary in doing what is right and good, and may they love the world and their particular constituents, even as you love the world and all within it. Remind them of the trust that has been placed in them, and grant that they might be wise and fair in the words they speak and the way they conduct business in this chamber.

When these men and women grow tired and faint, renew them with strength. When they become narrow and determined, expand their thoughts and willingness to consider every angle. When they grow homesick, grant them good and happy memories of times spent with those they love. When they lose confidence in the process in which they are engaged, give them a vision of what they can accomplish as they work together with integrity and courage.

Creator and lover of this world, thank you for the gift of life and for this important work to do. May these public servants find a way to rise above what is divisive and petty and work for the best for all Floridians. Amen.

PLEDGE

Senate Pages Jase Lindsey of Tallahassee; Paul Pucciarelli, Jr. of Brandon; Jalyn Stallworth of Odessa; David “Alex” Roberts of Ponce de Leon; and Sarah Green of Pace, 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. Marc Inglese of Tallahassee, sponsored by Senator Montford, as doctor of the day. Dr. Inglese specializes in Dermatology and Internal Medicine.

ADOPTION OF RESOLUTIONS

On motion by Senator Gaetz—

By Senator Gaetz—

SR 2030—A resolution recognizing the invaluable contribution of Florida ophthalmologists to the EyeCare America program and expressing gratitude for their exemplary service to the people of this state.

WHEREAS, by age 65, one in three Americans suffers some form of vision-limiting eye disease, and

WHEREAS, EyeCare America is a charitable foundation of the American Academy of Ophthalmology committed to the preservation of sight, with nearly 7,000 volunteer ophthalmologists providing service to their respective communities, and

WHEREAS, in this state, 409 ophthalmologists volunteer their services to more than 34,200 EyeCare America patients, providing voluntary eye exams and up to 1 year of care to qualified United States citizens and legal residents at no cost, and

WHEREAS, through EyeCare America, those who are age 65 or older and have not seen an ophthalmologist in 3 or more years may be eligible to receive a comprehensive eye examination and up to 1 year of care, while uninsured individuals who are determined to be at an increased risk for glaucoma and who have not had an eye examination in 12 months or more may be eligible for a free glaucoma exam, and

WHEREAS, the Florida Society of Ophthalmology seeks to improve services to Florida citizens and legal residents unable to afford proper and necessary eye care, with many of its members participating in EyeCare America, and

WHEREAS, the Florida Senate recognizes the critical importance of devoting time and medical care for those Florida citizens and legal residents in need of eye care, NOW, THEREFORE,

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

That the Senate does hereby recognize Florida ophthalmologists and the Florida Society of Ophthalmology for their dedication to EyeCare America and patients in need of eye care.

BE IT FURTHER RESOLVED that copies of this resolution, signed by the President of the Senate, with the Seal of the Senate affixed, be transmitted to EyeCare America and the Florida Society of Ophthalmology, respectively, as a tangible token of the sentiments expressed herein and as a lasting symbol of the respect of the members of the Senate of the State of Florida.

—was introduced out of order and read by title. On motion by Senator Gaetz, **SR 2030** was read the second time in full and adopted.

On motion by Senator Joyner—

By Senator Joyner—

SR 2164—A resolution recognizing April 2011 as “Fair Housing Month” in Florida.

WHEREAS, Title VIII of the federal Civil Rights Act of 1968 and the federal Fair Housing Act of 1988 prohibit discrimination based on race, color, religion, sex, national origin, disability, or familial status in the sale, rental, and financing of dwellings, and

WHEREAS, in 1983, the Florida Legislature enacted the Florida Fair Housing Act to ensure that discrimination in the sale or rental of any dwelling because of race, color, national origin, sex, or religion be prohibited, and subsequently amended the Act in 1988 to include handicap and familial status, and

WHEREAS, the United States Department of Housing and Urban Development has proclaimed April as “National Fair Housing Month,” launching awareness campaigns to commemorate the historic passage of this major legislation, increasing the public’s understanding of the act’s many protections, and asking communities to remember the past and celebrate 43 years of housing successes to ensure justice and housing opportunities for all, and

WHEREAS, according to a recent report from the federal Fair Housing Administration, Florida continues to experience a catastrophic rate of home foreclosures, and, as of February 2011, had the highest foreclosure rate in the nation, due in part to predatory lending practices from 2004 through 2006, and

WHEREAS, at the height of this lending spree, Florida’s ethnic and racial minorities accounted for more than half of all subprime mortgage loans, which means that ethnic and racial minorities are losing their homes at much higher rates than other Floridians, and

WHEREAS, the Florida Commission on Human Relations conducts thorough and timely investigations of housing discrimination complaints and, as a result of its investigative efforts, has found that housing discrimination continues to exist in this state, with disability, race, national origin, and familial status constituting the top four areas of housing discrimination cases closed in the 2009-2010 fiscal year, and

WHEREAS, given the current housing crisis, the Florida Commission on Human Relations is working harder than ever to expand its outreach and educational efforts to ensure that members of the housing industry are informed of fair housing laws and their responsibilities, and to increase community partnerships to ensure that Floridians are treated fairly and are provided equal access to adequate and affordable housing without discrimination, prejudice, or barriers, NOW, THEREFORE,

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

That April 2011 is recognized as “Fair Housing Month” in Florida.

BE IT FURTHER RESOLVED that the Florida Senate calls upon state and local governmental leaders, communities within the state, and all Floridians to observe Fair Housing Month through ceremonies and activities that celebrate past and future efforts to ensure fair and equal access to housing for all people in this state.

—was introduced out of order and read by title. On motion by Senator Joyner, **SR 2164** was read the second time in full and adopted.

On motion by Senator Benacquisto—

By Senator Benacquisto—

SR 2188—A resolution recognizing April 2011 as “Sexual Assault Awareness Month” in Florida.

WHEREAS, sexual assault continues to be a major social crisis in society, with one in nine women in this state a survivor of sexual violence, and

WHEREAS, sexual assault continues to affect many Floridians, either directly, as the survivor of sexual assault, or indirectly, as a family member, friend, neighbor, or coworker of a survivor, and

WHEREAS, men and boys can be victims of sexual violence as children, teens, or adults and are often reluctant to report the crime of sexual assault, and

WHEREAS, sexual assault has a devastating effect on survivors, affecting every aspect of their lives, increasing the risk of depression, suicide, homelessness, and substance abuse, and often leading to post-traumatic stress disorder, and

WHEREAS, volunteers and service providers in 30 certified rape crisis centers work to provide a continuum of quality care to sexual assault survivors through 24-hour hotlines, counseling, support groups, advocacy, medical care, and education, and

WHEREAS, the Florida Council Against Sexual Violence seeks to improve services for survivors of sexual assault and to prevent future sexual assault through public awareness and victim services, and

WHEREAS, child sexual abuse survivor and educator Lauren Book founded the organization Lauren’s Kids, Inc., which, in conjunction with the Florida Council Against Sexual Violence, has organized “Walk In My Shoes,” a 1,000-mile walk from Key West to Tallahassee, which symbolizes the long and painful road to recovery for survivors of sexual assault, and

WHEREAS, “Walk In My Shoes” is promoting awareness, guidance, and support for survivors, educating adults and children about sexual assault, promoting the message that it is acceptable for survivors to tell others about the abuse they have experienced, and offering hope for healing for all survivors of sexual assault, and

WHEREAS, the Florida Senate recognizes the vital importance of designating a time devoted to increasing public awareness and support of agencies providing services to sexual assault survivors, and envisions a future in which all communities are free of sexual violence, NOW, THEREFORE,

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

That April 2011 is recognized as “Sexual Assault Awareness Month” in Florida.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the Florida Council Against Sexual Violence and Lauren’s Kids, Inc., as a tangible token of the sentiments of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator Benacquisto, **SR 2188** was read the second time in full and adopted.

On motion by Senator Detert—

By Senator Detert—

SR 2054—A resolution recognizing the outstanding achievements of the students, alumni, faculty, and staff of New College of Florida on the occasion of its 50th Anniversary Year as an institution of higher education in Florida.

WHEREAS, New College was founded in 1960 and dedicated its campus on the grounds of the former Charles Ringling estate on Sarasota's bayfront in 1962, and

WHEREAS, in dedicating the campus of New College, celebrants symbolically mixed soil from Harvard, the oldest institution of higher education in the nation, with that of the newest, New College, and

WHEREAS, New College matriculated its first class of students in 1964, graduating this charter class in 1967, and

WHEREAS, for 50 years New College has been dedicated to academic excellence, remaining true to its mission to provide academically talented students with an individualized and challenging educational program by promoting independent study and encouraging undergraduate research and close interaction with faculty members, and

WHEREAS, New College became part of the State University System of Florida in 1975, gained independence as the 11th member of the system in 2001, and, as New College of Florida, was designated the State Honors College for the liberal arts and sciences, and

WHEREAS, New College of Florida has produced national and international scholarship award winners and grant recipients, including a Fields Medalist, a Rhodes Scholar, a British Marshall Scholar, a Gates Cambridge Scholar, and numerous National Science Foundation Fellows, and has one of the highest per capita number of Fulbright Scholars in the nation, and

WHEREAS, New College of Florida has been recognized as one of the nation's leading undergraduate liberal arts and sciences colleges by *U.S. News & World Report*, the *Wall Street Journal*, *Forbes*, *Money*, *Time*, *The Princeton Review*, and other publications, NOW, THEREFORE,

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

That the Florida Senate takes great pride in recognizing the 50th Anniversary Year of New College of Florida and salutes the outstanding achievements of its students, alumni, faculty, and staff on this 27th day of April, 2011.

—was introduced out of order and read by title. On motion by Senator Detert, **SR 2054** was read the second time in full and adopted.

At the request of Senator Jones—

By Senator Jones—

SR 1498—A resolution recognizing April 12 and 13, 2011, as “Massage Therapy Legislative Awareness Days.”

WHEREAS, members of the Florida State Massage Therapy Association and the Florida Chapter of the American Massage Therapy Association throughout the state are actively involved in public awareness and health programs to improve the health and quality of life of Florida residents, and

WHEREAS, the Florida State Massage Therapy Association and the Florida Chapter of the American Massage Therapy Association have been holding Massage Therapy Legislative Awareness Days at the Florida Capitol since 1988 for the purpose of educating the Legislature and the public concerning the many health benefits of massage therapy, and

WHEREAS, the practice of massage therapy is regulated by the Board of Massage Therapy within the Department of Health under chapter 480, Florida Statutes, and

WHEREAS, massage therapists have been licensed and regulated in Florida since 1943, and currently more than 30,000 massage therapists are licensed by the state, and

WHEREAS, massage therapy is a high-quality, low-cost means of enhancing and restoring health, and

WHEREAS, increased awareness of the benefits of massage therapy will lead to improved health and vitality of the residents of this state, and

WHEREAS, the Legislature recognizes massage therapy for wellness and preventive health measures, NOW, THEREFORE,

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

That April 12 and 13, 2011, are recognized as “Massage Therapy Legislative Awareness Days” in Florida.

—**SR 1498** was introduced, read and adopted by publication.

At the request of Senator Fasano—

By Senator Fasano—

SR 1988—A resolution commending the osteopathic physicians of this state and recognizing April 13, 2011, as “Osteopathic Medicine Day” in Florida.

WHEREAS, there are currently more than 70,000 osteopathic physicians in the United States, and

WHEREAS, osteopathic physicians provide health care services that account for more than 76 million patient visits in this country each year, and

WHEREAS, this state has three accredited osteopathic hospitals, two osteopathic medical colleges, and the third-largest osteopathic physician population in the nation, and

WHEREAS, osteopathic manipulation of the musculoskeletal system is a viable and proven technique for many diagnoses and treatments and provides an alternative to many drug therapies, and

WHEREAS, osteopathic physicians provide comprehensive medical care, including preventive medicine, diagnoses, and the appropriate use of drugs, surgery, manipulation, and hospital referrals, NOW, THEREFORE,

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

That the osteopathic physicians of this state are commended for their contributions to the health of all Floridians and April 13, 2011, is recognized as “Osteopathic Medicine Day” in Florida.

—**SR 1988** was introduced, read and adopted by publication.

At the request of Senator Rich—

By Senator Rich—

SR 2180—A resolution recognizing November 14-20, 2011, as “Spinal Cord Injury Awareness Week” in Florida.

WHEREAS, the central nervous system is made up of two parts, the brain and the spinal cord, and

WHEREAS, the spinal cord is considered the “information superhighway” of the body because it contains bundles of neurons that carry signals to and from the brain, controlling many bodily functions, and

WHEREAS, after a spinal cord injury occurs, damaged neurons can no longer emit signals to or from the brain, and the injured person suffers permanent sensory loss and loss of muscle control, and

WHEREAS, currently there are approximately 262,000 individuals in the United States who have sustained a spinal cord injury, and

WHEREAS, it is estimated that the annual incidence of spinal cord injury in the United States, not including those who die at the scene of an accident, is approximately 12,000 new cases each year, and

WHEREAS, the most common age for spinal cord injuries is 19 years old, with 25 percent of all injuries occurring between the ages of 17 and 23, and 51 percent of all injuries occurring between the ages of 16 and 30, and

WHEREAS, more than 80 percent of spinal cord injuries occur in men and 20 percent occur in women, and

WHEREAS, the four leading causes of spinal cord injury for both men and women are auto accidents, falls, acts of violence, and recreational sporting activities, and

WHEREAS, the average annual cost of care for individuals who have a spinal cord injury ranges from \$245,000 to \$830,000 the first year after injury, with an estimated lifetime cost ranging between \$529,000 and \$3.3 million depending on the severity of injury, and

WHEREAS, in the past 17 years, scientists have made major breakthroughs in understanding how to encourage damaged neurons to regenerate and restore function and how to improve the quality of life for patients in areas such as infertility and pain management, and

WHEREAS, the Darrell Gwynn Foundation has worked to help fund research aimed at finding a cure for paralysis, as well as improving the overall quality of life for individuals with paralysis, and

WHEREAS, the Darrell Gwynn Foundation will spend the week of November 14-20, 2011, working with local governments and schools to educate Floridians about the causes of and treatments for spinal cord injuries, as well as informing the public on how to prevent these injuries from taking place, NOW, THEREFORE,

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

That November 14-20, 2011, is recognized as “Spinal Cord Injury Awareness Week” in the State of Florida.

—**SR 2180** was introduced, read and adopted by publication.

At the request of Senator Ring—

By Senator Ring—

SR 2192—A resolution recognizing April 19, 2011, as “Florida Wing, Civil Air Patrol Day” in the State of Florida.

WHEREAS, the Civil Air Patrol was established on December 1, 1941, one week before the Japanese attack on Pearl Harbor, by citizens who were concerned about the defense of America’s coastline, and

WHEREAS, under the jurisdiction of the United States Army Air Forces, Civil Air Patrol pilots flew more than 500,000 hours and were credited with sinking two enemy submarines and rescuing hundreds of crash survivors during World War II, and

WHEREAS, President Harry Truman established the Civil Air Patrol as a federally chartered benevolent civilian corporation on July 1, 1946, and on May 26, 1948, the United States Congress passed Public Law 557, which permanently established the Civil Air Patrol as the auxiliary of the United States Air Force and charged the patrol with three primary missions: cadet programs, emergency services, and aerospace education, and

WHEREAS, in October 2000, Congress passed Public Law 106-398, which designated the Civil Air Patrol as a volunteer civilian auxiliary of the United States Air Force when its services are provided to any department or agency of the Federal Government, and

WHEREAS, the Civil Air Patrol’s cadet program offers children and young adults from ages 12 to 21 training in the areas of leadership, ethics, decisionmaking, and physical fitness and endurance, as well as the opportunity to fly in military aircraft and compete for scholarships toward earning pilot’s licenses, and

WHEREAS, the goal of the Civil Air Patrol’s aerospace education program is to foster and cultivate student interest in aerospace through the promotion of aviation, technology, engineering, and aerospace studies in the classroom, and

WHEREAS, the Civil Air Patrol’s emergency services program provides crucial services for United States citizens, such as inland search and rescue operations, reconnaissance for homeland security, and disaster relief and support to local, state, and national organizations, and

WHEREAS, the Civil Air Patrol is composed entirely of volunteer members from all walks of life, including medical and business profes-

sionals, law enforcement officers, clergy members, educators, and others, whose sole purpose is to serve the citizens of the United States and the State of Florida, and

WHEREAS, one of the largest and most active Wings in the Civil Air Patrol is the Florida Wing, with more than 3,800 members, and

WHEREAS, Florida Wing, Civil Air Patrol has flown more than 7,145 hours over the past year in support of its task to serve the citizens of the State of Florida and has executed more than 385 missions in the state, including United States Air Force training missions, NOW, THEREFORE,

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

That April 19, 2011, is recognized as “Florida Wing, Civil Air Patrol Day” in the State of Florida.

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

—**SR 2192** was introduced, read and adopted by publication.

SPECIAL RECOGNITION

Senator Storms recognized Jaclyn Raulerson, “Miss Florida 2010,” and her father, Dan Raulerson, who were present in the gallery.

SPECIAL ORDER CALENDAR

Consideration of **CS for CS for SB 830**, **CS for CS for SB 234**, **CS for CS for CS for SB 402** and **CS for CS for CS for SB 432** was deferred.

CS for CS for SB 1524—A bill to be entitled An act relating to telecommunications; creating the “Regulatory Reform Act”; amending s. 364.01, F.S.; revising legislative intent with respect to the jurisdiction of the Florida Public Service Commission; amending s. 364.011, F.S.; providing that certain basic and nonbasic telecommunication services are exempt from the jurisdiction of the Public Service Commission; amending s. 364.012, F.S.; requiring local exchange telecommunications companies to provide unbundled access to network elements; amending s. 364.0135, F.S.; providing legislative intent relating to the sustainable adoption of broadband Internet service; providing a definition of “sustainable adoption” as it relates to broadband Internet services; removing obsolete legislative intent; authorizing the Department of Management Services to work collaboratively with, and to receive staffing support and other resources from, Enterprise Florida, Inc., state agencies, local governments, private businesses, and community organizations to encourage sustainable adoption of broadband Internet services; authorizing the department to adopt rules; amending s. 364.02, F.S.; removing the definition of “monopoly service” and adding a definition for “VoIP”; repealing ss. 364.025, 364.0251, and 364.0252, F.S., relating to uniform telecommunications service, a telecommunications consumer information program, and the expansion of consumer information programs, respectively; amending s. 364.04, F.S.; providing that the commission has no jurisdiction over the content, form, or format of rate schedules published by a telecommunications company; providing that a telecommunications company may undertake certain activities; repealing ss. 364.051, 364.052, 364.057, 364.058, 364.059, 364.06, 364.063, 364.07, and 364.08, F.S., relating to price regulation, regulatory methods for small local exchange telecommunications companies, experimental and transitional rates, limited proceedings, procedures for seeking a stay of proceedings, joint rates, tolls, and contracts, rate adjustment orders, intrastate interexchange service contracts, and unlawful charges against consumers, respectively; amending s. 364.10, F.S.; removing obsolete provisions; requiring an eligible telecommunications carrier to provide a Lifeline Assistance Plan to qualified residential subscribers; repealing s. 364.15, F.S., relating to repairs, improvements, and additions to telecommunication facilities; amending s. 364.16, F.S., relating to local interconnection, unbundling, and resale of telecommunication services; providing legislative intent; requiring the Public Service Commission to, upon request, arbitrate and enforce interconnection agreements; providing that certain services are exempt from the commission jurisdiction;

providing that a competitive local exchange telecommunications company is entitled to interconnection with a local exchange telecommunications company for certain purposes; prohibiting a telecommunications company from knowingly delivering traffic for which terminating access service charges would otherwise apply; authorizing any party having a substantial interest to petition the commission for an investigation; requiring the commission to adopt rules to prevent the unauthorized changing of a subscriber's telecommunications service; requiring the commission to conduct an expedited proceeding to resolve disputes; providing that the telecommunications company that asserts the existence of a local preferred carrier freeze has a certain burden of proof; removing obsolete provisions relating to local exchange telecommunications companies; repealing ss. 364.161 and 364.162, F.S., relating to unbundling and resale of telecommunication services and negotiated prices for interconnection services, respectively; amending s. 364.163, F.S.; conforming provisions to changes made by the act; amending s. 364.183, F.S.; revising provisions relating to access of the commission to certain records of a telecommunications company; repealing ss. 364.185, 364.19, and 364.27, F.S., relating to powers of the commission to investigate and inspect any premises of a telecommunications company, regulation of telecommunication contracts, and powers and duties as to interstate rates, respectively; amending s. 364.33, F.S., relating to the certificate of authority; prohibiting a person from providing any telecommunications service to the public without a certificate of necessity or a certificate of authority issued by the commission; providing that, after a specified date, the commission will no longer issue certificates of necessity; amending s. 364.335, F.S.; requiring an applicant to provide certain information when applying for a certificate of authority; describing the criteria necessary to be granted a certificate of authority; authorizing a telecommunications company to terminate a certificate of authority; repealing s. 364.337, F.S., relating to competitive local exchange companies; amending s. 364.3375, F.S., relating to pay telephone service providers; requiring pay telephone providers to obtain a certificate of authority from the commission; repealing ss. 364.3376, 364.3381, 364.3382, 364.339, 364.345, and 364.37, F.S., relating to operator services, cross-subsidization, cost disclosures, certificates for territories served, shared tenant services, and powers of the commission relating to service territories, respectively; amending s. 364.385, F.S.; removing obsolete provisions relating to saving clauses; amending s. 364.386, F.S.; revising the content to be included in the report to be filed with the Legislature; repealing ss. 364.501, 364.503, 364.506, 364.507, 364.508, 364.515, 364.516, 364.601, 364.602, 364.603, and 364.604, F.S., relating to the prevention of damages to underground telecommunication facilities, mergers or acquisitions, a short title for education facilities, legislative intent for advanced telecommunication services to eligible facilities, definitions, infrastructure investments, penalties for failing to provide advanced telecommunication services, the short title for telecommunication consumer protections, definitions, the methodology for protecting consumers for changing telecommunication providers, and billing procedures to inform and protect the consumer, respectively; amending ss. 196.012, 199.183, 212.08, 290.007, 350.0605, 364.105, 364.32, and 489.103, F.S.; revising cross-references to conform to changes made by the act; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB 1524** to **CS for CS for HB 1231**.

Pending further consideration of **CS for CS for SB 1524** as amended, on motion by Senator Simmons, by two-thirds vote **CS for CS for HB 1231** was withdrawn from the Committees on Communications, Energy, and Public Utilities; Commerce and Tourism; and Budget.

On motion by Senator Simmons—

CS for CS for HB 1231—A bill to be entitled An act relating to telecommunications; creating the “Regulatory Reform Act”; amending s. 364.01, F.S.; revising legislative intent with respect to the jurisdiction of the Florida Public Service Commission; amending s. 364.011, F.S.; providing that certain basic and nonbasic telecommunication services are exempt from the jurisdiction of the Public Service Commission; amending s. 364.012, F.S.; requiring local exchange telecommunications companies to provide unbundled access to network elements; amending s. 364.0135, F.S.; providing legislative intent relating to the sustainable adoption of broadband Internet service; providing a definition of “sustainable adoption” as it relates to broadband Internet services; removing obsolete legislative intent; authorizing the Department of Management

Services to work collaboratively with, and to receive staffing support and other resources from, Enterprise Florida, Inc., state agencies, local governments, private businesses, and community organizations to encourage sustainable adoption of broadband Internet services; authorizing the department to adopt rules; amending s. 364.02, F.S.; removing the definition of the term “monopoly service”; revising the definitions of the terms “basic local telecommunications service” and “nonbasic service”; excluding an operator service provider from the meaning of the term “telecommunications company”; revising the definition of the term “VoIP”; repealing ss. 364.025, 364.0251, and 364.0252, F.S., relating to uniform telecommunications service, a telecommunications consumer information program, and the expansion of consumer information programs, respectively; amending s. 364.04, F.S.; providing that the commission has no jurisdiction over the content, form, or format of rate schedules published by a telecommunications company; providing that a telecommunications company may undertake certain activities; repealing ss. 364.051, 364.052, 364.057, 364.058, 364.059, 364.06, 364.063, 364.07, and 364.08, F.S., relating to price regulation, regulatory methods for small local exchange telecommunications companies, experimental and transitional rates, limited proceedings, procedures for seeking a stay of proceedings, joint rates, tolls, and contracts, rate adjustment orders, intrastate interexchange service contracts, and unlawful charges against consumers, respectively; amending s. 364.10, F.S.; removing obsolete provisions; requiring an eligible telecommunications carrier to provide a Lifeline Assistance Plan to qualified residential subscribers; authorizing the commission to undertake certain consumer education measures; repealing s. 364.15, F.S., relating to repairs, improvements, and additions to telecommunication facilities; amending s. 364.16, F.S., relating to interconnection, unbundling, and resale of telecommunication services; requiring the commission to, upon request, arbitrate and enforce interconnection agreements; prohibiting a telecommunications company from knowingly delivering traffic for which terminating access service charges would otherwise apply; authorizing the commission to adopt rules to prevent the unauthorized changing of a subscriber's telecommunications service; removing obsolete provisions relating to local exchange telecommunications companies; repealing ss. 364.161 and 364.162, F.S., relating to unbundling and resale of telecommunication services and negotiated prices for interconnection services, respectively; amending s. 364.163, F.S.; conforming provisions to changes made by the act; amending s. 364.183, F.S.; revising provisions relating to access of the commission to certain records of a telecommunications company; repealing ss. 364.185, 364.19, and 364.27, F.S., relating to powers of the commission to investigate and inspect any premises of a telecommunications company, regulation of telecommunication contracts, and powers and duties as to interstate rates, respectively; amending s. 364.33, F.S., relating to the certificate of authority; prohibiting a person from providing any telecommunications service to the public without a certificate of necessity or a certificate of authority issued by the commission; providing that, after a specified date, the commission will no longer issue certificates of necessity; amending s. 364.335, F.S.; requiring an applicant to provide certain information when applying for a certificate of authority; describing the criteria necessary to be granted a certificate of authority; authorizing a telecommunications company to terminate a certificate of authority; amending s. 364.336, F.S.; requiring the commission to initiate rulemaking to reduce the regulatory assessment fee for telecommunications companies and to produce an annual report describing its efforts to reduce the fee; repealing s. 364.337, F.S., relating to competitive local exchange companies; amending s. 364.3375, F.S., relating to pay telephone service providers; requiring pay telephone providers to obtain a certificate of authority from the commission; repealing ss. 364.3376, 364.3381, 364.3382, 364.339, 364.345, and 364.37, F.S., relating to operator services, cross-subsidization, cost disclosures, certificates for territories served, shared tenant services, and powers of the commission relating to service territories, respectively; amending s. 364.385, F.S.; removing obsolete provisions relating to saving clauses; amending s. 364.386, F.S.; revising the content to be included in the report to be filed with the Legislature; repealing ss. 364.501, 364.503, 364.506, 364.507, 364.508, 364.515, 364.516, 364.601, 364.602, 364.603, and 364.604, F.S., relating to the prevention of damages to underground telecommunication facilities, mergers or acquisitions, a short title for education facilities, legislative intent for advanced telecommunication services to eligible facilities, definitions, infrastructure investments, penalties for failing to provide advanced telecommunication services, the short title for telecommunication consumer protections, definitions, the methodology for protecting consumers for changing telecommunication providers, and billing procedures to inform and protect the consumer, respectively; amending ss. 196.012, 199.183, 212.08, 290.007, 350.0605,

364.105, 364.32, and 489.103, F.S.; revising cross-references to conform to changes made by the act; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1524** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 1231** was placed on the calendar of Bills on Third Reading.

CS for SB 998—A bill to be entitled An act relating to property rights; amending s. 70.001, F.S.; redefining the terms “inordinate burden” and “inordinately burdened” as they relate to the Bert J. Harris, Jr., Private Property Rights Protection Act” to specify that a moratorium on development in effect for longer than a specified period constitutes an inordinate burden; revising the time within which a property owner who seeks compensation must present the claim in writing to the head of the governmental entity; revising the time within which a governmental entity must make a written settlement offer to a claimant; revising the time within which a governmental entity that has provided notice must issue a written statement of allowable uses, rather than a ripeness decision, which identifies the allowable uses to which the subject property may be put; providing that the failure of the governmental entity to issue a written statement of allowable uses during the applicable revised notice requirement is deemed a denial for purposes of allowing a property owner to file an action in the circuit court; providing that if a written statement of allowable uses is issued, it constitutes the last prerequisite to judicial review; conforming terminology to changes made by the act; providing that enacting a law or adopting a regulation does not constitute the application of the law or regulation to a property; providing for application of sovereign immunity; providing for application of the act; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 998** to **CS for CS for HB 701**.

Pending further consideration of **CS for SB 998** as amended, on motion by Senator Simmons, by two-thirds vote **CS for CS for HB 701** was withdrawn from the Committees on Community Affairs; Judiciary; and Budget.

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

CS for CS for HB 701—A bill to be entitled An act relating to property rights; amending s. 70.001, F.S.; revising definitions; shortening a notice period for certain actions; revising procedures for determining a governmental entity's final decision identifying the allowable uses for a property; defining what constitutes first application of a law or regulation; clarifying the waiver of sovereign immunity for liability; providing for prospective application; providing an effective date.

—a companion measure, was substituted for **CS for SB 998** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 701** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 818** was deferred.

On motion by Senator Thrasher—

CS for CS for CS for SB 1546—A bill to be entitled An act relating to charter schools; amending ss. 163.3180 and 1002.32, F.S.; conforming cross-references; amending s. 1002.33, F.S.; requiring that the Department of Education provide or arrange for training and technical assistance for charter schools; providing for the designation of charter schools as high-performing if certain requirements are met; providing definitions relating to the high-performing charter school system; revising provisions to conform to changes made by the act; amending ss. 1002.34, 1011.68, 1012.32, and 1013.62, F.S.; conforming cross-references; requiring that the Office of Program Policy Analysis and Government Accountability conduct a study comparing the funding of charter schools to the funding of public schools; providing requirements for the study; requiring that the office submit its recommendations and findings to the

Governor and Legislature by a specified date; providing for severability; providing an effective date.

—was read the second time by title.

MOTION

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

Senator Sobel moved the following amendment which was adopted:

Amendment 1 (790772) (with title amendment)—Delete lines 565-569 and insert:

(d) A school district may require up to two of the charter school's governing board members to reside in the school district in which the charter school is located. Each charter school's governing board must annually hold at least three public meetings in the school district. Such meetings must be open and accessible to the public, and attendees must be provided an opportunity to receive information and provide input regarding the charter school's affairs. A quorum of the governing board members must be physically present at each meeting.

And the title is amended as follows:

Between lines 6 and 7 insert: authorizing a sponsor to require certain governing board members to reside in the school district;

Pursuant to Rule 4.19, **CS for CS for CS for SB 1546** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for SM 1654—A memorial to notify the Federal Government of colleges and universities in this state which are authorized to operate educational programs beyond the secondary level.

WHEREAS, On October 29, 2010, the United States Department of Education issued its Final Rule on Program Integrity Issues, 75 Federal Register 66832 et seq., which includes amendments to regulations at 34 Code of Federal Regulations s. 600.9(a)(1)(i)(A) requiring that educational institutions not created by the state be “established by name as an educational institution by a State through a charter, statute, constitutional provision, or other action...” and be “authorized to operate educational programs beyond secondary level, including programs leading to a degree or certificate,” and

WHEREAS, the Legislature chose to exempt from the jurisdiction or purview of the Commission for Independent Education “any institution that is under the jurisdiction of the Department of Education, eligible to participate in the William L. Boyd, IV, Florida Resident Access Grant Program and that is a nonprofit independent college or university located and chartered in this state and accredited by the Commission on Colleges of the Southern Association of Colleges and Schools to grant baccalaureate degrees,” pursuant to s. 1005.06(1)(c), Florida Statutes, and

WHEREAS, all institutions exempted from the jurisdiction or purview of the Commission for Independent Education through accreditation by the Commission on Colleges of the Southern Association of Colleges and Schools must meet state requirements regarding fair consumer practices under s. 1005.04, Florida Statutes, meet annual reporting requirements with respect to crime statistics and physical plant safety under ss. 1005.04(1)(g) and 1013.11, Florida Statutes, and adopt hazing policies and rules under s. 1006.63, Florida Statutes, and

WHEREAS, all institutions that are exempt from the jurisdiction or purview of the Commission for Independent Education under s. 1005.06(1)(c), Florida Statutes, may participate in one or more state-funded student financial aid programs subject to audit by the Florida Department of Education, including, but not limited to, the Florida Private Student Assistance Grant Program pursuant to s. 1009.51, Florida Statutes, the Florida Bright Futures Scholarship Program pursuant to s. 1009.53, Florida Statutes, and the William L. Boyd, IV, Florida Resident Access Grant Program pursuant to s. 1009.89, Florida Statutes, and

WHEREAS, the institutions that are eligible to participate in Florida's student financial aid programs include: Ave Maria University, Barry University, Beacon College, Bethune-Cookman University, Clearwater Christian College, Eckerd College, Edward Waters College, Embry-Riddle Aeronautical University, Flagler College, Florida College, Florida Hospital College of Health Sciences, Florida Institute of Technology, Florida Memorial University, Florida Southern College, Hodges University, Jacksonville University, Lynn University, Nova Southeastern University, Palm Beach Atlantic University, Ringling College of Art and Design, Rollins College, Saint Leo University, Southeastern University, St. Thomas University, Stetson University, University of Miami, University of Tampa, Warner University, Webber International University, Keiser University, and Everglades University, NOW, THEREFORE,

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

That the 2011 Florida Legislature respectfully informs the United States Department of Education that the colleges and universities named in this memorial are authorized to operate educational programs beyond the secondary level.

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

—was read the second time in full. On motion by Senator Wise, **CS for SM 1654** was adopted and certified to the House. The vote on adoption was:

Yeas—39

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

Nays—None

CS for SB 1996—A bill to be entitled An act relating to education law repeals; repealing s. 445.049, F.S., relating to the creation of the Digital Divide Council in the Department of Education; repealing s. 817.567, F.S., relating to making false claims of academic degree or title; repealing s. 1001.291, F.S., which provides for implementation of a pilot project relating to discounted computers and Internet access for low-income students; repealing s. 1004.50, F.S., relating to the Institute on Urban Policy and Commerce; repealing s. 1004.51, F.S., relating to the Community and Faith-based Organizations Initiative and the Library Technology Access Partnership; repealing s. 1004.52, F.S., relating to the community computer access grant program; repealing s. 1004.95, F.S., relating to adult literacy centers; repealing s. 1004.97, F.S., relating to the Florida Literacy Corps; repealing s. 1004.04(11) and (12), F.S., relating to the Preteacher and Teacher Education Pilot Programs and the Teacher Education Pilot Programs for High-Achieving Students; repealing s. 1009.54, F.S., relating to the Critical Teacher Shortage Program; repealing s. 1009.57, F.S., relating to the Florida Teacher Scholarship and Forgivable Loan Program; repealing s. 1009.58, F.S., relating to the critical teacher shortage tuition reimbursement program; repealing s. 1009.59, F.S., relating to the Critical Teacher Shortage Student Loan Forgiveness Program; repealing s. 1012.225, F.S., relating to the Merit Award Program for Instructional Personnel and School-Based Administrators; repealing s. 1012.2251, F.S., relating to the administration of end-of-course examinations for the Merit Award Program; repealing s. 447.403(2)(c), F.S., relating to the resolution of an

impasse involving a dispute of a Merit Award Program plan, to conform; amending ss. 1002.33, 1003.52, 1009.40, 1009.94, 1011.62, and 1012.07, F.S.; conforming provisions to changes made by the act; repealing s. 1012.33(3)(a), (b), and (c), F.S., relating to professional service contracts for instructional staff; amending s. 1008.22, F.S.; deleting a provision requiring that certain middle school students who earned high school credit in Algebra I take the Algebra I end-of-course assessment during the 2010-2011 school year; providing effective dates.

—was read the second time by title.

Pending further consideration of **CS for SB 1996**, on motion by Senator Wise, by two-thirds vote **CS for HB 7087** was withdrawn from the Committees on Education Pre-K - 12; Budget Subcommittee on Education Pre-K - 12 Appropriations; and Budget.

On motion by Senator Wise—

CS for HB 7087—A bill to be entitled An act relating to education law repeals; repealing s. 445.049, F.S., relating to the creation of the Digital Divide Council in the Department of Education; repealing s. 817.567, F.S., relating to making false claims of academic degree or title; repealing s. 1001.291, F.S., which provides for implementation of a pilot project relating to discounted computers and Internet access for low-income students; repealing s. 1004.50, F.S., relating to the Institute on Urban Policy and Commerce; repealing s. 1004.51, F.S., relating to the Community and Faith-based Organizations Initiative and the Library Technology Access Partnership; repealing s. 1004.52, F.S., relating to the community computer access grant program; repealing s. 1004.95, F.S., relating to adult literacy centers; repealing s. 1004.97, F.S., relating to the Florida Literacy Corps; repealing s. 1004.04(11) and (12), F.S., relating to the Preteacher and Teacher Education Pilot Programs and the Teacher Education Pilot Programs for High-Achieving Students; repealing s. 1009.54, F.S., relating to the Critical Teacher Shortage Program; repealing s. 1009.57, F.S., relating to the Florida Teacher Scholarship and Forgivable Loan Program; repealing s. 1009.58, F.S., relating to the critical teacher shortage tuition reimbursement program; repealing s. 1009.59, F.S., relating to the Critical Teacher Shortage Student Loan Forgiveness Program; repealing s. 1012.225, F.S., relating to the Merit Award Program for Instructional Personnel and School-Based Administrators; repealing s. 1012.2251, F.S., relating to the administration of end-of-course examinations for the Merit Award Program; repealing s. 447.403(2)(c), F.S., relating to the resolution of an impasse involving a dispute of a Merit Award Program plan, to conform; amending ss. 1002.33, 1003.52, 1009.40, 1009.94, 1011.62, and 1012.07, F.S.; conforming provisions to changes made by the act; repealing s. 1012.33(3)(a), (b), and (c), F.S., relating to professional service contracts for instructional staff; amending s. 1008.22, F.S.; deleting a provision requiring that certain middle school students who earned high school credit in Algebra I take the Algebra I end-of-course assessment during the 2010-2011 school year; providing effective dates.

—a companion measure, was substituted for **CS for SB 1996** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 7087** was placed on the calendar of Bills on Third Reading.

On motion by Senator Simmons—

CS for SB 1466—A bill to be entitled An act relating to class size requirements; amending s. 1003.01, F.S.; redefining the terms “core-curricula courses” and “extracurricular courses”; amending s. 1003.03, F.S.; deleting a reference to the State Constitution regarding class size maximums; requiring that class size maximums be satisfied on or before the October student membership survey each year; requiring that the class size maximums be maintained after the October student membership survey unless certain conditions occur; providing that a student who enrolls in a school after the October student membership survey may be assigned to classes that temporarily exceed class size maximums if the school board determines that not assigning the student would be impractical, educationally unsound, or disruptive to student learning; providing for a specified number of students to be assigned above the maximum if the district school board makes this determination; requiring that the district school board develop a plan providing that the school will be in full compliance with the maximum class size requirements by the next October student membership survey; requiring that

the Department of Education identify from the Course Code Directory the core-curricula courses for the purpose of satisfying the maximum class size requirement; authorizing the department to adopt rules; amending s. 1011.685, F.S.; revising provisions relating to class size reduction operational categorical funds; authorizing a school district that meets the maximum class size requirement to use the funds for any lawful operating expenditure; providing an effective date.

—was read the second time by title.

Senator Simmons moved the following amendment which was adopted:

Amendment 1 (612824)—Delete lines 42-45 and insert: *studies, and science in prekindergarten through grade 3, excluding any extra-curricular courses pursuant to subsection (15);*

(b) *Courses in grades 4 through 8 in subjects that are measured by state assessment at any grade level and courses required for middle school promotion, excluding any extracurricular courses pursuant to subsection (15);*

Pursuant to Rule 4.19, **CS for SB 1466** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for CS for SB 1414—A bill to be entitled An act relating to health insurance; creating ss. 627.64995, 627.66995, and 641.31099, F.S.; prohibiting certain health insurance policies and health maintenance contracts from providing coverage for abortions; providing exceptions; defining the term “state”; amending s. 627.6515, F.S.; providing that certain restrictions on coverage for abortions apply to certain group health insurance policies issued or delivered outside the state which provide coverage to residents of the state; amending s. 627.6699, F.S.; providing that certain restrictions on coverage for abortions apply to plans under the Employee Health Care Access Act; providing an effective date.

—was read the second time by title.

On motion by Senator Wise, further consideration of **CS for CS for SB 1414** was deferred.

Consideration of **CS for CS for SJR 1538** was deferred.

SB 626—A bill to be entitled An act relating to Shands Teaching Hospital and Clinics, Inc.; amending s. 1004.41, F.S.; clarifying provisions relating to references to the corporation known as Shands Teaching Hospital and Clinics, Inc.; clarifying provisions regarding the purpose of the corporation; authorizing the corporation to create corporate subsidiaries and affiliates; providing that Shands Teaching Hospital and Clinics, Inc., Shands Jacksonville Medical Center, Inc., Shands Jacksonville Healthcare, Inc., and any not-for-profit subsidiary of such entities are instrumentalities of the state for purposes of sovereign immunity; providing an effective date.

—was read the second time by title.

On motion by Senator Flores, further consideration of **SB 626** was deferred.

CS for CS for CS for SB 408—A bill to be entitled An act relating to property and casualty insurance; amending s. 215.555, F.S.; revising the definition of “losses,” relating to the Florida Hurricane Catastrophe Fund, to exclude certain losses; providing applicability; amending s. 215.5595, F.S.; authorizing an insurer to renegotiate the terms a surplus note issued before a certain date; providing limitations; amending s. 624.407, F.S.; revising the amount of surplus funds required for domestic insurers applying for a certificate of authority after a certain date; amending s. 624.408, F.S.; revising the minimum surplus that must be maintained by certain insurers; authorizing the Office of Insurance Regulation to reduce the surplus requirement under specified circumstances; amending s. 624.4095, F.S.; excluding certain premiums for federal multiple-peril crop insurance from calculations for an insurer’s

gross writing ratio; requiring insurers to disclose the gross written premiums for federal multiple-peril crop insurance in a financial statement; amending s. 624.424, F.S.; revising the frequency that an insurer may use the same accountant or partner to prepare an annual audited financial report; amending s. 626.854, F.S.; providing limitations on the amount of compensation that may be received by a public adjuster for a reopened or supplemental claim; providing statements that may be considered deceptive or misleading if made in any public adjuster’s advertisement or solicitation; providing a definition for the term “written advertisement”; requiring that a disclaimer be included in any public adjuster’s written advertisement; providing requirements for such disclaimer; requiring certain persons who act on behalf of an insurer to provide notice to the insurer, claimant, public adjuster, or legal representative for an onsite inspection of the insured property; authorizing the insured or claimant to deny access to the property if notice is not provided; requiring the public adjuster to ensure prompt notice of certain property loss claims; providing that an insurer be allowed to interview the insured directly about the loss claim; prohibiting the insurer from obstructing or preventing the public adjuster from communicating with the insured; requiring that the insurer communicate with the public adjuster in an effort to reach an agreement as to the scope of the covered loss under the insurance policy; prohibiting a public adjuster from restricting or preventing persons acting on behalf of the insured from having reasonable access to the insured or the insured’s property; prohibiting a public adjuster from restricting or preventing the insured’s adjuster from having reasonable access to or inspecting the insured’s property; authorizing the insured’s adjuster to be present for the inspection; prohibiting a licensed contractor or subcontractor from adjusting a claim on behalf of an insured if such contractor or subcontractor is not a licensed public adjuster; providing an exception; amending s. 626.8651, F.S.; requiring that a public adjuster apprentice complete a minimum number of hours of continuing education to qualify for licensure; amending s. 626.8796, F.S.; providing requirements for a public adjuster contract; creating s. 626.70132, F.S.; requiring that notice of a claim, supplemental claim, or reopened claim be given to the insurer within a specified period after a windstorm or hurricane occurs; providing a definition for the terms “supplemental claim” or “reopened claim”; providing applicability; repealing s. 627.0613(4), F.S., relating to the requirement that the consumer advocate for the Chief Financial Officer prepare an annual report card for each personal residential property insurer; amending s. 627.062, F.S.; requiring that the office issue an approval rather than a notice of intent to approve following its approval of a file and use filing; authorizing the office to disapprove a rate filing because the coverage is inadequate or the insurer charges a higher premium due to certain discriminatory factors; extending the expiration date for making a “file and use” filing; prohibiting the Office of Insurance Regulation from, directly or indirectly, impeding the right of an insurer to acquire policyholders, advertise or appoint agents, or regulate agent commissions; revising the information that must be included in a rate filing relating to certain reinsurance or financing products; deleting a provision that prohibited an insurer from making certain rate filings within a certain period of time after a rate increase; deleting a provision prohibiting an insurer from filing for a rate increase within 6 months after it makes certain rate filings; deleting obsolete provisions relating to legislation enacted during the 2003 Special Session D of the Legislature; providing for the submission of additional or supplementary information pursuant to a rate filing; amending s. 627.0629, F.S.; deleting obsolete provisions; deleting a requirement that the Office of Insurance Regulation propose a method for establishing discounts, debits, credits, and other rate differentials for hurricane mitigation by a certain date; requiring the Financial Services Commission to adopt rules relating to such debits by a certain date; deleting a provision that prohibits an insurer from including an expense or profit load in the cost of reinsurance to replace the Temporary Increase in Coverage Limits; conforming provisions to changes made by the act; amending s. 627.351, F.S.; renaming the “Citizens Property Insurance Corporation” as the “Taxpayer-Funded Property Insurance Corporation”; requiring policies issued by the corporation to include a provision that prohibits policyholders from engaging the services of a public adjuster until after the corporation has tendered an offer; limiting an adjuster’s fee for a claim against the corporation; renaming the “high-risk account” as the “coastal account”; revising the conditions under which the Citizens policyholder surcharge may be imposed; providing that members of the

Citizens Property Insurance Corporation Board of Governors are not prohibited from practicing in a certain profession if not prohibited by law or ordinance; limiting coverage for damage from sinkholes after a certain date and providing that the corporation must require repair of the property as a condition of any payment; prohibiting board members from voting on certain measures; exempting sinkhole coverage from the corporation's annual rate increase requirements; deleting a requirement that the board reduce the boundaries of certain high-risk areas eligible for wind-only coverages under certain circumstances; amending s. 627.3511, F.S.; conforming provisions to changes made by the act; amending s. 627.4133, F.S.; revising the requirements for providing an insured with notice of nonrenewal, cancellation, or termination of personal lines or commercial residential property insurance; authorizing an insurer to cancel policies after 45 days' notice if the Office of Insurance Regulation determines that the cancellation of policies is necessary to protect the interests of the public or policyholders; authorizing the Office of Insurance Regulation to place an insurer under administrative supervision or appoint a receiver upon the consent of the insurer under certain circumstances; creating s. 627.43141, F.S.; providing definitions; requiring the delivery of a "Notice of Change in Policy Terms" under certain circumstances; specifying requirements for such notice; specifying actions constituting proof of notice; authorizing policy renewals to contain a change in policy terms; providing that receipt of payment by an insurer is deemed acceptance of new policy terms by an insured; providing that the original policy remains in effect until the occurrence of specified events if an insurer fails to provide notice; providing intent; amending s. 627.7011, F.S.; requiring the insurer to pay the actual cash value of an insured loss for a dwelling, less any applicable deductible; requiring a policyholder to enter into a contract for the performance of building and structural repairs unless waived by the insurer; restricting insurers and contractors from requiring advance payments for repairs and expenses; requiring the insurer to offer coverage under which the insurer is obligated to pay replacement costs; authorizing the insurer to offer coverage that limits the initial payment for personal property to the actual cash value of the property to be replaced and to require the insured to provide receipts for purchases; requiring the insurer to provide notice of this process in the insurance contract; prohibiting an insurer from requiring the insured to advance payment; amending s. 627.70131, F.S.; specifying application of certain time periods to initial or supplemental property insurance claim notices and payments; providing legislative findings with respect to 2005 statutory changes relating to sinkhole insurance coverage and statutory changes in this act; amending s. 627.706, F.S.; authorizing an insurer to limit coverage for catastrophic ground cover collapse to the principal building and to have discretion to provide additional coverage; allowing the deductible to include costs relating to an investigation of whether sinkhole activity is present; revising definitions; defining the term "structural damage"; providing an insurer with discretion to provide a policyholder with an opportunity to purchase an endorsement to sinkhole coverage; placing a 2-year statute of repose on claims for sinkhole coverage; amending s. 627.7061, F.S.; conforming provisions to changes made by the act; repealing s. 627.7065, F.S., relating to the establishment of a sinkhole database; amending s. 627.707, F.S.; revising provisions relating to the investigation of sinkholes by insurers; deleting a requirement that the insurer provide a policyholder with a statement regarding testing for sinkhole activity; providing a time limitation for demanding sinkhole testing by a policyholder and entering into a contract for repairs; requiring all repairs to be completed within a certain time; providing exceptions; providing a criminal penalty on a policyholder for accepting rebates from persons performing repairs; amending s. 627.7073, F.S.; revising provisions relating to inspection reports; providing that the presumption that the report is correct shifts the burden of proof; revising the reports that an insurer must file with the clerk of the court; requiring the policyholder to file certain reports as a precondition to accepting payment; requiring the professional engineer responsible for monitoring sinkhole repairs to issue a report and certification to the property owner and file such report with the court; providing that the act does not create liability for an insurer based on a representation or certification by the engineer; amending s. 627.7074, F.S.; revising provisions relating to neutral evaluation; requiring evaluation in order to make certain determinations; requiring that the neutral evaluator be allowed access to structures being evaluated; providing grounds for disqualifying an evaluator; allowing the Department of Financial Services to appoint an evaluator if

the parties cannot come to agreement; revising the timeframes for scheduling a neutral evaluation conference; authorizing an evaluator to enlist another evaluator or other professionals; providing a time certain for issuing a report; providing that certain information is confidential; revising provisions relating to compliance with the evaluator's recommendations; providing that the evaluator is an agent of the department for the purposes of immunity from suit; requiring the department to adopt rules; amending s. 627.711, F.S.; deleting the requirement that the insurer pay for verification of a uniform mitigation verification form that the insurer requires; amending s. 627.712, F.S.; conforming provisions to changes made by the act; providing effective dates.

—was read the second time by title.

Senator Smith moved the following amendment which was adopted:

Amendment 1 (343842)—Delete line 607 and insert: estimate available to the claimant or insured, *the insurer*, and the department

Senator Smith moved the following amendment which failed:

Amendment 2 (415180)—Delete line 734 and insert: *terms of the policy within 5 years after the hurricane first*

Senator Fasano moved the following amendment which failed:

Amendment 3 (173446) (with title amendment)—Delete line 2948 and insert: *policy. The insurer and shall make available, for an*

And the title is amended as follows:

Delete lines 180 and 181 and insert: cover collapse to the principal building; allowing

The vote was:

Yeas—12

Altman	Garcia	Norman
Detert	Hill	Rich
Dockery	Joyner	Sobel
Fasano	Margolis	Storms

Nays—20

Mr. President	Gardiner	Richter
Alexander	Hays	Simmons
Bennett	Jones	Siplin
Bogdanoff	Lynn	Smith
Braynon	Montford	Thrasher
Dean	Negron	Wise
Diaz de la Portilla	Oelrich	

SENATOR BENNETT PRESIDING

THE PRESIDENT PRESIDING

SENATOR THRASHER PRESIDING

Senator Fasano moved the following amendment which was adopted:

Amendment 4 (762998)—Delete lines 3003-3005 and insert: engineering

Senator Smith moved the following amendment:

Amendment 5 (453922)—Delete lines 3263-3265 and insert:

(c) *All of the respective findings, opinions, and recommendations of the insured's professional engineer or professional geologist as to the cause of distress to the property and all of the findings, opinions,*

MOTION

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

Senator Smith moved the following amendment to **Amendment 5** which was adopted:

Amendment 5A (283390)—Delete line 6 and insert: recommendations of the *insurer's* professional engineer or

Amendment 5 as amended was adopted.

Senator Smith moved the following amendment:

Amendment 6 (782618) (with title amendment)—Between lines 3576 and 3577 insert:

Section 31. *The amendments made by this act in sections 22, 23, 24, 25, 26, 27, and 28 do not apply to insurance claims made with an insurer before February 1, 2011, but do apply to claims made with an insurer on or after that date.*

And the title is amended as follows:

Delete line 236 and insert: provisions to changes made by the act; providing for applicability; providing

MOTION

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

Senator Smith moved the following substitute amendment which was adopted:

Amendment 7 (151382) (with title amendment)—Between lines 3576 and 3577 insert:

Section 31. *The amendments made by this act in sections 22, 23, 24, 26, 27, and 28 which affect procedural rights do not apply to insurance claims reported to an insurer before February 1, 2011, but do apply to claims reported to an insurer on or after that date. Amendments made by this act in sections 22, 23, 24, 26, 27, and 28 which affect substantive rights apply to claims reported to an insurer on or after July 1, 2011.*

And the title is amended as follows:

Delete line 236 and insert: provisions to changes made by the act; providing for applicability; providing

MOTION

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

Senator Storms moved the following amendment which was adopted:

Amendment 8 (407132) (with title amendment)—Between lines 429 and 430 insert:

Section 8. Section 626.7452, Florida Statutes, is amended to read:

626.7452 Managing general agents; examination authority.—The acts of the managing general agent are considered to be the acts of the insurer on whose behalf it is acting. A managing general agent may be examined as if it were the insurer ~~except in the case where the managing general agent solely represents a single domestic insurer.~~

And the title is amended as follows:

Delete line 24 and insert: annual audited financial report; amending s. 626.7452, F.S.; deleting an exception relating to the examination of managing general agents; amending s. 626.854,

The vote was:

Yeas—16

Altman
Dean
Dockery
Evers
Fasano
Hill

Joyner
Latvala
Margolis
Norman
Rich
Ring

Siplin
Sobel
Storms
Thrasher

Nays—14

Alexander
Benacquisto
Bogdanoff
Diaz de la Portilla
Garcia

Gardiner
Hays
Jones
Lynn
Montford

Negron
Oelrich
Richter
Wise

MOTION

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

Senator Storms moved the following amendment which failed:

Amendment 9 (445890) (with title amendment)—Delete lines 1288-1299 and insert:

(d) The commission may adopt rules and forms pursuant to

And the title is amended as follows:

Delete lines 95-97 and insert: Legislature; amending s. 627.0629, F.S.; deleting

MOTION

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

Senator Fasano moved the following amendment which failed:

Amendment 10 (544312) (with title amendment)—Delete line 2958 and insert: premium discounts offered with each deductible amount. *If a homeowner suffers structural damage or a catastrophic ground cover collapse, the insurer must repair such damage or loss.*

And the title is amended as follows:

Delete line 183 and insert: investigation of whether sinkhole activity is present; expressly providing that the insurer must repair any damage or loss;

On motion by Senator Richter, further consideration of **CS for CS for CS for SB 408** as amended was deferred.

THE PRESIDENT PRESIDING

RECESS

On motion by Senator Thrasher, the Senate recessed at 11:56 a.m. to reconvene at 1:30 p.m. or upon call of the President.

AFTERNOON SESSION

The Senate was called to order by President Haridopolos at 1:30 p.m. A quorum present—38:

Mr. President
Alexander
Altman
Benacquisto
Bennett
Bogdanoff
Braynon
Dean

Detert
Diaz de la Portilla
Dockery
Evers
Fasano
Gaetz
Garcia
Gardiner

Hays
Hill
Jones
Joyner
Latvala
Lynn
Margolis
Montford

Negron	Ring	Sobel
Norman	Sachs	Storms
Oelrich	Simmons	Thrasher
Rich	Siplin	Wise
Richter	Smith	

SPECIAL ORDER CALENDAR

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

CS for CS for CS for SB 408—A bill to be entitled An act relating to property and casualty insurance; amending s. 215.555, F.S.; revising the definition of “losses,” relating to the Florida Hurricane Catastrophe Fund, to exclude certain losses; providing applicability; amending s. 215.5595, F.S.; authorizing an insurer to renegotiate the terms a surplus note issued before a certain date; providing limitations; amending s. 624.407, F.S.; revising the amount of surplus funds required for domestic insurers applying for a certificate of authority after a certain date; amending s. 624.408, F.S.; revising the minimum surplus that must be maintained by certain insurers; authorizing the Office of Insurance Regulation to reduce the surplus requirement under specified circumstances; amending s. 624.4095, F.S.; excluding certain premiums for federal multiple-peril crop insurance from calculations for an insurer’s gross writing ratio; requiring insurers to disclose the gross written premiums for federal multiple-peril crop insurance in a financial statement; amending s. 624.424, F.S.; revising the frequency that an insurer may use the same accountant or partner to prepare an annual audited financial report; amending s. 626.854, F.S.; providing limitations on the amount of compensation that may be received by a public adjuster for a reopened or supplemental claim; providing statements that may be considered deceptive or misleading if made in any public adjuster’s advertisement or solicitation; providing a definition for the term “written advertisement”; requiring that a disclaimer be included in any public adjuster’s written advertisement; providing requirements for such disclaimer; requiring certain persons who act on behalf of an insurer to provide notice to the insurer, claimant, public adjuster, or legal representative for an onsite inspection of the insured property; authorizing the insured or claimant to deny access to the property if notice is not provided; requiring the public adjuster to ensure prompt notice of certain property loss claims; providing that an insurer be allowed to interview the insured directly about the loss claim; prohibiting the insurer from obstructing or preventing the public adjuster from communicating with the insured; requiring that the insurer communicate with the public adjuster in an effort to reach an agreement as to the scope of the covered loss under the insurance policy; prohibiting a public adjuster from restricting or preventing persons acting on behalf of the insured from having reasonable access to the insured or the insured’s property; prohibiting a public adjuster from restricting or preventing the insured’s adjuster from having reasonable access to or inspecting the insured’s property; authorizing the insured’s adjuster to be present for the inspection; prohibiting a licensed contractor or subcontractor from adjusting a claim on behalf of an insured if such contractor or subcontractor is not a licensed public adjuster; providing an exception; amending s. 626.8651, F.S.; requiring that a public adjuster apprentice complete a minimum number of hours of continuing education to qualify for licensure; amending s. 626.8796, F.S.; providing requirements for a public adjuster contract; creating s. 626.70132, F.S.; requiring that notice of a claim, supplemental claim, or reopened claim be given to the insurer within a specified period after a windstorm or hurricane occurs; providing a definition for the terms “supplemental claim” or “reopened claim”; providing applicability; repealing s. 627.0613(4), F.S., relating to the requirement that the consumer advocate for the Chief Financial Officer prepare an annual report card for each personal residential property insurer; amending s. 627.062, F.S.; requiring that the office issue an approval rather than a notice of intent to approve following its approval of a file and use filing; authorizing the office to disapprove a rate filing because the coverage is inadequate or the insurer charges a higher premium due to certain discriminatory factors; extending the expiration date for making a “file and use” filing; prohibiting the Office of Insurance Regulation from, directly or indirectly, impeding the right of an insurer to acquire policyholders, advertise or appoint agents, or regulate agent commissions; revising the information that must be included in a rate filing relating to certain reinsurance or financing products; deleting a provision that prohibited an insurer from making certain rate filings within a certain period of time after a rate increase; deleting a provision prohibiting an insurer from filing for a rate increase within 6 months after it makes certain rate filings; deleting obsolete

provisions relating to legislation enacted during the 2003 Special Session D of the Legislature; providing for the submission of additional or supplementary information pursuant to a rate filing; amending s. 627.0629, F.S.; deleting obsolete provisions; deleting a requirement that the Office of Insurance Regulation propose a method for establishing discounts, debits, credits, and other rate differentials for hurricane mitigation by a certain date; requiring the Financial Services Commission to adopt rules relating to such debits by a certain date; deleting a provision that prohibits an insurer from including an expense or profit load in the cost of reinsurance to replace the Temporary Increase in Coverage Limits; conforming provisions to changes made by the act; amending s. 627.351, F.S.; renaming the “Citizens Property Insurance Corporation” as the “Taxpayer-Funded Property Insurance Corporation”; requiring policies issued by the corporation to include a provision that prohibits policyholders from engaging the services of a public adjuster until after the corporation has tendered an offer; limiting an adjuster’s fee for a claim against the corporation; renaming the “high-risk account” as the “coastal account”; revising the conditions under which the Citizens policyholder surcharge may be imposed; providing that members of the Citizens Property Insurance Corporation Board of Governors are not prohibited from practicing in a certain profession if not prohibited by law or ordinance; limiting coverage for damage from sinkholes after a certain date and providing that the corporation must require repair of the property as a condition of any payment; prohibiting board members from voting on certain measures; exempting sinkhole coverage from the corporation’s annual rate increase requirements; deleting a requirement that the board reduce the boundaries of certain high-risk areas eligible for wind-only coverages under certain circumstances; amending s. 627.3511, F.S.; conforming provisions to changes made by the act; amending s. 627.4133, F.S.; revising the requirements for providing an insured with notice of nonrenewal, cancellation, or termination of personal lines or commercial residential property insurance; authorizing an insurer to cancel policies after 45 days’ notice if the Office of Insurance Regulation determines that the cancellation of policies is necessary to protect the interests of the public or policyholders; authorizing the Office of Insurance Regulation to place an insurer under administrative supervision or appoint a receiver upon the consent of the insurer under certain circumstances; creating s. 627.43141, F.S.; providing definitions; requiring the delivery of a “Notice of Change in Policy Terms” under certain circumstances; specifying requirements for such notice; specifying actions constituting proof of notice; authorizing policy renewals to contain a change in policy terms; providing that receipt of payment by an insurer is deemed acceptance of new policy terms by an insured; providing that the original policy remains in effect until the occurrence of specified events if an insurer fails to provide notice; providing intent; amending s. 627.7011, F.S.; requiring the insurer to pay the actual cash value of an insured loss for a dwelling, less any applicable deductible; requiring a policyholder to enter into a contract for the performance of building and structural repairs unless waived by the insurer; restricting insurers and contractors from requiring advance payments for repairs and expenses; requiring the insurer to offer coverage under which the insurer is obligated to pay replacement costs; authorizing the insurer to offer coverage that limits the initial payment for personal property to the actual cash value of the property to be replaced and to require the insured to provide receipts for purchases; requiring the insurer to provide notice of this process in the insurance contract; prohibiting an insurer from requiring the insured to advance payment; amending s. 627.70131, F.S.; specifying application of certain time periods to initial or supplemental property insurance claim notices and payments; providing legislative findings with respect to 2005 statutory changes relating to sinkhole insurance coverage and statutory changes in this act; amending s. 627.706, F.S.; authorizing an insurer to limit coverage for catastrophic ground cover collapse to the principal building and to have discretion to provide additional coverage; allowing the deductible to include costs relating to an investigation of whether sinkhole activity is present; revising definitions; defining the term “structural damage”; providing an insurer with discretion to provide a policyholder with an opportunity to purchase an endorsement to sinkhole coverage; placing a 2-year statute of repose on claims for sinkhole coverage; amending s. 627.7061, F.S.; conforming provisions to changes made by the act; repealing s. 627.7065, F.S., relating to the establishment of a sinkhole database; amending s. 627.707, F.S.; revising provisions relating to the investigation of sinkholes by insurers; deleting a requirement that the insurer provide a policyholder with a statement regarding testing for sinkhole activity; providing a time limitation for demanding sinkhole testing by a policyholder and entering into a contract for repairs; requiring all repairs to be completed within a certain time; providing exceptions; providing a

criminal penalty on a policyholder for accepting rebates from persons performing repairs; amending s. 627.7073, F.S.; revising provisions relating to inspection reports; providing that the presumption that the report is correct shifts the burden of proof; revising the reports that an insurer must file with the clerk of the court; requiring the policyholder to file certain reports as a precondition to accepting payment; requiring the professional engineer responsible for monitoring sinkhole repairs to issue a report and certification to the property owner and file such report with the court; providing that the act does not create liability for an insurer based on a representation or certification by the engineer; amending s. 627.7074, F.S.; revising provisions relating to neutral evaluation; requiring evaluation in order to make certain determinations; requiring that the neutral evaluator be allowed access to structures being evaluated; providing grounds for disqualifying an evaluator; allowing the Department of Financial Services to appoint an evaluator if the parties cannot come to agreement; revising the timeframes for scheduling a neutral evaluation conference; authorizing an evaluator to enlist another evaluator or other professionals; providing a time certain for issuing a report; providing that certain information is confidential; revising provisions relating to compliance with the evaluator's recommendations; providing that the evaluator is an agent of the department for the purposes of immunity from suit; requiring the department to adopt rules; amending s. 627.711, F.S.; deleting the requirement that the insurer pay for verification of a uniform mitigation verification form that the insurer requires; amending s. 627.712, F.S.; conforming provisions to changes made by the act; providing effective dates.

—which was previously considered and amended this day.

MOTION

On motion by Senator Diaz de la Portilla, by the required two-thirds vote, consideration of the following amendment was allowed:

Senator Diaz de la Portilla moved the following amendment which was adopted:

Amendment 11 (926644) (with title amendment)—Between lines 1311 and 1312 insert:

Section 15. Paragraph (b) of subsection (3) of section 627.06281, Florida Statutes, is amended to read:

627.06281 Public hurricane loss projection model; reporting of data by insurers.—

(3)

(b) *The fees charged for private sector access and use of the model shall be the reasonable costs associated with the operation and maintenance of the model by the office. Such fees do not apply to access and use of the model by the office. By January 1, 2009, the office shall establish by rule a fee schedule for access to and the use of the model. The fee schedule must be reasonably calculated to cover only the actual costs of providing access to and the use of the model.*

And the title is amended as follows:

Delete line 97 and insert: rate filing; amending s. 627.06281, F.S.; providing a limitations on fees charged for use of the public hurricane model; amending s. 627.0629, F.S.; deleting

MOTION

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

Senator Richter moved the following amendments which were adopted:

Amendment 12 (488760) (with title amendment)—Between lines 429 and 430 insert:

Section 8. Subsection (7) is added to section 626.852, Florida Statutes, to read:

626.852 Scope of this part.—

(7) *Notwithstanding any other provision of law, a person who provides claims adjusting services solely to institutions that service or guarantee mortgages with regard to policies covering the mortgaged properties is exempt from licensure as an adjuster. This exemption does not apply to any person who provides insurance, property repair, or preservation services or to any affiliate of such persons.*

And the title is amended as follows:

Delete line 24 and insert: annual audited financial report; amending s. 626.852, F.S.; providing an exemption from licensure as an adjuster to persons who provide mortgage-related claims adjusting services to certain institutions; providing an exception to the exemption; amending s. 626.854,

Amendment 13 (136604)—Delete lines 3020-3025 and insert: *code; and*

2. *Damage to a covered building, including the foundation, which prevents the primary structural members or primary structural systems from supporting the loads and forces they were designed to support.*

Amendment 14 (957742) (with title amendment)—Delete lines 1402-1447 and insert:

(6) CITIZENS PROPERTY INSURANCE CORPORATION.—

(a) ~~It is the public purpose of this subsection is to ensure that there is the existence of an orderly market for property insurance for residents of Florida and Florida businesses of this state.~~

1. The Legislature finds that private insurers are unwilling or unable to provide affordable property insurance coverage in this state to the extent sought and needed. The absence of affordable property insurance threatens the public health, safety, and welfare and likewise threatens the economic health of the state. The state therefore has a compelling public interest and a public purpose to assist in assuring that property in the state is insured and that it is insured at affordable rates so as to facilitate the remediation, reconstruction, and replacement of damaged or destroyed property in order to reduce or avoid the negative effects otherwise resulting to the public health, safety, and welfare, to the economy of the state, and to the revenues of the state and local governments which are needed to provide for the public welfare. It is necessary, therefore, to provide affordable property insurance to applicants who are in good faith entitled to procure insurance through the voluntary market but are unable to do so. The Legislature intends, therefore, ~~by this subsection~~ that affordable property insurance be provided and that it continue to be provided, as long as necessary, through Citizens Property Insurance Corporation, a government entity that is an integral part of the state, and that is not a private insurance company. To that end, ~~the Citizens Property Insurance~~ corporation shall strive to increase the availability of affordable property insurance in this state, while achieving efficiencies and economies, and while providing service to policyholders, applicants, and agents which is no less than the quality generally provided in the voluntary market, for the achievement of the foregoing public purposes. Because it is essential for this government entity to have the maximum financial resources to pay claims following a catastrophic hurricane, it is the intent of the Legislature that ~~the Citizens Property Insurance~~ corporation continue to be an integral part of the state and that the income of the corporation be exempt from federal income taxation and that interest on the debt obligations issued by the corporation be exempt from federal income taxation. *The corporate logo of the corporation must include the name of the corporation and the words "A Taxpayer-Funded Corporation."*

2. The Residential Property and Casualty Joint Underwriting Association originally created by this statute shall be known, ~~as of July 1, 2002,~~ as the Citizens Property

And the title is amended as follows:

Delete lines 109-111 and insert: requiring the Citizens Property Insurance Corporation's logo to include certain language; requiring policies issued by the

Amendment 15 (426476)—Delete lines 1521-1528 and insert: *claim. For any claim filed under any policy of the corporation, a public adjuster may not charge, agree to, or accept any compensation, payment, commission, fee, or other thing of value greater than 10 percent of the*

additional amount actually paid over the amount that was originally offered by the corporation for any one claim.

Amendment 16 (117314)—Delete lines 2606-2674 and insert: 1. *A policy covering both a home and motor vehicle may be nonrenewed for any reason applicable to either the property or motor vehicle insurance after providing 90 days' notice. The insurer shall give the named insured written notice of nonrenewal, cancellation, or termination at least 180 days prior to the effective date of the nonrenewal, cancellation, or termination for a named insured whose residential structure has been insured by that insurer or an affiliated insurer for at least a 5-year period immediately prior to the date of the written notice.*

2. *If ~~When~~ cancellation is for nonpayment of premium, at least 10 days' written notice of cancellation accompanied by the reason therefor must ~~shall~~ be given. As used in this subparagraph, the term "nonpayment of premium" means failure of the named insured to discharge when due ~~any of~~ her or his obligations in connection with the payment of premiums on a policy or any installment of such premium, whether the premium is payable directly to the insurer or its agent or indirectly under any premium finance plan or extension of credit, or failure to maintain membership in an organization if such membership is a condition precedent to insurance coverage. The term "Nonpayment of premium" also means the failure of a financial institution to honor an insurance applicant's check after delivery to a licensed agent for payment of a premium, even if the agent has previously delivered or transferred the premium to the insurer. If a dishonored check represents the initial premium payment, the contract and all contractual obligations ~~are shall~~ be void ab initio unless the nonpayment is cured within the earlier of 5 days after actual notice by certified mail is received by the applicant or 15 days after notice is sent to the applicant by certified mail or registered mail, and if the contract is void, any premium received by the insurer from a third party must ~~shall~~ be refunded to that party in full.*

3. *If ~~When~~ such cancellation or termination occurs during the first 90 days ~~during which~~ the insurance is in force and the insurance is canceled or terminated for reasons other than nonpayment of premium, at least 20 days' written notice of cancellation or termination accompanied by the reason therefor must ~~shall~~ be given ~~unless~~ ~~except where~~ there has been a material misstatement or misrepresentation or failure to comply with the underwriting requirements established by the insurer.*

4. The requirement for providing written notice ~~of nonrenewal~~ by June 1 of any nonrenewal that would be effective between June 1 and November 30 does not apply to the following situations, but the insurer remains subject to the requirement to provide such notice at least 100 days ~~before~~ ~~prior to~~ the effective date of nonrenewal:

a. A policy that is nonrenewed due to a revision in the coverage for sinkhole losses and catastrophic ground cover collapse pursuant to s. 627.706, ~~as amended by s. 30, chapter 2007-1, Laws of Florida.~~

b. A policy that is nonrenewed by Citizens Property Insurance Corporation, pursuant to s. 627.351(6), for a policy that has been assumed by an authorized insurer offering replacement ~~or renewal~~ coverage to the policyholder *is exempt from the notice requirements of paragraph (a) and this paragraph. In such cases, the corporation must give the named insured written notice of nonrenewal at least 45 days before the effective date of the nonrenewal.*

After the policy has been in effect for 90 days, the policy ~~may shall~~ not be canceled by the insurer ~~unless~~ ~~except when~~ there has been a material misstatement, a nonpayment of premium, a failure to comply with underwriting requirements established by the insurer within 90 days ~~of~~ the date of effectuation of coverage, or a substantial change in the risk covered by the policy or ~~if when~~ the cancellation is for all insureds under such policies for a given class of insureds. This paragraph does not apply to individually rated risks having a policy term of less than 90 days.

5. *Notwithstanding any other provision of law, an insurer*

Pursuant to Rule 4.19, **CS for CS for CS for SB 408** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for SB 1992—A bill to be entitled An act relating to background screening; amending s. 409.1757, F.S.; adding law enforcement officers who have a good moral character to the list of professionals who are not required to be refingerprinted or rescreened; amending s. 430.0402, F.S.; including volunteers within the definition of the term "direct service provider" for purposes of required background screening; exempting a volunteer who meets certain criteria and a client's relative or spouse from the screening requirement; excepting certain licensed professionals and persons screened as a licensure requirement from further screening under certain circumstances; requiring direct service providers working as of a certain date to be screened within a specified period; providing a phase-in for screening direct service providers; requiring that employers of direct service providers and certain other individuals be rescreened every 5 years unless fingerprints are retained electronically by the Department of Law Enforcement; removing an offense from the list of disqualifying offenses for purposes of background screening; amending s. 435.04, F.S.; requiring vendors who submit fingerprints on behalf of employers to meet specified criteria; requiring that fingerprints be retained for any person screened by a certain date; amending s. 435.07, F.S.; providing that personnel of a qualified entity as defined in ch. 943, F.S., may apply for an exemption from screening; amending s. 408.809, F.S.; eliminating a rule that requires the Agency for Health Care Administration to stagger rescreening schedules; providing a rescreening schedule; requiring the establishment of a statewide interagency workgroup relating to statewide background screening procedures and information sharing; providing for membership; requiring the workgroup to submit a report to the Legislature by a specified date; setting forth the topics that, at a minimum, the workgroup must address in its work plan; providing an effective date.

—was read the second time by title.

Senator Storms moved the following amendments which were adopted:

Amendment 1 (295122) (with title amendment)—Before line 44 insert:

Section 1. Paragraph (d) is added to subsection (1) of section 394.4572, Florida Statutes, to read:

394.4572 Screening of mental health personnel.—

(1)

(d) Mental health personnel working in a facility licensed under chapter 395 who work on an intermittent basis for less than 15 hours per week of direct, face-to-face contact with patients are exempt from the fingerprinting and screening requirements, except that persons working in a mental health facility where the primary purpose of the facility is the mental health treatment of minors must be fingerprinted and meet screening requirements.

And the title is amended as follows:

Delete line 2 and insert: An act relating to background screening; amending s. 394.4572, F.S.; providing that mental health personnel working in a facility licensed under ch. 395, F.S., who work on an intermittent basis for less than 15 hours per week of direct, face-to-face contact with patients are exempt from the fingerprinting and screening requirements; providing an exception; amending s.

Amendment 2 (480232)—Delete lines 154-166 and insert:

(e) *Vendors who submit fingerprints on behalf of employers must:*

1. *Use technology that is compliant with systems used by the Department of Law Enforcement; and*

2. *Have the ability to communicate electronically with the state agency accepting screening results from the Department of Law Enforcement.*

Amendment 3 (612684) (with title amendment)—Between lines 169 and 170 insert:

Section 4. Paragraph (d) is added to subsection (2) of section 435.06, Florida Statutes, to read:

435.06 Exclusion from employment.—

On motion by Senator Storms—

(2)

(d) *An employer may hire an employee to a position that requires background screening before the employee completes the screening process for training and orientation purposes. However, the employee may not have direct contact with vulnerable persons until the screening process is completed and the employee demonstrates that he or she exhibits no behaviors that warrant the denial or termination of employment.*

And the title is amended as follows:

Delete line 27 and insert: certain date; amending s. 435.06, F.S.; authorizing an employer to hire an employee to a position that otherwise requires background screening before the completion of the screening process for the purpose of training the employee; prohibiting the employee from having direct contact with vulnerable persons until the screening process is complete; amending s. 435.07, F.S.; providing that

Amendment 4 (501148) (with title amendment)—Between lines 351 and 352 insert:

Section 6. Subsection (1) of section 464.203, Florida Statutes, is amended to read:

464.203 Certified nursing assistants; certification requirement.—

(1) The board shall issue a certificate to practice as a certified nursing assistant to any person who demonstrates a minimum competency to read and write and successfully passes the required background screening pursuant to s. 400.215. *If the person has successfully passed the required background screening pursuant to s. 400.215 or s. 408.809 within 90 days before applying for a certificate to practice, the board shall waive the requirement that the applicant successfully pass an additional background screening pursuant to s. 400.215. The person must also meet and meets* one of the following requirements:

(a) Has successfully completed an approved training program and achieved a minimum score, established by rule of the board, on the nursing assistant competency examination, which consists of a written portion and skills-demonstration portion approved by the board and administered at a site and by personnel approved by the department.

(b) Has achieved a minimum score, established by rule of the board, on the nursing assistant competency examination, which consists of a written portion and skills-demonstration portion, approved by the board and administered at a site and by personnel approved by the department and:

1. Has a high school diploma, or its equivalent; or
2. Is at least 18 years of age.

(c) Is currently certified in another state; is listed on that state's certified nursing assistant registry; and has not been found to have committed abuse, neglect, or exploitation in that state.

(d) Has completed the curriculum developed under the Enterprise Florida Jobs and Education Partnership Grant and achieved a minimum score, established by rule of the board, on the nursing assistant competency examination, which consists of a written portion and skills-demonstration portion, approved by the board and administered at a site and by personnel approved by the department.

And the title is amended as follows:

Delete line 33 and insert: schedule; amending s. 464.203, F.S.; requiring the Board of Nursing to waive background screening requirements for certain certified nursing assistants; requiring the establishment of a statewide

Amendment 5 (721528)—Delete line 355 and insert: *Persons with Disabilities, the Department of Juvenile Justice, and the Department of Law Enforcement*

Pursuant to Rule 4.19, **CS for SB 1992** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

SB 626—A bill to be entitled An act relating to Shands Teaching Hospital and Clinics, Inc.; amending s. 1004.41, F.S.; clarifying provisions relating to references to the corporation known as Shands Teaching Hospital and Clinics, Inc.; clarifying provisions regarding the purpose of the corporation; authorizing the corporation to create corporate subsidiaries and affiliates; providing that Shands Teaching Hospital and Clinics, Inc., Shands Jacksonville Medical Center, Inc., Shands Jacksonville Healthcare, Inc., and any not-for-profit subsidiary of such entities are instrumentalities of the state for purposes of sovereign immunity; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 626** to **CS for CS for HB 395**.

Pending further consideration of **SB 626** as amended, on motion by Senator Thrasher, by two-thirds vote **CS for CS for HB 395** was withdrawn from the Committees on Health Regulation; Higher Education; and Budget.

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

CS for CS for HB 395—A bill to be entitled An act relating to the University of Florida J. Hillis Miller Health Center; amending s. 1004.41, F.S.; correcting the name of one of the health center's colleges; specifying that the University of Florida Board of Trustees shall lease Shands Teaching Hospital and Clinics on the Gainesville campus to Shands Teaching Hospital and Clinics, Inc.; specifying the primary purpose of Shands Teaching Hospital and Clinics, Inc.; providing requirements for lease, contract, or agreement between the University of Florida Board of Trustees and Shands Teaching Hospital and Clinics, Inc.; authorizing the creation of corporate subsidiaries and affiliates; providing the right of control; providing for sovereign immunity; providing that Shands Jacksonville Medical Center, Inc., and its parent, Shands Jacksonville HealthCare, Inc., are private not-for-profit corporations organized primarily to support the health affairs mission of the University of Florida Board of Trustees; authorizing the creation of corporate subsidiaries and affiliates; providing requirements for lease, contract, or agreement between the University of Florida Board of Trustees and the corporations; providing the right of control; providing for sovereign immunity; providing for application; providing an effective date.

—a companion measure, was substituted for **SB 626** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 395** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 1414—A bill to be entitled An act relating to health insurance; creating ss. 627.64995, 627.66995, and 641.31099, F.S.; prohibiting certain health insurance policies and health maintenance contracts from providing coverage for abortions; providing exceptions; defining the term "state"; amending s. 627.6515, F.S.; providing that certain restrictions on coverage for abortions apply to certain group health insurance policies issued or delivered outside the state which provide coverage to residents of the state; amending s. 627.6699, F.S.; providing that certain restrictions on coverage for abortions apply to plans under the Employee Health Care Access Act; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1414**, on motion by Senator Wise, by two-thirds vote **CS for HB 97** was withdrawn from the Committees on Health Regulation; Banking and Insurance; and Budget.

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

CS for HB 97—A bill to be entitled An act relating to health insurance; creating ss. 627.64995, 627.66996, and 641.31099, F.S.; prohibiting certain health insurance policies and health maintenance contracts from providing coverage for abortions; providing exceptions; defining the term "state"; amending s. 627.6515, F.S.; providing that certain restrictions on coverage for abortions apply to certain group

health insurance policies issued or delivered outside the state which provide coverage to residents of the state; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1414** and by two-thirds vote read the second time by title.

Senator Wise moved the following amendment which was adopted:

Amendment 1 (932516) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 627.64995, Florida Statutes, is created to read:

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

(1) *A health insurance policy under which coverage is purchased in whole or in part with any state or federal funds through an exchange created pursuant to the federal Patient Protection and Affordable Care Act, Pub. L. No. 111-148, may not provide coverage for an abortion as defined in s. 390.011(1), except if the pregnancy is the result of an act of rape or incest, or in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, which would, as certified by a physician, place the woman in danger of death unless an abortion is performed. Coverage is deemed to be purchased with state or federal funds if any tax credit or cost-sharing credit is applied toward the health insurance policy.*

(2) *This section does not prohibit a health insurance policy from offering separate coverage for an abortion if such coverage is not purchased in whole or in part with state or federal funds.*

(3) *As used in this section, the term “state” means this state or any political subdivision of the state.*

Section 2. Section 627.66995, Florida Statutes, is created to read:

627.66995 *Restrictions on use of state and federal funds for state exchanges.—*

(1) *A group, franchise, or blanket health insurance policy under which coverage is purchased in whole or in part with any state or federal funds through an exchange created pursuant to the federal Patient Protection and Affordable Care Act, Pub. L. No. 111-148, may not provide coverage for an abortion as defined in s. 390.011(1), except if the pregnancy is the result of an act of rape or incest, or in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, which would, as certified by a physician, place the woman in danger of death unless an abortion is performed. Coverage is deemed to be purchased with state or federal funds if any tax credit or cost-sharing credit is applied toward the group, franchise, or blanket health insurance policy.*

(2) *This section does not prohibit a group, franchise, or blanket health insurance policy from offering separate coverage for an abortion if such coverage is not purchased in whole or in part with state or federal funds.*

(3) *As used in this section, the term “state” means this state or any political subdivision of the state.*

Section 3. Section 641.31099, Florida Statutes, is created to read:

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

(1) *A health maintenance contract under which coverage is purchased in whole or in part with any state or federal funds through an exchange created pursuant to the federal Patient Protection and Affordable Care Act, Pub. L. No. 111-148, may not provide coverage for an abortion as defined in s. 390.011(1), except if the pregnancy is the result of an act of rape or incest, or in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, which would, as certified by a physician, place the woman in danger of death unless an abortion is performed. Coverage is deemed to be purchased with state or federal funds if any tax credit or cost-sharing credit is applied toward the health maintenance contract.*

(2) *This section does not prohibit a health maintenance contract from offering separate coverage for an abortion if such coverage is not purchased in whole or in part with state or federal funds.*

(3) *As used in this section, the term “state” means this state or any political subdivision of the state.*

Section 4. 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, 627.6574, 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. 627.66995.

Section 5. Present subsection (17) of section 627.6699, Florida Statutes, is renumbered as subsection (18), and a new subsection (17) is added to that section, to read:

627.6699 Employee Health Care Access Act.—

(17) **RESTRICTIONS ON COVERAGE.—**

(a) *A plan under which coverage is purchased in whole or in part with any state or federal funds through an exchange created pursuant to the federal Patient Protection and Affordable Care Act, Pub. L. No. 111-148, may not provide coverage for an abortion, as defined in s. 390.011(1), except if the pregnancy is the result of an act of rape or incest, or in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, which would, as certified by a physician, place the woman in danger of death unless an abortion is performed. Coverage is deemed to be purchased with state or federal funds if any tax credit or cost-sharing credit is applied toward the plan.*

(b) *This subsection does not prohibit a plan from providing any person or entity with separate coverage for an abortion if such coverage is not purchased in whole or in part with state or federal funds.*

(c) *As used in this section, the term “state” means this state or any political subdivision of the state.*

Section 6. This act shall take effect July 1, 2011.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to health insurance; creating ss. 627.64995, 627.66995, and 641.31099, F.S.; prohibiting certain health insurance policies and health maintenance contracts from providing coverage for abortions; providing exceptions; defining the term “state”; amending s. 627.6515, F.S.; providing that certain restrictions on coverage for abortions apply to certain group health insurance policies issued or delivered outside the state which provide coverage to residents of the state; amending s. 627.6699, F.S.; providing that certain restrictions on coverage for abortions apply to plans under the Employee Health Care Access Act; providing an effective date.

Pursuant to Rule 4.19, **CS for HB 97** as amended was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 1150** was deferred.

On motion by Senator Bennett—

CS for SB 900—A bill to be entitled An act relating to special license plates; amending s. 320.089, F.S.; providing for the issuance of a Combat Infantry Badge license plate; providing qualifications and requirements for the plate; providing for the use of proceeds from the sale of the plate; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 900** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 650** was deferred.

On motion by Senator Simmons—

SB 652—A bill to be entitled An act relating to the liability of spaceflight entities; amending s. 331.501, F.S.; saving a provision from future repeal which provides spaceflight entities with immunity from liability for the loss, damage, or death of a participant resulting from the inherent risks of spaceflight activities; providing an effective date.

—was read the second time by title.

Senator Simmons moved the following amendment which was adopted:

Amendment 1 (606746) (with title amendment)—Delete line 24 and insert: *activities. The term also includes any manufacturer or supplier of components, services, or vehicles that have been reviewed by the United States Federal Aviation Administration as part of issuing such a license, permit, or authorization.*

And the title is amended as follows:

Delete line 3 and insert: *entities; amending s. 331.501, F.S.; revising the definition of the term “spaceflight entity” to include certain manufacturers and suppliers for purposes of specified provisions for immunity from liability; saving a*

Pursuant to Rule 4.19, **SB 652** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Sachs—

SB 704—A bill to be entitled An act relating to special observances; creating s. 683.146, F.S.; designating August 7 of each year as “Purple Heart Day”; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 704** was placed on the calendar of Bills on Third Reading.

SB 1632—A bill to be entitled An act relating to the Florida Industrial Development Corporation; repealing provisions of ch. 289, F.S., relating to the Florida Industrial Development Corporation; amending ss. 212.08, 220.183, 220.62, 440.491, and 658.67, F.S.; deleting references to conform to changes made by the act; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 1632**, on motion by Senator Wise, by two-thirds vote **HB 4033** was withdrawn from the Committees on Commerce and Tourism; and Budget.

On motion by Senator Wise—

HB 4033—A bill to be entitled An act relating to the Florida Industrial Development Corporation; repealing provisions of chapter 289, F.S., relating to the Florida Industrial Development Corporation; amending ss. 212.08, 220.183, 220.62, 440.491, and 658.67, F.S.; deleting references to conform to changes made by the act; providing an effective date.

—a companion measure, was substituted for **SB 1632** and read the second time by title.

Pursuant to Rule 4.19, **HB 4033** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 818—A bill to be entitled An act relating to controlled substances; amending s. 400.9905, F.S.; redefining the terms “clinic” and “portable equipment provider” within the Health Care Clinic Act; amending s. 456.013, F.S.; authorizing certain health care practitioners to complete a continuing education course relating to the prescription drug monitoring program; providing requirements for the course; requiring the Department of Health or a board that is authorized to exercise regulatory or rulemaking functions within the department to approve the course offered through a facility licensed under ch. 395, F.S., under certain circumstances; providing for application of the course requirements; requiring a board or the Department of Health to adopt rules; amending s. 458.305, F.S.; defining the term “dispensing physician” as it relates to the practice of medicine in this state; prohibiting certain persons from using titles or displaying signs that would lead the public to believe that they engage in the dispensing of controlled substances; prohibiting certain persons, firms, or corporations from using a trade name, sign, letter, or advertisement that implies that the persons, firms, or corporations are licensed or registered to dispense prescription drugs; prohibiting certain persons, firms, or corporations from holding themselves out to the public as licensed or registered to dispense controlled substances; providing penalties; amending s. 458.3191, F.S.; revising the information in the physician survey that is submitted by persons who apply for licensure renewal as a physician under ch. 458 or ch. 459, F.S.; amending s. 458.3192, F.S.; requiring the Department of Health to provide nonidentifying information to the prescription drug monitoring program’s Implementation and Oversight Task Force regarding the number of physicians that are registered with the prescription drug monitoring program and that use the database from the program in their practice; amending s. 458.3265, F.S.; revising the list of entities that are not required to register as a pain-management clinic; deleting certain requirements for a physician to practice medicine in a pain-management clinic; requiring a physician, an advanced registered nurse practitioner, or a physician assistant to perform an appropriate medical examination of a patient on the same day that the physician dispenses or prescribes a controlled substance to the patient at a pain-management clinic; requiring a physician who works in a pain-management clinic to document the reason a prescription for a certain dosage of a controlled substance is within the proper standard of care; creating a felony of the third degree for any person to register or attempt to register a pain-management clinic through misrepresentation or fraud; amending s. 458.327, F.S.; providing additional penalties; amending s. 458.331, F.S.; providing additional grounds for disciplinary action by the Board of Medicine; amending s. 459.003, F.S.; defining the term “dispensing physician” as it relates to the practice of osteopathic medicine in this state; amending s. 459.013, F.S.; providing additional penalties; amending s. 459.0137, F.S.; providing an exemption from the requirement that all privately owned pain-management clinics, facilities, or offices that advertise in any medium for any type of pain-management services, or employ an osteopathic physician who is primarily engaged in the treatment of pain by prescribing or dispensing controlled substance medications, must register with the Department of Health; requiring a physician, an advanced registered nurse practitioner, or a physician assistant to perform an appropriate medical examination of a patient on the same day that the physician dispenses or prescribes a controlled substance to the patient at a pain-management clinic; requiring an osteopathic physician who works in a pain-management clinic to document the reason a prescription for a certain dosage of a controlled substance is within the proper standard of care; creating a felony of the third degree for a licensee or other person who serves as the designated physician of a pain-management clinic to register a pain-management clinic through misrepresentation or fraud; amending s. 459.015, F.S.; providing additional grounds for disciplinary action by the Board of Osteopathic Medicine; amending s. 465.015, F.S.; prohibiting certain persons from knowingly failing to report to the local county sheriff’s office the commission of a felony involving a person who acquires or obtains possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge under certain conditions; providing penalties; providing requirements for reporting the commission of a felony that involves a person who acquires or obtains possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge; providing that a licensed pharmacist or other person employed by or at a pharmacy is not subject to disciplinary action for reporting; amending s. 465.0276, F.S.; requiring a practitioner to register as a dispensing practitioner in order to dispense controlled substances; amending s. 766.101, F.S.; conforming a cross-reference; amending s. 810.02, F.S.; redefining the offense of burglary to include the theft of a controlled substance within a structure or conveyance; amending s. 812.014, F.S.; redefining the of-

fense of theft to include the theft of a controlled substance; creating s. 893.021, F.S.; providing conditions in which a drug is considered adulterated; providing that a physician is not prevented from directing or prescribing a change to the recognized manufactured recommendations for use of any controlled substance for a patient under certain circumstances; requiring a prescribing physician to indicate on the original prescription any deviation of the recognized manufacturer's recommended use of a controlled substance; requiring a pharmacist or physician to indicate such deviation on the label of the prescription upon dispensing; amending s. 893.04, F.S.; revising the required information that must appear on the face of a prescription or written record of a controlled substance before it is dispensed by a pharmacist; amending s. 893.055, F.S.; requiring that the prescription drug monitoring program comply with the minimum requirements of the National All Schedules Prescription Electronic Reporting Act; requiring the Department of Health to establish a method to allow corrections to the database of the prescription drug monitoring program; requiring the number of refills ordered and whether the drug was dispensed as a refill or a first-time request to be included in the database of the prescription drug monitoring program; revising the number of days in which a dispensed controlled substance must be reported to the department through the prescription drug monitoring program; revising the list of acts of dispensing or administering which are exempt from reporting; requiring a pharmacy, prescriber, practitioner, or dispenser to register with the department by submitting a registering document in order to have access to certain information in the prescription drug monitoring program's database; requiring the department to approve the registering document before granting access to information in the prescription drug monitoring program's database; requiring criminal background screening for those persons who have direct access to the prescription drug monitoring program's database; authorizing the Attorney General to obtain confidential and exempt information for Medicaid fraud cases and Medicaid investigations; requiring certain documentation to be provided to the program manager in order to release confidential and exempt information from the prescription drug monitoring program's database to a patient, legal guardian, or a designated health care surrogate; authorizing the Agency for Health Care Administration to obtain confidential and exempt information from the prescription drug monitoring program's database for Medicaid fraud cases and Medicaid investigations involving controlled substances; deleting a provision requiring that administrative costs of the prescription drug monitoring program be funded through federal grants and private sources; requiring the State Surgeon General to enter into reciprocal agreements for the sharing of information in the prescription drug monitoring program with other states that have a similar prescription drug monitoring program; requiring the State Surgeon General to annually review a reciprocal agreement to determine its compatibility; providing requirements for compatibility; prohibiting the sharing of certain information; amending s. 893.0551, F.S.; requiring the Department of Health to disclose confidential and exempt information pertaining to the prescription drug monitoring program to the Attorney General and designee when working on Medicaid fraud cases and Medicaid investigations involving prescribed controlled substances or when the Attorney General has initiated a review of specific identifiers that warrant a Medicaid investigation regarding prescribed controlled substances; prohibiting the Attorney General's Medicaid investigators from direct access to the prescription drug monitoring program's database; authorizing the Department of Health to disclose certain confidential and exempt information in the prescription drug monitoring program's database under certain circumstances involving reciprocal agreements with other states; prohibiting the sharing of information from the prescription drug monitoring program's database which is not for the purpose that is statutorily authorized or according to the State Surgeon General's determination of compatibility; amending s. 893.07, F.S.; requiring that a person report to the local sheriff's office the theft or loss of a controlled substance within a specified time; providing penalties; providing legislative intent; amending s. 893.13, F.S.; prohibiting a person from obtaining or attempting to obtain from a practitioner a controlled substance or a prescription for a controlled substance by misrepresentation, fraud, forgery, deception, subterfuge, or concealment of a material fact; prohibiting a health care provider from providing a controlled substance or a prescription for a controlled substance by misrepresentation, fraud, forgery, deception, subterfuge, or concealment of a material fact; prohibiting a person from adulterating a controlled substance for certain use without authorization by a prescribing physician; authorizing a law enforcement officer to seize as evidence the adulteration or off-label use of a prescribed controlled substance; providing that such adulterated or

off-label use of the controlled substance may be returned to its owner only under certain conditions; providing penalties; prohibiting a prescribing practitioner from writing a prescription for a controlled substance and authorizing or directing the adulteration of the dispensed form of the controlled substance for the purpose of ingestion by means not medically necessary; amending s. 893.138, F.S.; providing circumstances in which a pain-management clinic may be declared a public nuisance; providing definitions; requiring the Board of Pharmacy to create a list of opioid analgesic drugs; providing requirements for the list of opioid analgesic drugs; providing an effective date.

—was read the second time by title.

Senator Bogdanoff moved the following amendment:

Amendment 1 (229300) (with title amendment)—Between lines 417 and 418 insert:

Section 3. Paragraph (a) of subsection (9) of section 456.057, Florida Statutes, is amended to read:

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

(9)(a)1. The department may obtain patient records pursuant to a subpoena without written authorization from the patient if the department and the probable cause panel of the appropriate board, if any, find reasonable cause to believe that a health care practitioner has excessively or inappropriately prescribed any controlled substance specified in chapter 893 in violation of this chapter or any professional practice act or that a health care practitioner has practiced his or her profession below that level of care, skill, and treatment required as defined by this chapter or any professional practice act and also find that appropriate, reasonable attempts were made to obtain a patient release. Notwithstanding the foregoing, the department need not attempt to obtain a patient release when investigating an offense involving the inappropriate prescribing, overprescribing, or diversion of controlled substances and the offense involves a pain-management clinic. The department may obtain patient records *pursuant to a subpoena and without patient authorization or notification to the patient* ~~subpoena~~ from any pain-management clinic required to be licensed if the department has probable cause to believe that a violation of any provision of s. 458.3265 or s. 459.0137 is occurring or has occurred and reasonably believes that obtaining such *patient* authorization is not feasible due to the volume of the dispensing and prescribing activity involving controlled substances and that obtaining patient authorization ~~or the issuance of a subpoena~~ would jeopardize the investigation.

2. The department may obtain patient records and insurance information pursuant to a subpoena without written authorization from the patient if the department and the probable cause panel of the appropriate board, if any, find reasonable cause to believe that a health care practitioner has provided inadequate medical care based on termination of insurance and also find that appropriate, reasonable attempts were made to obtain a patient release.

3. The department may obtain patient records, billing records, insurance information, provider contracts, and all attachments thereto pursuant to a subpoena without written authorization from the patient if the department and probable cause panel of the appropriate board, if any, find reasonable cause to believe that a health care practitioner has submitted a claim, statement, or bill using a billing code that would result in payment greater in amount than would be paid using a billing code that accurately describes the services performed, requested payment for services that were not performed by that health care practitioner, used information derived from a written report of an automobile accident generated pursuant to chapter 316 to solicit or obtain patients personally or through an agent regardless of whether the information is derived directly from the report or a summary of that report or from another person, solicited patients fraudulently, received a kickback as defined in s. 456.054, violated the patient brokering provisions of s. 817.505, or presented or caused to be presented a false or fraudulent insurance claim within the meaning of s. 817.234(1)(a), and also find that, within the meaning of s. 817.234(1)(a), patient authorization cannot be obtained because the patient cannot be located or is deceased, incapacitated, or suspected of being a participant in the fraud or scheme, and if the subpoena is issued for specific and relevant records.

4. Notwithstanding subparagraphs 1.-3., when the department investigates a professional liability claim or undertakes action pursuant to s. 456.049 or s. 627.912, the department may obtain patient records pursuant to a subpoena without written authorization from the patient if the patient refuses to cooperate or if the department attempts to obtain a patient release and the failure to obtain the patient records would be detrimental to the investigation.

And the title is amended as follows:

Delete line 16 and insert: Health to adopt rules; amending s. 456.057, F.S.; authorizing the Department of Health to obtain patient records pursuant to a subpoena and without notification to the patient from a pain-management clinic under certain circumstances; amending s. 458.305, F.S.;

On motion by Senator Fasano, further consideration of **CS for CS for SB 818** with pending **Amendment 1 (229300)** was deferred.

CS for CS for SJR 1538—A joint resolution proposing the creation of Section 28 of Article I of the State Constitution to generally prohibit public funding of abortions and prohibit the State Constitution from being interpreted to create broader rights to an abortion than those contained in the United States Constitution.

—was read the second time by title.

Pending further consideration of **CS for CS for SJR 1538**, on motion by Senator Flores, by two-thirds vote **CS for HJR 1179** was withdrawn from the Committees on Health Regulation; Judiciary; and Rules.

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

CS for HJR 1179—A joint resolution proposing the creation of Section 28 of Article I of the State Constitution to generally prohibit public funding of abortions and prohibit the State Constitution from being interpreted to create broader rights to an abortion than those contained in the United States Constitution.

—a companion measure, was substituted for **CS for CS for SJR 1538** and by two-thirds vote read the second time by title.

MOTION

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

Senator Flores moved the following amendment which was adopted:

Amendment 1 (634602) (with ballot amendment)—Delete lines 23-26 and insert:

- (1) *An expenditure required by federal law;*
- (2) *A case in which a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering, physical condition caused by or arising from the pregnancy itself, which would, as certified by a physician, place the woman in danger of death unless an abortion is performed; or*
- (3) *A pregnancy that results from rape or incest.*

And the ballot statement is amended as follows:

Delete lines 38-40 and insert: prohibition does not apply to an expenditure required by federal law, a case in which a woman suffers from a physical disorder, physical injury, or physical illness that would place her in danger of death unless an abortion is performed, or a case of rape or incest.

Pursuant to Rule 4.19, **CS for HJR 1179** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala—

CS for CS for SB 1150—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 20.24,

F.S.; specifying that the executive director of the department serves at the pleasure of the Governor and Cabinet; creating a Division of Motorist Services within the department; eliminating the Division of Driver Licenses and the Division of Motor Vehicles; amending s. 261.03, F.S.; conforming cross-references; amending s. 288.816, F.S., relating to Consul Corps license plates; conforming a reference; amending s. 316.003, F.S.; revising the definition of the term “motor vehicle” to include swamp buggies; defining the terms “swamp buggy” and “road rage”; amending s. 316.1905, F.S.; providing that certain traffic citations may not be issued or prosecuted unless a law enforcement officer used an electrical, mechanical, or other speed-calculating device that has been tested and approved; providing an exception; amending s. 316.1933, F.S.; authorizing a health care provider to notify a law enforcement agency after detecting the presence of a controlled substance in the blood of a person injured in a motor vehicle crash; amending s. 316.1957, F.S., relating to parking violations; conforming a reference; amending s. 316.2015, F.S.; prohibiting the operator of a pickup truck or flatbed truck from permitting a child who is younger than 6 years of age from riding within the open body of the truck under certain circumstances; providing for certain exceptions; making technical and grammatical changes; amending s. 316.2065, F.S.; revising safety standard requirements for bicycle helmets that must be worn by certain riders and passengers; clarifying provisions relating to when a bicycle operator must ride in a bicycle lane or along the curb or edge of the roadway; providing for enforcement of requirements for bicycle lighting equipment; providing penalties for violations; providing for dismissal of the charge following a first offense under certain circumstances; amending s. 316.2085, F.S.; requiring that license tags for mopeds and motorcycles be affixed so that the letters and numbers are legible from the rear; specifying that the tags may be displayed horizontally or vertically to the ground so that the numbers and letters read from left to right or from top to bottom; amending ss. 316.2122, 316.2124, 316.21265, 316.3026, and 316.550, F.S., relating to the operation of low-speed vehicles, motorized disability access vehicles, and all-terrain or utility vehicles, the unlawful operation of motor carriers, and special permits, respectively; conforming cross-references; amending s. 316.545, F.S.; providing for the regulation of apportionable vehicles; amending s. 316.613, F.S.; providing child-restraint requirements for children ages 4 through 7 years of age who are less than a specified height; providing certain exceptions; redefining the term “motor vehicle” to exclude certain vehicles from such requirements; providing a grace period; amending s. 317.0003, F.S., relating to off-highway vehicles; conforming a cross-reference; amending s. 317.0016, F.S.; eliminating a requirement that the department provide expedited service for certificates of repossession; amending s. 318.14, F.S.; clarifying provisions authorizing a person cited for a noncriminal traffic infraction to elect to attend a driver improvement course or enter a plea of nolo contendere; amending s. 318.15, F.S., relating to the suspension of driving privileges; conforming a reference; amending s. 319.14, F.S.; prohibiting a person from knowingly offering for sale, selling, or exchanging certain vehicles unless the department has stamped in a conspicuous place on the certificate of title words stating that the vehicle is a custom vehicle or street rod vehicle; defining the terms “custom vehicle” and “street rod”; amending s. 319.225, F.S.; revising the requirements for the transfer and reassignment forms for vehicles; requiring that a dealer selling a vehicle out of state mail a copy of the power of attorney form to the department; providing for the electronic transfer of a vehicle title; amending s. 319.23, F.S.; providing for the application for a certificate of title, corrected certificate, or assignment or reassignment to be filed from the consummation of the sale of a mobile home; authorizing the department to accept a bond if the applicant for a certificate of title is unable to provide a title that assigns the prior owner's interest in the motor vehicle; providing requirements for the bond and the affidavit; providing for future expiration of the bond; amending s. 319.28, F.S.; eliminating certain requirements that a lienholder obtain a certificate of repossession following repossession of a vehicle or mobile home; amending s. 319.323, F.S., relating to title offices for expedited service; conforming provisions to changes made by the act; amending s. 319.40, F.S.; authorizing the department to issue electronic certificates of title and use electronic mail addresses for purposes of notification; amending s. 320.01, F.S.; revising the definition of the term “motor vehicle” to include special mobile equipment and swamp buggies; deleting an obsolete definition; revising the gross vehicle weight for purposes of defining the terms “apportionable vehicle” and “commercial motor vehicle”; defining the term “swamp buggy”; amending s. 320.02, F.S.; providing that an active-duty military member is exempt from the requirement to provide an address on an application for vehicle registration; requiring the application forms for motor vehicle registration and

renewal of registration to include language permitting the applicant to make a voluntary contribution to End Hunger in Florida, Autism Services and Supports, and the Auto Club South Traffic Safety Foundation; requiring that the department retain certain records for a specified period; amending s. 320.023, F.S.; authorizing the department to retain certain proceeds derived from the voluntary contributions program to cover certain specified costs to the department; amending s. 320.03, F.S., relating to the International Registration Plan; conforming provisions to changes made by the act; amending s. 320.05, F.S.; deleting a provision requiring that the department provide a procedures manual for a fee; clarifying that the creation and maintenance of records by the Division of Motorist Services is not a law enforcement function of agency recordkeeping; amending s. 320.06, F.S.; authorizing the department to conduct a pilot program to evaluate alternative license plate technologies for use on government-owned motor vehicles; specifying that all license plates issued by the department are the property of the state; amending s. 320.061, F.S.; providing that it is a noncriminal traffic infraction to alter a temporary license plate; amending s. 320.071, F.S.; providing for the renewal of registration for an apportionable vehicle that is registered under the International Registration Plan; amending s. 320.0715, F.S.; clarifying provisions requiring the registration of apportionable vehicles under the International Registration Plan; amending s. 320.08, F.S., relating to license taxes; conforming cross-references; amending s. 320.0847, F.S., relating to license plates for mini trucks and low-speed vehicles; conforming cross-references; amending s. 320.0848, F.S.; revising the requirements for the deposit of fee proceeds from temporary disabled parking permits; amending s. 320.275, F.S., relating to the Automobile Dealers Industry Advisory Board; conforming provisions to the elimination of the Division of Motor Vehicles within the department; amending s. 320.771, F.S.; specifying circumstances under which certain dealers may apply for a certificate of title to a recreational vehicle using a manufacturer's statement of origin; amending s. 320.95, F.S.; authorizing the department to use electronic mail addresses for the purpose of providing license renewal notices; amending s. 321.02, F.S.; designating the director of the Division of Highway Patrol of the department as the Colonel of the Florida Highway Patrol; amending s. 322.02, F.S.; providing for a director of the Division of Motorist Services; amending s. 322.04, F.S.; revising provisions exempting a nonresident from the requirement to obtain a driver's license under certain circumstances; amending s. 322.051, F.S.; revising requirements by which an applicant for an identification card may prove nonimmigrant classification; clarifying the validity of an identification card based on specified documents; providing for the department to waive the fees for issuing or renewing an identification card to persons who present good cause for such waiver; amending s. 322.058, F.S.; conforming a cross-reference; amending s. 322.065, F.S.; revising the period of expiration that constitutes the offense of driving with an expired driver's license; amending s. 322.07, F.S.; clarifying the qualifications for obtaining a temporary commercial instruction permit; amending s. 322.08, F.S.; revising requirements by which an applicant for a driver's license may prove nonimmigrant classification; clarifying the validity of a license based on specified documents; providing for driver's license application forms to allow the applicant to make a voluntary contribution to Autism Services and Supports and the Auto Club South Traffic Safety Foundation; authorizing the department to use electronic mail addresses for the purposes of providing license renewal notices; amending s. 322.081, F.S.; authorizing the department to retain certain proceeds derived from the voluntary contributions made on driver's license applications to cover certain specified costs to the department; amending s. 322.12, F.S.; deleting provisions requiring a separate examination for applicants for a license to operate a motorcycle; requiring that the motorcycle safety course for a first-time applicant include a final examination; requiring that completion of the course be indicated on the license; amending s. 322.121, F.S.; clarifying provisions authorizing the automatic extension of a license for members of the Armed Forces or their dependents while serving on active duty outside the state; amending s. 322.14, F.S.; deleting a requirement that applicants for specified licenses appear in person for issuance of a color photographic or digital imaged driver's license; creating s. 322.1415, F.S.; requiring the Department of Highway Safety and Motor Vehicles to issue a specialty driver's license or identification card to qualified applicants; specifying that, at a minimum, the specialty driver's licenses and identification cards must be available for certain state and independent universities and professional sports teams and all of the branches of the United States military; requiring that the design of each specialty driver's license and identification card be approved by the department; creating s. 322.145, F.S.; requiring the Department of Highway Safety and Motor Vehicles to implement a system

providing for the electronic authentication of driver's licenses; providing criteria for a token for security authenticity; requiring that the department contract for implementation of the electronic verification; amending s. 322.20, F.S., relating to department records; conforming provisions to changes made by the act; amending s. 322.202, F.S.; clarifying that the Division of Motorist Services is not a law enforcement agency; amending s. 322.21, F.S.; providing for the distribution of funds collected from the specialty driver's license and identification card fees; conforming provisions to changes made by the act; authorizing a driver to renew his or her driver's license during a specified period before the license expiration date; amending s. 322.53, F.S.; revising provisions exempting certain farmers and drivers who operate straight trucks from the requirement to obtain a commercial driver's license; amending s. 322.54, F.S.; requiring that the weight of a commercial motor vehicle be based on the vehicle's actual weight under certain circumstances; repealing s. 322.58, F.S., relating to holders of chauffeur's licenses; amending s. 322.59, F.S.; requiring that the department disqualify a driver holding a commercial driver's license who fails to comply with specified federal certification requirements; amending s. 322.61, F.S.; providing that the holder of a commercial driver's license is permanently disqualified from operating a commercial motor vehicle following two violations of specified offenses committed while operating any vehicle; amending s. 322.64, F.S.; providing that a notice of disqualification from operating a commercial motor vehicle acts as a conviction for purposes of certain federal restrictions imposed for the offense of operating a commercial motor vehicle while under the influence of alcohol; deleting provisions authorizing the department to impose certain alternative restrictions for such offense; amending s. 328.30, F.S.; authorizing the department to issue electronic certificates of title for vessels and use electronic mail addresses for purposes of providing renewal notices; amending s. 413.012, F.S., relating to a prohibition on disclosing confidential records held by the department; conforming provisions to changes made by the act; amending s. 713.78, F.S.; conforming a cross-reference; creating the "Highway Safety Act"; providing legislative intent relating to road rage and aggressive careless driving; amending s. 316.083, F.S.; requiring an operator of a motor vehicle to yield the left lane when being overtaken on a multilane highway; providing exceptions; amending s. 316.1923, F.S.; revising the number of specified acts necessary to qualify as an aggressive careless driver; providing specified punishments for aggressive careless driving, including imposition of an increased fine; amending s. 318.121, F.S.; revising the preemption of additional fees, fines, surcharges, and court costs to allow imposition of the increased fine for aggressive careless driving; amending s. 318.18, F.S.; specifying the amount of the fine and the allocation of moneys received from the increased fine imposed for aggressive careless driving; amending s. 318.19, F.S.; providing that a second or subsequent infraction as an aggressive careless driver requires attendance at a mandatory hearing; requiring the Department of Highway Safety and Motor Vehicles to provide information about the Highway Safety Act in driver's license educational materials; reenacting s. 316.650(1)(a), F.S., relating to traffic citations, to incorporate the amendments made to s. 316.1923, F.S., in a reference thereto; amending s. 320.089, F.S.; providing for the issuance of a Combat Infantry Badge license plate; providing qualifications and requirements for the plate; providing for the use of proceeds from the sale of the plate; amending ss. 318.1451 and 322.095, F.S.; requiring the curricula of driver improvement schools and education programs for driver's license applicants to include instruction on the risks associated with using a handheld electronic communication device while operating a motor vehicle; providing effective dates.

—was read the second time by title.

Senator Latvala moved the following amendment which was adopted:

Amendment 1 (806380) (with directory and title amendments)—Between lines 833 and 834 insert:

(6) *It is the legislative intent that the child-restraint requirements imposed by this section shall not apply to a chauffeur-driven taxi, limousine, sedan, van, bus, motor coach, or other passenger vehicle if the operator and the motor vehicle are hired and used for transporting persons for compensation. It shall be the obligation and responsibility of the parent, guardian, or other person responsible for a child's welfare as defined in s. 39.01(47), to comply with the requirements of this section.*

And the directory clause is amended as follows:

Delete line 786 and insert: Statutes, are amended, and subsection (6) is added to that section, to read:

And the title is amended as follows:

Delete line 58 and insert: vehicles from such requirements; providing that parents and others are responsible for complying with child-restraint requirements in certain chauffeur-driven vehicles; providing a grace

Senator Bogdanoff moved the following amendment which was adopted:

Amendment 2 (970144) (with title amendment)—Delete lines 1573-2304 and insert:

Section 30. Subsections (2) and (4) of section 320.02, Florida Statutes, are amended, paragraphs (o), (p), (q), and (r) are added to subsection (15) of that section, and subsection (18) is added to that section, to read:

320.02 Registration required; application for registration; forms.—

(2)(a) The application for registration shall include the street address of the owner's permanent residence or the address of his or her permanent place of business and shall be accompanied by personal or business identification information which may include, but need not be limited to, a driver's license number, Florida identification card number, or federal employer identification number. If the owner does not have a permanent residence or permanent place of business or if the owner's permanent residence or permanent place of business cannot be identified by a street address, the application shall include:

1. If the vehicle is registered to a business, the name and street address of the permanent residence of an owner of the business, an officer of the corporation, or an employee who is in a supervisory position.

2. If the vehicle is registered to an individual, the name and street address of the permanent residence of a close relative or friend who is a resident of this state.

If the vehicle is registered to an active-duty military member who is a Florida resident, the member is exempt from the requirement of a Florida residential address.

(b) The department shall prescribe a form upon which motor vehicle owners may record odometer readings when registering their motor vehicles.

(4) The owner of any motor vehicle registered in the state shall notify the department in writing of any change of address within 20 days of such change. The notification shall include the registration license plate number, the vehicle identification number (VIN) or title certificate number, year of vehicle make, and the owner's full name. *Any owner or registrant who possesses a Florida driver's license or identification card and changes residence or mailing address must obtain a replacement as provided for in s. 322.19(2) before changing the address on the motor vehicle record.*

(15)

(o) *The application form for motor vehicle registration and renewal registration must include language permitting the voluntary contribution of \$1 to End Hunger in Florida. The proceeds shall be distributed monthly by the department to the Florida Association of Food Banks, Inc., a corporation not for profit under s. 501(c)(3) of the Internal Revenue Code. The funds shall be used by the organization for the purpose of ending hunger in Florida.*

(p) *The application form for motor vehicle registration and renewal registration must include language permitting a voluntary contribution of \$1 for Autism Services and Supports. The proceeds shall be transferred by the department each month to the Achievement and Rehabilitation Centers, Inc., Autism Services Fund.*

(q) *Notwithstanding s. 26 of chapter 2010-223, Laws of Florida, the application form for motor vehicle registration and renewal registration must include a provision permitting a voluntary contribution of \$1 or*

more per applicant, to be distributed to the Auto Club South Traffic Safety Foundation, a nonprofit organization. Funds received by the foundation shall be used to improve traffic safety culture in communities through effective outreach, education, and activities that will save lives, reduce injuries, and prevent crashes. The foundation must comply with s. 320.023.

(r) *The application form for motor vehicle registration and renewal registration must include language permitting a voluntary contribution of \$1 for Support Our Troops. The proceeds shall be transferred by the department each month to Support Our Troops, Inc.*

For the purpose of applying the service charge provided in s. 215.20, contributions received under this subsection are not income of a revenue nature.

(18) *All electronic registration records shall be retained by the department for at least 10 years.*

Section 31. Subsection (9) is added to section 320.023, Florida Statutes, to read:

320.023 Requests to establish voluntary checkoff on motor vehicle registration application.—

(9) *The department may annually retain from the first proceeds derived from the voluntary contributions collected an amount sufficient to defray for each voluntary contribution the pro rata share of the department's costs directly related to the voluntary contributions program. Such costs include renewal notices, postage, distribution costs, direct costs to the department, and costs associated with reviewing each organization's compliance with the audit and attestation requirements of this section. The revenues retained by the department may not be less than 0.005 percent and may not exceed 0.015 percent. The balance of the proceeds from the voluntary contributions collected shall be distributed as provided by law.*

Section 32. Subsections (7) and (8) of section 320.03, Florida Statutes, are amended to read:

320.03 Registration; duties of tax collectors; International Registration Plan.—

(7) The Department of Highway Safety and Motor Vehicles shall register ~~apportionable~~ ~~apportioned motor~~ vehicles under the provisions of the International Registration Plan. The department may adopt rules to implement and enforce the provisions of the plan.

(8) If the applicant's name appears on the list referred to in s. 316.1001(4), s. 316.1967(6), or s. 713.78(13), a license plate or revalidation sticker may not be issued until that person's name no longer appears on the list or until the person presents a receipt from the governmental entity or the clerk of court that provided the data showing that the fines outstanding have been paid. This subsection does not apply to the owner of a leased vehicle if the vehicle is registered in the name of the lessee of the vehicle. The tax collector and the clerk of the court are each entitled to receive monthly, as costs for implementing and administering this subsection, 10 percent of the civil penalties and fines recovered from such persons. As used in this subsection, the term "civil penalties and fines" does not include a wrecker operator's lien as described in s. 713.78(13). If the tax collector has private tag agents, such tag agents are entitled to receive a pro rata share of the amount paid to the tax collector, based upon the percentage of license plates and revalidation stickers issued by the tag agent compared to the total issued within the county. The authority of any private agent to issue license plates shall be revoked, after notice and a hearing as provided in chapter 120, if he or she issues any license plate or revalidation sticker contrary to the provisions of this subsection. This section applies only to the annual renewal in the owner's birth month of a motor vehicle registration and does not apply to the transfer of a registration of a motor vehicle sold by a motor vehicle dealer licensed under this chapter, except for the transfer of registrations which is inclusive of the annual renewals. This section does not affect the issuance of the title to a motor vehicle, notwithstanding s. 319.23(8)(b) ~~319.23(7)(b)~~.

Section 33. Paragraph (b) of subsection (3) and subsection (5) of section 320.05, Florida Statutes, are amended to read:

320.05 Records of the department; inspection procedure; lists and searches; fees.—

(3)

(b) Fees therefor shall be charged and collected as follows:

1. For providing lists of motor vehicle or vessel records for the entire state, or any part or parts thereof, divided according to counties, a sum computed at a rate of not less than 1 cent nor more than 5 cents per item.

2. For providing noncertified photographic copies of motor vehicle or vessel documents, \$1 per page.

3. For providing noncertified photographic copies of micrographic records, \$1 per page.

4. For providing certified copies of motor vehicle or vessel records, \$3 per record.

5. For providing noncertified computer-generated printouts of motor vehicle or vessel records, 50 cents per record.

6. For providing certified computer-generated printouts of motor vehicle or vessel records, \$3 per record.

7. For providing electronic access to motor vehicle, vessel, and mobile home registration data requested by tag, vehicle identification number, title number, or decal number, 50 cents per item.

8. For providing electronic access to driver's license status report by name, sex, and date of birth or by driver license number, 50 cents per item.

9. For providing lists of licensed mobile home dealers and manufacturers and recreational vehicle dealers and manufacturers, \$15 per list.

10. For providing lists of licensed motor vehicle dealers, \$25 per list.

11. For each copy of a videotape record, \$15 per tape.

~~12. For each copy of the Division of Motor Vehicles Procedures Manual, \$25.~~

(5) The creation and maintenance of records by the *Division of Motorist Services* within the department and the *Division of Motor Vehicles* pursuant to this chapter shall not be regarded as law enforcement functions of agency recordkeeping.

Section 34. Paragraph (d) is added to subsection (1) of section 320.06, Florida Statutes, and subsection (5) is added to that section, to read:

320.06 Registration certificates, license plates, and validation stickers generally.—

(1)

(d) *The department may conduct a pilot program to evaluate designs, concepts, and technologies for alternative license plate technologies. The pilot program shall investigate the feasibility and use of alternative license plate technologies and shall be limited to license plates that are used on government-owned motor vehicles, as defined in s. 320.0655. Government license plates in the pilot program are exempt from current license plate requirements in s. 320.06(3)(a).*

(5) *All license plates issued pursuant to this chapter are the property of the State of Florida.*

Section 35. Section 320.061, Florida Statutes, is amended to read:

320.061 Unlawful to alter motor vehicle registration certificates, *temporary license plates*, license plates, mobile home stickers, or validation stickers or to obscure license plates; penalty.—No person shall alter the original appearance of any registration license plate, *temporary license plate*, mobile home sticker, validation sticker, or vehicle registration certificate issued for and assigned to any motor vehicle or mobile home, whether by mutilation, alteration, defacement, or change of color or in any other manner. No person shall apply or attach any substance, reflective matter, illuminated device, spray, coating, covering, or other

material onto or around any license plate that interferes with the legibility, angular visibility, or detectability of any feature or detail on the license plate or interferes with the ability to record any feature or detail on the license plate. Any person who violates this section commits a noncriminal traffic infraction, punishable as a moving violation as provided in chapter 318.

Section 36. Subsection (1) of section 320.071, Florida Statutes, is amended to read:

320.071 Advance registration renewal; procedures.—

(1)(a) The owner of any motor vehicle or mobile home currently registered in this state may file an application for renewal of registration with the department, or its authorized agent in the county wherein the owner resides, any time during the 3 months preceding the date of expiration of the registration period. The registration period may not exceed 27 months.

(b) The owner of any *apportionable* ~~apportioned motor~~ vehicle currently registered in this state *under the provisions of the International Registration Plan* may file an application for renewal of registration with the department any time during the 3 months preceding the date of expiration of the registration period.

Section 37. Subsections (1) and (3) of section 320.0715, Florida Statutes, are amended to read:

320.0715 International Registration Plan; motor carrier services; permits; retention of records.—

(1) All *apportionable* ~~commercial motor~~ vehicles domiciled in this state ~~and engaged in interstate commerce~~ shall be registered in accordance with the provisions of the International Registration Plan ~~and shall display apportioned license plates~~.

(3)(a) If the department is unable to immediately issue the apportioned license plate to an applicant currently registered in this state under the International Registration Plan or to a vehicle currently titled in this state, the department or its designated agent is authorized to issue a 60-day temporary operational permit. The department or agent of the department shall charge a \$3 fee and the service charge authorized by s. 320.04 for each temporary operational permit it issues.

(b) The department shall in no event issue a temporary operational permit for any *apportionable* ~~commercial motor~~ vehicle to any applicant until the applicant has shown that:

1. All sales or use taxes due on the registration of the vehicle are paid; and

2. Insurance requirements have been met in accordance with ss. 320.02(5) and 627.7415.

(c) Issuance of a temporary operational permit provides ~~commercial motor vehicle~~ registration privileges in each International Registration Plan member jurisdiction designated on said permit and therefore requires payment of all applicable registration fees and taxes due for that period of registration.

(d) Application for permanent registration must be made to the department within 10 days ~~from~~ *following* issuance of a temporary operational permit. Failure to file an application within this 10-day period may result in cancellation of the temporary operational permit.

Section 38. 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(40), 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(38), or a replacement motor vehicle as defined in s. 320.01(39); \$41 flat, of which \$11 shall be deposited into the General Revenue Fund.

Section 39. Subsection (1) of section 320.0847, Florida Statutes, is amended to read:

320.0847 Mini truck and low-speed vehicle license plates.—

(1) The department shall issue a license plate to the owner or lessee of any vehicle registered as a low-speed vehicle as defined in s. 320.01(42) or a mini truck as defined in s. 320.01(45) upon payment of the appropriate license taxes and fees prescribed in s. 320.08.

Section 40. Subsection (4) of section 320.0848, Florida Statutes, is amended to read:

320.0848 Persons who have disabilities; issuance of disabled parking permits; temporary permits; permits for certain providers of transportation services to persons who have disabilities.—

(4) From the proceeds of the temporary disabled parking permit fees:

(a) The Department of Highway Safety and Motor Vehicles must receive \$3.50 for each temporary permit, to be deposited into the Highway Safety Operating Trust Fund and used for implementing the real-time disabled parking permit database and for administering the disabled parking permit program.

(b) The tax collector, for processing, must receive \$2.50 for each temporary permit.

(c) The remainder must be distributed monthly as follows:

1. To the *Florida Endowment Foundation for Vocational Rehabilitation, known as "The Able Trust," Florida Governor's Alliance for the Employment of Disabled Citizens* for the purpose of improving employment and training opportunities for persons who have disabilities, with special emphasis on removing transportation barriers, \$4. These fees must be directly deposited into the *Florida Endowment Foundation for Vocational Rehabilitation as established in s. 413.615 Transportation Disadvantaged Trust Fund* for transfer to the *Florida Governor's Alliance for Employment of Disabled Citizens*.

2. To the Transportation Disadvantaged Trust Fund to be used for funding matching grants to counties for the purpose of improving transportation of persons who have disabilities, \$5.

Section 41. Paragraphs (a) and (b) of subsection (2) of section 320.275, Florida Statutes, are amended to read:

320.275 Automobile Dealers Industry Advisory Board.—

(2) MEMBERSHIP, TERMS, MEETINGS.—

(a) The board shall be composed of 12 members. The executive director of the Department of Highway Safety and Motor Vehicles shall appoint the members from names submitted by the entities for the designated categories the member will represent. The executive director shall appoint one representative of the Department of Highway Safety and Motor Vehicles, ~~who must represent the Division of Motor Vehicles~~; two representatives of the independent motor vehicle industry as recommended by the Florida Independent Automobile Dealers Association; two representatives of the franchise motor vehicle industry as recommended by the Florida Automobile Dealers Association; one representative of the auction motor vehicle industry who is from an auction chain and is recommended by a group affiliated with the National Auto Auction Association; one representative of the auction motor vehicle industry who is from an independent auction and is recommended by a group affiliated with the National Auto Auction Association; one representative from the Department of Revenue; a Florida tax collector representative recommended by the Florida Tax Collectors Association; one representative from the Better Business Bureau; one representative from the Department of Agriculture and Consumer Services, who must represent the Division of Consumer Services; and one representative of the insurance industry who writes motor vehicle dealer surety bonds.

(b)1. The executive director shall appoint the following initial members to 1-year terms: one representative from the motor vehicle auction industry who represents an auction chain, one representative from the independent motor vehicle industry, one representative from the franchise motor vehicle industry, one representative from the Department of Revenue, one Florida tax collector, and one representative from the Better Business Bureau.

2. The executive director shall appoint the following initial members to 2-year terms: one representative from the motor vehicle auction industry who represents an independent auction, one representative from the independent motor vehicle industry, one representative from the franchise motor vehicle industry, one representative from the Division of Consumer Services, one representative from the insurance industry, and one representative from the ~~department~~ *Division of Motor Vehicles*.

3. As the initial terms expire, the executive director shall appoint successors from the same designated category for terms of 2 years. If renominated, a member may succeed himself or herself.

4. The board shall appoint a chair and vice chair at its initial meeting and every 2 years thereafter.

Section 42. Subsection (1) of section 320.771, Florida Statutes, is amended to read:

320.771 License required of recreational vehicle dealers.—

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

(a) "Dealer" means any person engaged in the business of buying, selling, or dealing in recreational vehicles or offering or displaying recreational vehicles for sale. The term "dealer" includes a recreational vehicle broker. Any person who buys, sells, deals in, or offers or displays for sale, or who acts as the agent for the sale of, one or more recreational vehicles in any 12-month period shall be prima facie presumed to be a dealer. The terms "selling" and "sale" include lease-purchase transactions. The term "dealer" does not include banks, credit unions, and finance companies that acquire recreational vehicles as an incident to their regular business and does not include mobile home rental and leasing companies that sell recreational vehicles to dealers licensed under this section. A licensed dealer may transact business in recreational vehicles with a motor vehicle auction as defined in s. 320.27(1)(c)4. Further, a licensed dealer may, at retail or wholesale, sell a motor vehicle, as described in s. 320.01(1)(a), acquired in exchange for the sale of a recreational vehicle, if such acquisition is incidental to the principal business of being a recreational vehicle dealer. However, a recreational vehicle dealer may not buy a motor vehicle for the purpose of resale unless licensed as a motor vehicle dealer pursuant to s. 320.27.

(b) "Recreational vehicle broker" means any person who is engaged in the business of offering to procure or procuring used recreational vehicles for the general public; who holds himself or herself out through solicitation, advertisement, or otherwise as one who offers to procure or procures used recreational vehicles for the general public; or who acts as the agent or intermediary on behalf of the owner or seller of a used recreational vehicle which is for sale or who assists or represents the seller in finding a buyer for the recreational vehicle.

(c) For the purposes of this section, the term "recreational vehicle" does not include any camping trailer, as defined in s. 320.01(1)(b)2.

(d) *A dealer may apply for a certificate of title to a recreational vehicle required to be registered under s. 320.08(9) using a manufacturer's statement of origin as permitted by s. 319.23(1) only if such dealer is authorized by a manufacturer/dealer agreement as defined in s. 320.3202(8) on file with the department to buy, sell, or deal in that particular line-make of recreational vehicle and is authorized by such agreement to perform delivery and preparation obligations and warranty defect adjustments on that line-make.*

Section 43. Section 320.95, Florida Statutes, is amended to read:

320.95 Transactions by electronic or telephonic means.—

(1) The department ~~may be authorized to~~ accept any application provided for under this chapter by electronic or telephonic means.

(2) *The department may collect and use electronic mail addresses for the purpose of providing renewal notices in lieu of the United States Postal Service.*

Section 44. Section 321.02, Florida Statutes, is amended to read:

321.02 Powers and duties of department, highway patrol.—The director of the Division of Highway Patrol of the Department of Highway Safety and Motor Vehicles shall be designated the Colonel ~~also be the commander~~ of the Florida Highway Patrol. The said department shall set up and promulgate rules and regulations by which the personnel of the Florida Highway Patrol officers shall be examined, employed, trained, located, suspended, reduced in rank, discharged, recruited, paid and pensioned, subject to civil service provisions hereafter set out. The department may enter into contracts or agreements, with or without competitive bidding or procurement, to make available, on a fair, reasonable, nonexclusive, and nondiscriminatory basis, property and other structures under division control for the placement of new facilities by any wireless provider of mobile service as defined in 47 U.S.C. s. 153(27) or s. 332(d), and any telecommunications company as defined in s. 364.02 when it is determined to be practical and feasible to make such property or other structures available. The department may, without adopting a rule, charge a just, reasonable, and nondiscriminatory fee for placement of the facilities, payable annually, based on the fair market value of space used by comparable communications facilities in the state. The department and a wireless provider or telecommunications company may negotiate the reduction or elimination of a fee in consideration of services provided to the division by the wireless provider or the telecommunications company. All such fees collected by the department shall be deposited directly into the State Agency Law Enforcement Radio System Trust Fund, and may be used to construct, maintain, or support the system. The department is further specifically authorized to purchase, sell, trade, rent, lease and maintain all necessary equipment, uniforms, motor vehicles, communication systems, housing facilities, office space, and perform any other acts necessary for the proper administration and enforcement of this chapter. However, all supplies and equipment consisting of single items or in lots shall be purchased under the requirements of s. 287.057. Purchases shall be made by accepting the bid of the lowest responsive bidder, the right being reserved to reject all bids. The department shall prescribe a distinctive uniform and distinctive emblem to be worn by all officers of the Florida Highway Patrol. It shall be unlawful for any other person or persons to wear a similar uniform or emblem, or any part or parts thereof. The department shall also prescribe distinctive colors for use on motor vehicles and motorcycles operated by the Florida Highway Patrol. The prescribed colors shall be referred to as “Florida Highway Patrol black and tan.”

Section 45. Subsection (3) of section 322.02, Florida Statutes, is amended to read:

322.02 Legislative intent; administration.—

(3) The department shall employ a director, who is charged with the duty of serving as the executive officer of the Division of *Motorist Services within Driver Licenses* of the department insofar as the administration of this chapter is concerned. He or she shall be subject to the supervision and direction of the department, and his or her official actions and decisions as executive officer shall be conclusive unless the same are superseded or reversed by the department or by a court of competent jurisdiction.

Section 46. Subsection (1) of section 322.04, Florida Statutes, is amended to read:

322.04 Persons exempt from obtaining driver's license.—

(1) The following persons are exempt from obtaining a driver's license:

(a) Any employee of the United States Government, while operating a noncommercial motor vehicle owned by or leased to the United States Government and being operated on official business.

(b) Any person while driving or operating any road machine, farm tractor, or implement of husbandry temporarily operated or moved on a highway.

(c) A nonresident who is at least 16 years of age ~~and who has in his or her immediate possession a valid noncommercial driver's license issued to the nonresident in his or her home state or country~~, may operate a motor vehicle of the type for which a Class E driver's license is required in this state *if he or she has in his or her immediate possession*:

1. A valid noncommercial driver's license issued in his or her name from another state or territory of the United States; or

2. An International Driving Permit issued in his or her name in his or her country of residence and a valid license issued in that country.

~~(d) A nonresident who is at least 18 years of age and who has in his or her immediate possession a valid noncommercial driver's license issued to the nonresident in his or her home state or country may operate a motor vehicle, other than a commercial motor vehicle, in this state.~~

~~(d)(e)~~ Any person operating a golf cart, as defined in s. 320.01, which is operated in accordance with the provisions of s. 316.212.

Section 47. Paragraph (a) of subsection (1) of section 322.051, Florida Statutes, is amended, and subsection (9) is added to that section, to read:

322.051 Identification cards.—

(1) Any person who is 5 years of age or older, or any person who has a disability, regardless of age, who applies for a disabled parking permit under s. 320.0848, may be issued an identification card by the department upon completion of an application and payment of an application fee.

(a) Each such application shall include the following information regarding the applicant:

1. Full name (first, middle or maiden, and last), gender, proof of social security card number satisfactory to the department, county of residence, mailing address, proof of residential address satisfactory to the department, country of birth, and a brief description.

2. Proof of birth date satisfactory to the department.

3. Proof of identity satisfactory to the department. Such proof must include one of the following documents issued to the applicant:

a. A driver's 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 sub-subparagraph b., sub-subparagraph c., sub-subparagraph d., sub-subparagraph e., sub-subparagraph f., sub-subparagraph g., or sub-subparagraph h.;

b. A certified copy of a United States birth certificate;

c. A valid, unexpired United States passport;

d. A naturalization certificate issued by the United States Department of Homeland Security;

e. A valid, unexpired alien registration receipt card (green card);

f. A Consular Report of Birth Abroad provided by the United States Department of State;

g. An unexpired employment authorization card issued by the United States Department of Homeland Security; or

h. Proof of nonimmigrant classification provided by the United States Department of Homeland Security, for an original identification card. In order to prove such nonimmigrant classification, applicants *must provide at least one of* ~~may produce but are not limited to~~ the following documents, *and, in addition, the department may require other documents for the sole purpose of establishing the maintenance of or efforts to maintain continuous lawful presence*:

(I) A notice of hearing from an immigration court scheduling a hearing on any proceeding.

(II) A notice from the Board of Immigration Appeals acknowledging pendency of an appeal.

(III) Notice of the approval of an application for adjustment of status issued by the United States Bureau of Citizenship and Immigration Services.

(IV) Any 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.

(V) Notice of action transferring any pending matter from another jurisdiction to Florida, issued by the United States Bureau of Citizenship and Immigration Services.

(VI) Order of an immigration judge or immigration officer granting any relief that authorizes the alien to live and work in the United States including, but not limited to asylum.

(VII) 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.

(VIII) 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.

~~An identification card issued based on documents required by any of the documents described in sub-subparagraph g. or sub-subparagraph h. is valid entitles the applicant to an identification card for a period not to exceed the expiration date of the document presented or 1 year, whichever first occurs.~~

(9) Notwithstanding any other provision of this section or s. 322.21 to the contrary, the department shall issue or renew a card at no charge to a person who presents good cause for a fee waiver.

Section 48. Subsection (4) of section 322.058, Florida Statutes, is amended to read:

322.058 Suspension of driving privileges due to support delinquency; reinstatement.—

(4) This section applies only to the annual renewal in the owner's birth month of a motor vehicle registration and does not apply to the transfer of a registration of a motor vehicle sold by a motor vehicle dealer licensed under chapter 320, except for the transfer of registrations which is inclusive of the annual renewals. This section does not affect the issuance of the title to a motor vehicle, notwithstanding s. 319.23(8)(b) ~~319.23(7)(b).~~

Section 49. Section 322.065, Florida Statutes, is amended to read:

322.065 Driver's license expired for 6 4 months or less; penalties.— Any person whose driver's license has been expired for 6 4 months or less and who drives a motor vehicle upon the highways of this state ~~commits~~ *is guilty of* an infraction and *is* subject to the penalty provided in s. 318.18.

Section 50. Subsection (3) of section 322.07, Florida Statutes, is amended to read:

322.07 Instruction permits and temporary licenses.—

(3) Any person who, except for his or her lack of instruction in operating a commercial motor vehicle, would otherwise be qualified to obtain a commercial driver's license under this chapter, may apply for a temporary commercial instruction permit. The department shall issue such a permit entitling the applicant, while having the permit in his or her immediate possession, to drive a commercial motor vehicle on the highways, provided that:

(a) The applicant possesses a valid *Florida* driver's license ~~issued in any state~~; and

(b) The applicant, while operating a commercial motor vehicle, is accompanied by a licensed driver who is 21 years of age or older, who is

licensed to operate the class of vehicle being operated, and who is actually occupying the closest seat to the right of the driver.

Section 51. Subsection (2) of section 322.08, Florida Statutes, is amended, paragraphs (o), (p), and (q) are added to subsection (7) of that section, and subsection (8) is added to that section, 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:

(a) Full name (first, middle or maiden, and last), gender, proof of social security card number satisfactory to the department, county of residence, mailing address, proof of residential address satisfactory to the department, country of birth, and a brief description.

(b) Proof of birth date satisfactory to the department.

(c) Proof of identity satisfactory to the department. Such proof must include one of the following documents issued to the applicant:

1. A driver's 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's license. In order to prove nonimmigrant classification, an applicant *must provide at least one of the following documents; in addition, the department may require other documents for the sole purpose of establishing the maintenance of or efforts to maintain continuous lawful presence* ~~may produce the following documents, including, but not limited to:~~

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. Any 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 any 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.

A driver's license or temporary permit issued based on documents required by s. 320.02, F.S., relating to license taxes; conforming cross-references; amending s. 320.0847, F.S., relating to license plates for mini trucks and low-speed vehicles; conforming cross-references; amending s. 320.0848, F.S.; revising the requirements for the deposit of fee proceeds from temporary disabled parking permits; amending s. 320.275, F.S., relating to the Automobile Dealers Industry Advisory Board; conforming provisions to the elimination of the Division of Motor Vehicles within the department; amending s. 320.771, F.S.; specifying circumstances under which certain dealers may apply for a certificate of title to a recreational vehicle using a manufacturer's statement of origin; amending s. 320.95, F.S.; authorizing the department to use electronic mail addresses for the purpose of providing license renewal notices; amending s. 321.02, F.S.; designating the director of the Division of Highway Patrol of the department as the Colonel of the Florida Highway Patrol; amending s. 322.02, F.S.; providing for a director of the Division of Motorist Services; amending s. 322.04, F.S.; revising provisions exempting a nonresident from the requirement to obtain a driver's license under certain circumstances; amending s. 322.051, F.S.; revising the means by which an applicant for an identification card may prove nonimmigrant classification; clarifying the validity of an identification card based on specified documents; providing for the department to waive the fees for issuing or renewing an identification card to persons who present good cause for such waiver; amending s. 322.058, F.S.; conforming a cross-reference; amending s. 322.065, F.S.; revising the period of expiration that constitutes the offense of driving with an expired driver's license; amending s. 322.07, F.S.; clarifying the qualifications for obtaining a temporary commercial instruction permit; amending s. 322.08, F.S.; revising requirements by which an applicant for a driver's license may prove nonimmigrant classification; clarifying the validity of a license based on specified documents; providing for driver's license application forms to allow the applicant to make a voluntary contribution to Autism Services and Supports, the Auto Club South Traffic Safety Foundation, and Support Our Troops; authorizing the department to use

(d) Whether the applicant has previously been licensed to drive, and, if so, when and by what state, and whether any such license or driving privilege has ever been disqualified, revoked, or suspended, or whether an application has ever been refused, and, if so, the date of and reason for such disqualification, suspension, revocation, or refusal.

(e) Each such application may include fingerprints and other unique biometric means of identity.

(7) The application form for an original, renewal, or replacement driver's license or identification card shall include language permitting the following:

(o) *A voluntary contribution of \$1 per applicant for Autism Services and Supports. Such contributions must be transferred by the department each month to the Achievement and Rehabilitation Centers, Inc., Autism Services Fund.*

(p) *Notwithstanding s. 26 of chapter 2010-223, Laws of Florida, a voluntary contribution of \$1 or more per applicant to the Auto Club South Traffic Safety Foundation, a nonprofit organization. Funds received by the foundation shall be used to improve traffic safety culture in communities through effective outreach, education, and activities that will save lives, reduce injuries, and prevent crashes. The foundation must comply with s. 322.081.*

(q) *The application form for motor vehicle registration and renewal registration must include language permitting a voluntary contribution of \$1 for Support Our Troops. The proceeds shall be transferred by the department each month to Support Our Troops, Inc.*

A statement providing an explanation of the purpose of the trust funds shall also be included. For the purpose of applying the service charge provided in s. 215.20, contributions received under paragraphs (b)-(n) are not income of a revenue nature.

(8) *The department may collect and use electronic mail addresses for the purpose of providing renewal notices in lieu of the United State Postal Service.*

And the title is amended as follows:

Delete lines 106-184 and insert: 320.02, F.S.; providing that an active-duty military member is exempt from the requirement to provide an address on an application for vehicle registration; requiring the application forms for motor vehicle registration and renewal of registration to include language permitting the applicant to make a voluntary contribution to End Hunger in Florida, Autism Services and Supports, the Auto Club South Traffic Safety Foundation, and Support Our Troops; requiring that the department retain certain records for a specified period; amending s. 320.023, F.S.; authorizing the department to retain certain proceeds derived from the voluntary contributions program to cover certain specified costs to the department; amending s. 320.03, F.S., relating to the International Registration Plan; conforming provisions to changes made by the act; amending s. 320.05, F.S.; deleting a provision requiring that the department provide a procedures manual for a fee; clarifying that the creation and maintenance of records by the Division of Motorist Services is not a law enforcement function of agency recordkeeping; amending s. 320.06, F.S.; authorizing the department to conduct a pilot program to evaluate alternative license plate technologies for use on government-owned motor vehicles; specifying that all license plates issued by the department are the property of the state; amending s. 320.061, F.S.; providing that it is a noncriminal traffic infraction to alter a temporary license plate; amending s. 320.071, F.S.; providing for the renewal of registration for an apportionable vehicle that is registered under the International Registration Plan; amending s. 320.0715, F.S.; clarifying provisions requiring the registration of apportionable vehicles under the International Registration Plan;

amending s. 320.08, F.S., relating to license taxes; conforming cross-references; amending s. 320.0847, F.S., relating to license plates for mini trucks and low-speed vehicles; conforming cross-references; amending s. 320.0848, F.S.; revising the requirements for the deposit of fee proceeds from temporary disabled parking permits; amending s. 320.275, F.S., relating to the Automobile Dealers Industry Advisory Board; conforming provisions to the elimination of the Division of Motor Vehicles within the department; amending s. 320.771, F.S.; specifying circumstances under which certain dealers may apply for a certificate of title to a recreational vehicle using a manufacturer's statement of origin; amending s. 320.95, F.S.; authorizing the department to use electronic mail addresses for the purpose of providing license renewal notices; amending s. 321.02, F.S.; designating the director of the Division of Highway Patrol of the department as the Colonel of the Florida Highway Patrol; amending s. 322.02, F.S.; providing for a director of the Division of Motorist Services; amending s. 322.04, F.S.; revising provisions exempting a nonresident from the requirement to obtain a driver's license under certain circumstances; amending s. 322.051, F.S.; revising the means by which an applicant for an identification card may prove nonimmigrant classification; clarifying the validity of an identification card based on specified documents; providing for the department to waive the fees for issuing or renewing an identification card to persons who present good cause for such waiver; amending s. 322.058, F.S.; conforming a cross-reference; amending s. 322.065, F.S.; revising the period of expiration that constitutes the offense of driving with an expired driver's license; amending s. 322.07, F.S.; clarifying the qualifications for obtaining a temporary commercial instruction permit; amending s. 322.08, F.S.; revising requirements by which an applicant for a driver's license may prove nonimmigrant classification; clarifying the validity of a license based on specified documents; providing for driver's license application forms to allow the applicant to make a voluntary contribution to Autism Services and Supports, the Auto Club South Traffic Safety Foundation, and Support Our Troops; authorizing the department to use

Senator Sobel moved the following amendment which was adopted:

Amendment 3 (653144) (with title amendment)—Delete lines 3088-3110 and insert:

(2)(a) In determining whether to approve the courses referenced in this section, the department shall consider course content designed to promote safety, driver awareness, crash avoidance techniques, *the dangers of driving while distracted, which must specifically include the use of technology while driving*, and other factors or criteria to improve driver performance from a safety viewpoint.

Section 81. Subsection (1) of section 322.095, Florida Statutes, is amended to read:

322.095 Traffic law and substance abuse education program for driver's license applicants.—

(1) The Department of Highway Safety and Motor Vehicles must approve traffic law and substance abuse education courses that must be completed by applicants for a Florida driver's license. The curricula for the courses must provide instruction on the physiological and psychological consequences of the abuse of alcohol and other drugs, the societal and economic costs of alcohol and drug abuse, the effects of alcohol and drug abuse on the driver of a motor vehicle, *the dangers of driving while distracted, which must specifically include the use of technology while driving*, and the laws of this state relating to the operation of a motor vehicle. All instructors teaching the courses shall be certified by the department.

And the title is amended as follows:

Delete lines 295 and 296 and insert: *the dangers of driving while distracted, which must specifically include the use of technology while driving*;

Senator Storms moved the following amendment which was adopted:

Amendment 4 (232650) (with title amendment)—Between lines 3110 and 3111 insert:

Section 82. Subsection (3) of section 320.27, Florida Statutes, is amended to read:

320.27 Motor vehicle dealers.—

(3) **APPLICATION AND FEE.**—The application for the license shall be in such form as may be prescribed by the department and shall be subject to such rules with respect thereto as may be so prescribed by it. Such application shall be verified by oath or affirmation and shall contain a full statement of the name and birth date of the person or persons applying therefor; the name of the firm or copartnership, with the names and places of residence of all members thereof, if such applicant is a firm or copartnership; the names and places of residence of the principal officers, if the applicant is a body corporate or other artificial body; the name of the state under whose laws the corporation is organized; the present and former place or places of residence of the applicant; and prior business in which the applicant has been engaged and the location thereof. Such application shall describe the exact location of the place of business and shall state whether the place of business is owned by the applicant and when acquired, or, if leased, a true copy of the lease shall be attached to the application. The applicant shall certify that the location provides an adequately equipped office and is not a residence; that the location affords sufficient unoccupied space upon and within which adequately to store all motor vehicles offered and displayed for sale; and that the location is a suitable place where the applicant can in good faith carry on such business and keep and maintain books, records, and files necessary to conduct such business, which will be available at all reasonable hours to inspection by the department or any of its inspectors or other employees. The applicant shall certify that the business of a motor vehicle dealer is the principal business which shall be conducted at that location. Such application shall contain a statement that the applicant is either franchised by a manufacturer of motor vehicles, in which case the name of each motor vehicle that the applicant is franchised to sell shall be included, or an independent (nonfranchised) motor vehicle dealer. Such application shall contain such other relevant information as may be required by the department, including evidence that the applicant is insured under a garage liability insurance policy or a general liability insurance policy coupled with a business automobile policy, which shall include, at a minimum, \$25,000 combined single-limit liability coverage including bodily injury and property damage protection and \$10,000 personal injury protection. *The requirements for garage liability insurance and personal injury protection do not apply to a salvage motor vehicle dealer as defined in s. 320.27(1)(c)5.* Franchise dealers must submit a garage liability insurance policy, and all other dealers must submit a garage liability insurance policy or a general liability insurance policy coupled with a business automobile policy. Such policy shall be for the license period, and evidence of a new or continued policy shall be delivered to the department at the beginning of each license period. Upon making initial application, the applicant shall pay to the department a fee of \$300 in addition to any other fees now required by law; upon making a subsequent renewal application, the applicant shall pay to the department a fee of \$75 in addition to any other fees now required by law. Upon making an application for a change of location, the person shall pay a fee of \$50 in addition to any other fees now required by law. The department shall, in the case of every application for initial licensure, verify whether certain facts set forth in the application are true. Each applicant, general partner in the case of a partnership, or corporate officer and director in the case of a corporate applicant, must file a set of fingerprints with the department for the purpose of determining any prior criminal record or any outstanding warrants. The department shall submit the fingerprints to the Department of Law Enforcement for state processing and forwarding to the Federal Bureau of Investigation for federal processing. The actual cost of state and federal processing shall be borne by the applicant and is in addition to the fee for licensure. The department may issue a license to an applicant pending the results of the fingerprint investigation, which license is fully revocable if the department subsequently determines that any facts set forth in the application are not true or correctly represented.

And the title is amended as follows:

Between lines 296 and 297 insert: amending s. 320.27, F.S.; exempting salvage motor vehicle dealers from certain insurance requirements;

Senator Latvala moved the following amendment which was adopted:

Amendment 5 (451790) (with title amendment)—Between lines 3110 and 3111 insert:

Section 82. Subsection (1) of section 316.6135, Florida Statutes, is amended to read:

316.6135 Leaving children unattended or unsupervised in motor vehicles; penalty; authority of law enforcement officer.—

(1) A parent, legal guardian, or other person responsible for a child younger than 6 years of age may not leave such child unattended or unsupervised in a motor vehicle:

(a) For a period in excess of 15 minutes;

(b) For any period of time if the motor of the vehicle is running, ~~or~~ the health of the child is in danger, *or the child appears to be in distress.*

And the title is amended as follows:

Between lines 296 and 297 insert: amending s. 316.6135, F.S.; clarifying the criteria under which a child may not be left unattended in a vehicle;

MOTION

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

Senator Latvala moved the following amendments which were adopted:

Amendment 6 (665900) (with directory and title amendments)—After line 1638 insert:

(r) *The application form for motor vehicle registration and renewal registration must include language permitting a voluntary contribution of \$1 to Take Stock In Children. The proceeds shall be transferred by the department each month to Take Stock In Children, Inc.*

And the directory clause is amended as follows:

Delete line 1574 and insert: Florida Statutes, are amended, paragraphs (o), (p), (q), and (r) are

And the title is amended as follows:

Delete line 113 and insert: and Supports, Take Stock in Children, and the Auto Club South Traffic Safety

Amendment 7 (108754) (with title amendment)—Delete line 2404 and insert:

(1) *The department may issue to any applicant qualified*

And the title is amended as follows:

Delete line 204 and insert: creating s. 322.1415, F.S.; authorizing the Department

Amendment 8 (860070) (with directory and title amendments)—Between lines 1413 and 1414 insert:

(3) *A dealer of farm or industrial equipment, as those terms are used in s. 493.6101(22), conducting a repossession of such equipment is not subject to licensure as a recovery agent or recovery agency if such dealer is regularly engaged in the sale of such equipment for a particular manufacturer and the lender is affiliated with that manufacturer.*

And the directory clause is amended as follows:

Delete line 1374 and insert: 319.28, Florida Statutes, is amended, and subsection (3) is added to that section, to read:

And the title is amended as follows:

Delete line 93 and insert: repossession of a vehicle or mobile home; providing that a dealer of certain farm or industrial equipment is not subject to licensure as a recovery agent or agency under certain conditions; amending s.

SENATOR BENNETT PRESIDING

MOTION

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

Senator Braynon moved the following amendment which was adopted:

Amendment 9 (507054) (with title amendment)—Between lines 1841 and 1842 insert:

Section 39. Section 320.08051, Florida Statutes, is created to read:

320.08051 Specialty license plates.—

(1) Notwithstanding any provisions of law to the contrary, any application for a specialty license plate shall be deemed approved if the application has:

(a) Been determined by the Auditor General to be an exception to the specialty license plate moratorium established by the provisions of s. 45 of chapter 2008-176, Laws of Florida;

(b) Complied with all requirements under s. 320.08053; and

(c) Been considered affirmatively by a legislative committee and at least one chamber of the Legislature prior to December 31, 2010.

(2) Once approved, the organization must submit to the department the proposed art design for the specialty license plate, in a medium prescribed by the department, together with a planned distribution of proceeds, as soon as practicable, but no later than September 1, 2011.

(3) The department shall begin production of any specialty license plate deemed approved under this section within 1 year after July 1, 2011.

(4) The license plate annual use fee is \$25, which shall be distributed to the organization sponsoring the application for the specialty license plate. The sponsoring organization may not use more than 10 percent of the proceeds for marketing and administration.

(5) All other requirements pertaining to specialty license plates contained in ss. 320.08056 and 320.08058 apply to the specialty license plates approved pursuant to this section.

And the title is amended as follows:

Between lines 141 and 142 insert: creating s. 320.08051, F.S.; providing for the approval of certain specialty license plate applications; providing conditions; requiring the organization to submit certain information to the department for the specialty plate; requiring the department to begin production of any approved specialty plate within a certain time; providing for a fee; requiring compliance with all other provisions relating to specialty plates;

MOTION

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

Senator Wise moved the following amendment which was adopted:

Amendment 10 (935138) (with title amendment)—Between lines 1841 and 1842 insert:

Section 39. Paragraph (e) of subsection (4) of section 320.08068, Florida Statutes, is amended to read:

320.08068 Motorcycle specialty license plates.—

(4) A license plate annual use fee of \$20 shall be collected for each motorcycle specialty license plate. Annual use fees shall be distributed to The Able Trust as custodial agent. The Able Trust may retain a maximum of 10 percent of the proceeds from the sale of the license plate for administrative costs. The Able Trust shall distribute the remaining funds as follows:

(e) Twenty percent to the Florida Association of Centers for Independent Living to be used to leverage additional funding and new sources of revenue for the centers for independent living in this state.

And the title is amended as follows:

Between lines 141 and 142 insert: amending s. 320.08068, F.S.; revising use of funds received from the sale of motorcycle specialty license plates;

MOTION

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

Senator Storms moved the following amendment which was adopted:

Amendment 11 (459312) (with title amendment)—Delete lines 346-371 and insert:

Section 4. Subsections (2), (21), and (83) of section 316.003, Florida Statutes, are amended, and subsections (89), (90), and (91) are added to that section, to read:

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

(2) BICYCLE.—Every vehicle propelled solely by human power, and every motorized bicycle propelled by a combination of human power and an electric helper motor capable of propelling the vehicle at a speed of not more than 20 miles per hour on level ground upon which any person may ride, having two tandem wheels or three wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels. The term does not include such a vehicle with a seat height of no more than 25 inches from the ground when the seat is adjusted to its highest position or a scooter or similar device. No person under the age of 16 may operate or ride upon a motorized bicycle.

(21) MOTOR VEHICLE.—Any self-propelled vehicle not operated upon rails or guideway, but not including any bicycle, motorized scooter, electric personal assistive mobility device, durable medical equipment, swamp buggy, or moped.

(83) ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE.—Any self-balancing, two-nontandem-wheeled device, commonly known as a Segway, designed to transport only one person, with an electric propulsion system with average power of 750 watts (1 horsepower), the maximum speed of which, on a paved level surface when powered solely by such a propulsion system while being ridden by an operator who weighs 170 pounds, is less than 20 miles per hour. Electric personal assistive mobility devices are not vehicles as defined in this section.

(89) SWAMP BUGGY.—A motorized off-road vehicle designed to travel over swampy terrain, which may utilize large tires or tracks operated from an elevated platform, and may be used on varied terrain. A swamp buggy does not include any vehicle defined in chapter 261 or otherwise defined or classified in this chapter. A swamp buggy may not be operated upon the public roads, streets, or highways of this state, except to the extent specifically authorized by a state or federal agency to be used exclusively upon lands, managed, owned, or leased by that agency.

(90) ROAD RAGE.—The act of a driver or passenger to intentionally or unintentionally, due to a loss of emotional control, injure or kill another driver, passenger, or pedestrian, or to attempt or threaten to injure or kill another driver, passenger, or pedestrian.

(91) DURABLE MEDICAL EQUIPMENT.—Any three- or four-wheeled mobility device, including a manually propelled or powered wheelchair or motorized scooter, which is designed to provide transportation for mobility-impaired persons.

Section 5. Subsection (7) of section 316.008, Florida Statutes, is amended to read:

316.008 Powers of local authorities.—

(7) A county or municipality may enact an ordinance to permit, control, or regulate the operation of vehicles, golf carts, mopeds, mo-

torized scooters, and electric personal ~~assistive~~ mobility devices on sidewalks or sidewalk areas when such use is permissible under federal law. The ordinance must restrict such vehicles or devices to a maximum speed of 15 miles per hour in such areas.

Section 6. *Mobility-impaired persons have the same rights, responsibilities, and restrictions as provided for pedestrians in s. 316.130, Florida Statutes, including persons who:*

- (1) *Are legally blind;*
- (2) *Are unable to walk without assistance from another person or the use of a brace, cane, crutch, prosthetic device, wheelchair, or other assistive device;*
- (3) *Are restricted by lung disease to the extent that their forced expiratory volume for 1 second, when measured by spirometry, is less than 1 liter, their arterial oxygen is less than 60mm/hg on room air at rest, or they require the use of portable oxygen;*
- (4) *Are restricted by a cardiac condition to the extent that their functional limitations are classified as Class III or Class IV in severity, by American Heart Association standards; or*
- (5) *Are restricted in their ability to walk due to an arthritic, neurological, or orthopedic condition.*

And the title is amended as follows:

Delete lines 12-14 and insert: 316.003, F.S.; revising the definition of the term “motor vehicle” to include durable medical equipment and swamp buggies; revising the definition of the term “electric personal assistive mobility device”; defining the terms “swamp buggy,” “road rage,” and “durable medical equipment”; amending s. 316.008, F.S.; deleting the powers of local authorities to regulate assistive mobility devices on sidewalks; providing that mobility-impaired persons have the rights and responsibilities provided to pedestrians in s. 316.130, F.S., with respect to traffic regulations; amending s.

MOTION

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

Senator Latvala moved the following amendments which were adopted:

Amendment 12 (672766) (with title amendment)—Between lines 3110 and 3111 insert:

Section 82. (1) *This section may be cited as the “Inform Families First Act.”*

(2) *The Department of Highway Safety and Motor Vehicles is encouraged to educate the law enforcement community and the general public about the importance of making certain that drivers are aware of and use the emergency contact information program established by the department. The department shall provide signs for the driver’s license offices to advertise the program. This voluntary program allows each driver the opportunity to register the names of up to two individuals as the person he or she would want to be contacted if he or she is involved in a crash.*

And the title is amended as follows:

Between lines 296 and 297 insert: providing a short title; providing for a voluntary emergency contact information program established by the department;

Amendment 13 (737584) (with title amendment)—Between lines 1841 and 1842 insert:

Section 39. Paragraph (b) of subsection (48) of section 320.08058, Florida Statutes, is amended to read:

320.08058 Specialty license plates.—

(48) LIVE THE DREAM LICENSE PLATES.—

(b) The proceeds of the annual use fee shall be distributed to the Florida Dream Foundation, Inc. The Florida Dream Foundation, Inc., shall retain the first \$60,000 in proceeds from the annual use fees as reimbursement for administrative costs, startup costs, and costs incurred in the approval process. Thereafter, up to 25 percent shall be used for continuing promotion and marketing of the license plate and concept. The remaining funds shall be used in the following manner:

1. Twenty-five percent shall be distributed equally among the sickle cell organizations that are Florida members of the Sickle Cell Disease Association of America, Inc., for programs that provide research, care, and treatment for sickle cell disease.
2. Twenty-five percent shall be distributed to the Florida chapter of the March of Dimes for programs and services that improve the health of babies through the prevention of birth defects and infant mortality.
3. Ten percent shall be distributed to the Florida Association of Healthy Start Coalitions to decrease racial disparity in infant mortality and to increase healthy birth outcomes. Funding will be used by local Healthy Start Coalitions to provide services and increase screening rates for high-risk pregnant women, children under 4 years of age, and women of childbearing age.
4. Ten percent shall be distributed to the Community Partnership for Homeless, Inc., for programs that provide relief from poverty, hunger, and homelessness.
5. Five percent of the proceeds shall be used by the foundation for administrative costs directly associated with operations as they relate to the management and distribution of the proceeds.

And the title is amended as follows:

Between lines 141 and 142 insert: amending s. 320.08058, F.S.; changing the recipient of the proceeds for the Live the Dream license plates to the Florida Dream Foundation, Inc.;

Amendment 14 (247874) (with title amendment)—Between lines 3110 and 3111 insert:

Section 82. Subsection (53) of section 320.08058, Florida Statutes, is amended to read:

320.08058 Specialty license plates.—

(53) SUPPORT SOCCER LICENSE PLATES.—

(a) The department shall develop a Support Soccer license plate as provided in this section. Support Soccer license plates must bear the colors and design approved by the department. The word “Florida” must appear at the top of the plate, and the words “Support Soccer” must appear at the bottom of the plate.

(b) The annual use fees shall be distributed to the ~~Florida Light-house~~ Soccer Foundation, Inc., which shall retain the initial revenues from the sale of such plates until all startup costs for developing and establishing the plate have been recovered, not to exceed \$85,000. Thereafter, the proceeds of the annual use fee shall be used in the following manner:

1. Up to 25 percent of the proceeds may be used by the ~~Florida Light-house~~ Soccer Foundation, Inc., for continuing promotion and marketing of the license plate and concept.
2. Twenty percent shall be distributed to the Florida Youth Soccer Association for programs and services that foster the physical, mental, and emotional growth and development of Florida’s youth through the sport of soccer at all levels of age and competition, including a portion to be determined by the Florida Youth Soccer Association for the TOP-Soccer program to promote participation by the physically and mentally disadvantaged.
3. Twenty percent shall be distributed as grants for programs that promote participation by the economically disadvantaged and to support soccer programs where none previously existed.

4. Ten percent shall be distributed to the Florida State Soccer Association to promote the sport of soccer and the long-term development of the sport.

5. Ten percent shall be distributed as grants for programs that promote and support the construction of fields and soccer-specific infrastructure.

6. Ten percent shall be distributed as grants for programs that foster and promote health, physical fitness, and educational opportunities through soccer.

7. Five percent shall be expended by the ~~Florida Lighthouse~~ Soccer Foundation, Inc., for administrative costs directly associated with the foundation's operations as they relate to the management and distribution of the proceeds.

And the title is amended as follows:

Between lines 296 and 297 insert: amending s. 320.08058, F.S.; providing that proceeds from the sale of Support Soccer license plates shall be distributed to the Florida Soccer Foundation, Inc.;

Amendment 15 (274302) (with title amendment)—Delete line 1443 and insert: *Postal Service, except for any notice regarding the potential forfeiture or foreclosure of an interest in property.*

And the title is amended as follows:

Delete line 99 and insert: notification, except for any notice regarding the potential forfeiture or foreclosure of an interest in property; amending s. 320.01, F.S.; revising the

Amendment 16 (444350) (with directory and title amendments)—Between lines 1699 and 1700 insert:

(10) Jurisdiction over the electronic filing system for use by authorized electronic filing system agents to electronically title or register motor vehicles, vessels, mobile homes, or off-highway vehicles; issue or transfer registration license plates or decals; electronically transfer fees due for the title and registration process; and perform inquiries for title, registration, and lienholder verification and certification of service providers is expressly preempted to the state, and the department shall have regulatory authority over the system. The electronic filing system shall be available for use statewide and applied uniformly throughout the state. An entity that, in the normal course of its business, sells products that must be titled or registered, provides title and registration services on behalf of its consumers and meets all established requirements may be an authorized electronic filing system agent and shall not be precluded from participating in the electronic filing system in any county. Upon request from a qualified entity, the tax collector shall appoint the entity as an authorized electronic filing system agent for that county, *regardless of the county in which the entity is physically located. An entity may be an authorized electronic filing system agent in more than one county at any given time. Upon appointment as an authorized electronic filing system agent by a tax collector in a county other than the county where the agent is physically located and absent an interlocal agreement between tax collectors, any statutory service fees shall be divided equally between the tax collector that appointed the agent and the tax collector in the county where the agent is physically located.* The department shall adopt rules in accordance with chapter 120 to replace the December 10, 2009, program standards and to administer the provisions of this section, including, but not limited to, establishing participation requirements, certification of service providers, electronic filing system requirements, and enforcement authority for noncompliance. ~~The December 10, 2009, program standards, excluding any standards which conflict with this subsection, shall remain in effect until the rules are adopted.~~ An authorized electronic filing agent may charge a fee to the customer for use of the electronic filing system.

And the directory clause is amended as follows:

Delete line 1661 and insert:

Section 32. Subsections (7), (8), and (10) of section 320.03,

And the title is amended as follows:

Delete line 121 and insert: provisions to changes made by the act; providing for an electronic filing system agent to operate in a county other than the county in which the agent is located; providing for the division of fees; deleting obsolete provisions; amending s.

Amendment 17 (307484) (with directory and title amendments)—Between lines 949 and 950 insert:

(c) A person charged with a traffic infraction may request a hearing within 180 days after the date of the violation, regardless of any action taken by the court or the department to suspend the driving privilege of the person, and upon request, the clerk must set the case for hearing. The person shall be given a form for requesting that the driving privilege be reinstated. The court may grant a request for a hearing made after 180 days after the alleged offense. This paragraph does not affect the assessment of late fees as otherwise provided in this chapter.

And the directory clause is amended as follows:

Delete line 929 and insert: 318.15, Florida Statutes, is amended, and paragraph (c) is added to that subsection, to read:

And the title is amended as follows:

Delete line 69 and insert: reference; providing that a person charged with a traffic infraction may request a hearing that the clerk must set; providing criteria; amending s. 319.14, F.S.; prohibiting a

MOTION

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

Senator Margolis moved the following amendment which was adopted:

Amendment 18 (850294) (with title amendment)—Delete lines 1850-1855 and insert:

Section 40. Subsections (1), (2), and (4) of section 320.0848, Florida Statutes, are amended to read:

320.0848 Persons who have disabilities; issuance of disabled parking permits; temporary permits; permits for certain providers of transportation services to persons who have disabilities.—

(1)(a) The Department of Highway Safety and Motor Vehicles or its authorized agents shall, upon application and receipt of the fee, issue a disabled parking permit for a period of up to 4 years, which period ends on the applicant's birthday, to any person who has long-term mobility impairment, or a temporary disabled parking permit not to exceed 6 months to any person who has a temporary mobility impairment. No person will be required to pay a fee for a parking permit for disabled persons more than once in a 12-month period from the date of the prior fee payment.

(b)1. The person must be currently certified as being legally blind or as having any of the following disabilities that render him or her unable to walk 200 feet without stopping to rest:

a. Inability to walk without the use of or assistance from a brace, cane, crutch, prosthetic device, or other assistive device, or without the assistance of another person. If the assistive device significantly restores the person's ability to walk to the extent that the person can walk without severe limitation, the person is not eligible for the exemption parking permit.

b. The need to permanently use a wheelchair.

c. Restriction by lung disease to the extent that the person's forced (respiratory) expiratory volume for 1 second, when measured by spirometry, is less than 1 liter, or the person's arterial oxygen is less than 60 mm/hg on room air at rest.

d. Use of portable oxygen.

e. Restriction by cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV according to standards set by the American Heart Association.

f. Severe limitation in the person's ability to walk due to an arthritic, neurological, or orthopedic condition.

2. The certification of disability which is required under subparagraph 1. must be provided by a physician licensed under chapter 458, chapter 459, or chapter 460, by a podiatric physician licensed under chapter 461, by an optometrist licensed under chapter 463, by an advanced registered nurse practitioner licensed under chapter 464 under the protocol of a licensed physician as stated in this subparagraph, by a physician assistant licensed under chapter 458 or chapter 459, or by a similarly licensed physician from another state if the application is accompanied by documentation of the physician's licensure in the other state and a form signed by the out-of-state physician verifying his or her knowledge of this state's eligibility guidelines.

(c) The certificate of disability must include, but need not be limited to:

1. The disability of the applicant; the certifying practitioner's name and address; the practitioner's certification number; the eligibility criteria for the permit; the penalty for falsification by either the certifying practitioner or the applicant; the duration of the condition that entitles the person to the permit; and justification for the additional placard pursuant to subsection (2).

2. The statement, in bold letters: "A disabled parking permit may be issued only for a medical necessity that severely affects mobility."

3. The signatures of:

- a. The applicant's physician or other certifying practitioner.
- b. The applicant or the applicant's parent or guardian.

c. The employee of the department's authorized agent which employee is processing the application.

(d) Beginning *October 1, 2011* ~~April 1, 1999~~, the Department of Highway Safety and Motor Vehicles shall renew the disabled parking permit of any person certified as permanently disabled on the application *if the person applies for renewal in person and provides a current certificate of disability pursuant to this subsection.*

(e) The Department of Highway Safety and Motor Vehicles shall, in consultation with the Commission for the Transportation Disadvantaged, adopt rules, in accordance with chapter 120, for the issuance of a disabled parking permit to any organization that can adequately demonstrate a bona fide need for such a permit because the organization provides regular transportation services to persons who have disabilities and are certified as provided in this subsection.

(2) DISABLED PARKING PERMIT; PERSONS WITH LONG-TERM MOBILITY PROBLEMS.—

(a) The disabled parking permit is a placard that can be placed in a motor vehicle so as to be visible from the front and rear of the vehicle. Each side of the placard must have the international symbol of accessibility in a contrasting color in the center so as to be visible. One side of the placard must display the applicant's driver's license number or state identification card number along with a warning that the applicant must have such identification at all times while using the parking permit. In those cases where the severity of the disability prevents a disabled person from physically visiting or being transported to a driver license or tax collector office to obtain a driver's license or identification card, a certifying physician may sign the exemption section of the department's parking permit application to exempt the disabled person from being issued a driver's license or identification card for the number to be displayed on the parking permit. A validation sticker must also be issued with each disabled parking permit, showing the month and year of expiration on each side of the placard. Validation stickers must be of the size specified by the Department of Highway Safety and Motor Vehicles and must be affixed to the disabled parking permits. The disabled parking permits must use the same colors as license plate validations.

(b) License plates issued under ss. 320.084, 320.0842, 320.0843, and 320.0845 are valid for the same parking privileges and other privileges provided under ss. 316.1955, 316.1964, and 526.141(5)(a).

(c) The department shall not issue an additional disabled parking permit unless the applicant states that he or she is a frequent traveler or a quadriplegic. The department may not issue to any one eligible applicant more than two disabled parking permits except to an organization in accordance with paragraph (1)(e). Subsections (1), (5), (6), and (7) apply to this subsection.

(d) If an applicant who is a disabled veteran, is a resident of this state, has been honorably discharged, and either has been determined by the Department of Defense or the United States Department of Veterans Affairs or its predecessor to have a service-connected disability rating for compensation of 50 percent or greater or has been determined to have a service-connected disability rating of 50 percent or greater and is in receipt of both disability retirement pay from the United States Department of Veterans Affairs, he or she must still provide a signed physician's statement of qualification for the disabled parking permits.

(e) To obtain a replacement for a disabled parking permit that has been lost or stolen, a person must *appear in person*, submit an application on a form prescribed by the department, and ~~must~~ pay a replacement fee in the amount of \$1.00, to be retained by the issuing agency. If the person submits with the application a police report documenting that the permit was stolen, there is no replacement fee.

(f) A person who qualifies for a disabled parking permit under this section may be issued an international wheelchair user symbol license plate under s. 320.0843 in lieu of the disabled parking permit; or, if the person qualifies for a "DV" license plate under s. 320.084, such a license plate may be issued to him or her in lieu of a disabled parking permit.

And the title is amended as follows:

Delete lines 144-146 and insert: cross-references; amending s. 320.0848, F.S.; revising the requirements for disabled parking permit renewals; requiring a permit holder to personally appear to obtain a renewal or replacement permit; revising the requirements for the deposit of fee proceeds from temporary disabled parking permits; amending s.

Pursuant to Rule 4.19, **CS for CS for SB 1150** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Jones—

CS for SB 650—A bill to be entitled An act relating to mobile home park lot tenancies; creating s. 723.024, F.S.; providing for local code and ordinance violations to be cited to the responsible party; prohibiting liens, penalties, fines, or other administrative or civil proceedings against one party or that party's property for a duty or responsibility of the other party; amending s. 723.061, F.S.; revising provisions relating to grounds and proceedings for eviction; revising procedures for mobile home owners being provided eviction notice due to a change in use of the land comprising the mobile home park or the portion thereof from which mobile homes are to be evicted; providing requirements of the park owner and requirements and rights of an applicable homeowners' association with respect to the sale of the mobile home park under a change in use eviction; deleting a provision relating to governmental action affecting the removal of mobile home owners; providing an effective date.

—was read the second time by title.

Senator Detert moved the following amendment:

Amendment 1 (899740) (with title amendment)—Between lines 23 and 24 insert:

Section 1. Paragraph (b) of subsection (1) of section 723.012, Florida Statutes, is amended to read:

723.012 Prospectus or offering circular.—The prospectus or offering circular, which is required to be provided by s. 723.011, must contain the following information:

- (1) The front cover or the first page must contain only:
- (b) The following statements in conspicuous type:

1. THIS PROSPECTUS CONTAINS VERY IMPORTANT INFORMATION REGARDING YOUR LEGAL RIGHTS AND YOUR FINANCIAL OBLIGATIONS IN LEASING A MOBILE HOME LOT. MAKE SURE THAT YOU READ THE ENTIRE DOCUMENT AND SEEK LEGAL ADVICE IF YOU HAVE ANY QUESTIONS REGARDING THE INFORMATION SET FORTH IN THIS DOCUMENT.

2. THE STATEMENTS CONTAINED HEREIN ARE ONLY SUMMARY IN NATURE. A PROSPECTIVE LESSEE SHOULD REFER TO ALL REFERENCES, ALL EXHIBITS HERETO, THE CONTRACT DOCUMENTS, AND SALES MATERIALS.

3. ORAL REPRESENTATIONS SHOULD NOT BE RELIED UPON AS CORRECTLY STATING THE REPRESENTATIONS OF THE PARK OWNER OR OPERATOR. REFER TO THIS PROSPECTUS (OFFERING CIRCULAR) AND ITS EXHIBITS FOR CORRECT REPRESENTATIONS.

4. UPON DELIVERY OF THE PROSPECTUS TO A PROSPECTIVE LESSEE, THE RENTAL AGREEMENT IS VOIDABLE BY THE LESSEE FOR A PERIOD OF 15 DAYS.

5. *UPON THE SALE OF THE MOBILE HOME PARK TO A NEW OWNER, OR UPON A CHANGE OF LAND USE, YOU MAY BE EVICTED AND ORDERED TO MOVE YOUR MOBILE HOME WITHIN 6 MONTHS OR FORFEIT YOUR MOBILE HOME.*

And the title is amended as follows:

Between lines 2 and 3 insert: amending s. 723.012, F.S.; requiring that additional information be provided in the prospectus or offering brochure which advises the customer of consequences if the mobile home park is sold or land use is changed;

MOTION

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

Senator Detert moved the following amendment to **Amendment 1** which failed:

Amendment 1A (331706) (with title amendment)—Delete lines 27-30 and insert:

5. *UPON A CHANGE OF LAND USE, YOU MAY BE EVICTED AND ORDERED TO MOVE YOUR MOBILE HOME WITHIN 6 MONTHS OR FORFEIT YOUR MOBILE HOME.*

And the title is amended as follows:

Delete line 39 and insert: the land use is changed;

The question recurred on **Amendment 1** which was withdrawn.

Pursuant to Rule 4.19, **CS for SB 650** was placed on the calendar of Bills on Third Reading.

On motion by Senator Evers—

CS for CS for SB 234—A bill to be entitled An act relating to firearms; amending s. 790.06, F.S.; providing that a person in compliance with the terms of a concealed carry license may openly carry a handgun notwithstanding specified provisions; allowing the Division of Licensing of the Department of Agriculture and Consumer Services to take fingerprints from concealed carry license applicants; providing that a person may not openly carry a weapon or firearm or carry a concealed weapon or firearm into specified locations; providing that concealed carry licensees shall not be prohibited from carrying or storing a firearm in a vehicle for lawful purposes; providing that a provision limiting the scope of a license to carry a concealed weapon or firearm does not modify certain exceptions to prohibited acts with respect to a person's right to keep and bear arms in motor vehicles for certain purposes; repealing s. 790.28, F.S., relating to the purchase of rifles and shotguns in contiguous states; amending s. 790.065, F.S.; providing that specified provisions do not apply to certain firearms transactions by a resident of this state; providing an effective date.

—was read the second time by title.

Senator Bogdanoff moved the following amendment:

Amendment 1 (322294) (with title amendment)—Delete lines 27-52 and insert:

Section 1. Subsection (1) of section 790.053, Florida Statutes, is amended to read:

790.053 Open carrying of weapons.—

(1) Except as otherwise provided by law and in subsection (2), it is unlawful for any person to openly carry on or about his or her person any firearm or electric weapon or device. *It shall not be a violation of this section for a person who is licensed to carry a concealed firearm, and who is lawfully carrying it in a concealed manner, to accidentally or inadvertently display the firearm to the ordinary sight of another person so long as the firearm is not displayed in a rude, angry, or threatening manner.*

Section 2. Paragraph (c) of subsection (5) and subsection (12) of section 790.06, Florida Statutes, are amended to read:

790.06 License to carry concealed weapon or firearm.—

And the title is amended as follows:

Delete lines 2-5 and insert: An act relating to firearms; amending s. 790.053, F.S.; providing that person in compliance with the terms of a concealed carry license is not in violation of s. 790.053(1), F.S., when the concealed firearm is accidentally or inadvertently displayed to the ordinary sight of another person; amending s. 790.06, F.S.; allowing

Senator Bogdanoff moved the following substitute amendment which was adopted:

Amendment 2 (688734) (with title amendment)—Delete lines 27-52 and insert:

Section 1. Subsection (1) of section 790.053, Florida Statutes, is amended to read:

790.053 Open carrying of weapons.—

(1) Except as otherwise provided by law and in subsection (2), it is unlawful for any person to openly carry on or about his or her person any firearm or electric weapon or device. *It is not a violation of this section for a person licensed to carry a concealed firearm as provided in s. 790.06(1), and who is lawfully carrying a firearm in a concealed manner, to briefly and openly display the firearm to the ordinary sight of another person, unless the firearm is intentionally displayed in an angry or threatening manner, not in necessary self-defense.*

Section 2. Paragraph (c) of subsection (5) and subsection (12) of section 790.06, Florida Statutes, are amended to read:

790.06 License to carry concealed weapon or firearm.—

And the title is amended as follows:

Delete lines 2-5 and insert: An act relating to firearms; amending s. 790.053, F.S.; providing that a person who is licensed to carry a concealed firearm is not in violation of law if the firearm is briefly and openly displayed under certain circumstances; amending s. 790.06, F.S.; allowing

Pursuant to Rule 4.19, **CS for CS for SB 234** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

CS for CS for CS for SB 402—A bill to be entitled An act relating to the regulation of firearms and ammunition; amending s. 790.33, F.S.; clarifying and reorganizing provisions that preempt to the state the entire field of regulation of firearms; prohibiting the violation of the Legislature's occupation of the whole field of regulation of firearms and ammunition by the enactment or causation of enforcement of any local

ordinance or administrative rule or regulation; providing additional intent of the act; eliminating provisions authorizing counties to adopt an ordinance requiring a waiting period between the purchase and delivery of a handgun; providing injunctive relief from the enforcement of an invalid ordinance, regulation, or rule; providing a civil penalty for knowing and willful violation of prohibitions; providing that public funds may not be used to defend or reimburse the unlawful conduct of any person charged with a knowing and willful violation of the act; providing for termination of employment or contract or removal from office of a person acting in an official capacity who knowingly and willfully violates any provision of the act; providing for declaratory and injunctive relief for specified persons or organizations; providing for specified damages and interest; providing exceptions to prohibitions of the act; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for CS for SB 402**, on motion by Senator Negron, by two-thirds vote **CS for CS for CS for HB 45** was withdrawn from the Committees on Criminal Justice; Community Affairs; Judiciary; and Rules.

On motion by Senator Negron—

CS for CS for CS for HB 45—A bill to be entitled An act relating to the regulation of firearms and ammunition; amending s. 790.33, F.S.; clarifying and reorganizing provisions that preempt to the state the entire field of regulation of firearms; prohibiting the knowing and willful violation of the Legislature's occupation of the whole field of regulation of firearms and ammunition by the enactment or causation of enforcement of any local ordinance or administrative rule or regulation; providing additional intent of the section; eliminating provisions authorizing counties to adopt an ordinance requiring a waiting period between the purchase and delivery of a handgun; providing injunctive relief from the enforcement of an invalid ordinance, regulation, or rule; providing a civil penalty for knowing and willful violation of prohibitions; providing that public funds may not be used to defend or reimburse the unlawful conduct of any person charged with a knowing and willful violation of the act; providing for termination of employment or contract or removal from office of a person acting in an official capacity who knowingly and willfully violates any provision of the act; providing for declaratory and injunctive relief for specified persons or organizations; providing for specified damages and interest; providing exceptions to prohibitions of the section; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 402** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for HB 45** was placed on the calendar of Bills on Third Reading.

CS for CS for CS for SB 432—A bill to be entitled An act relating to the privacy of firearm owners; creating s. 790.338, F.S.; providing that a licensed medical care practitioner or health care facility may not record information regarding firearm ownership in a patient's medical record; providing an exception for relevance of the information to the patient's medical care or safety or the safety of others; providing that unless the information is relevant to the patient's medical care or safety or the safety of others, inquiries regarding firearm ownership or possession should not be made by licensed health care practitioners or health care facilities; providing an exception for emergency medical technicians and paramedics; providing that a patient may decline to provide information regarding the ownership or possession of firearms; clarifying that a physician's authorization to choose his or her patients is not altered by the act; prohibiting discrimination by licensed health care practitioners or facilities based solely upon a patient's firearm ownership or possession; prohibiting harassment of a patient regarding firearm ownership by a licensed health care practitioner or facility during an examination; prohibiting denial of insurance coverage, increased premiums, or any other form of discrimination by insurance companies issuing policies on the basis of an insured's or applicant's ownership, possession, or storage of firearms or ammunition; clarifying that an insurer is not prohibited from considering the fair market value of firearms or ammunition in setting personal property coverage premiums; providing for disciplinary action; amending s. 381.026, F.S.; providing that unless the information is relevant to the patient's medical care or safety, or the safety of others, inquiries regarding firearm ownership or possession should not be made

by licensed health care providers or health care facilities; providing that a patient may decline to provide information regarding the ownership or possession of firearms; clarifying that a physician's authorization to choose his or her patients is not altered by the act; prohibiting discrimination by licensed health care providers or facilities based solely upon a patient's firearm ownership or possession; prohibiting harassment of a patient regarding firearm ownership during an examination by a licensed health care provider or facility; amending s. 456.072, F.S.; including the violation of the provisions of s. 790.338, F.S., as grounds for disciplinary action; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for CS for SB 432**, on motion by Senator Evers, by two-thirds vote **CS for CS for HB 155** was withdrawn from the Committees on Criminal Justice; Health Regulation; Judiciary; and Budget.

On motion by Senator Evers—

CS for CS for HB 155—A bill to be entitled An act relating to the privacy of firearm owners; creating s. 790.338, F.S.; providing that a licensed medical care practitioner or health care facility may not record information regarding firearm ownership in a patient's medical record; providing an exception for relevance of the information to the patient's medical care or safety or the safety of others; providing that unless the information is relevant to the patient's medical care or safety or the safety of others, inquiries regarding firearm ownership or possession should not be made by licensed health care practitioners or health care facilities; providing an exception for emergency medical technicians and paramedics; providing that a patient may decline to provide information regarding the ownership or possession of firearms; clarifying that a physician's authority to choose his or her patients is not altered by the act; prohibiting discrimination by licensed health care practitioners or facilities based solely upon a patient's firearm ownership or possession; prohibiting harassment of a patient regarding firearm ownership by a licensed health care practitioner or facility during an examination; prohibiting denial of insurance coverage, increased premiums, or any other form of discrimination by insurance companies issuing policies on the basis of an insured's or applicant's ownership, possession, or storage of firearms or ammunition; clarifying that an insurer is not prohibited from considering the fair market value of firearms or ammunition in setting personal property coverage premiums; providing for disciplinary action; amending s. 381.026, F.S.; providing that unless the information is relevant to the patient's medical care or safety, or the safety of others, inquiries regarding firearm ownership or possession should not be made by licensed health care providers or health care facilities; providing that a patient may decline to provide information regarding the ownership or possession of firearms; clarifying that a physician's authority to choose his or her patients is not altered by the act; prohibiting discrimination by licensed health care providers or health care facilities based solely upon a patient's firearm ownership or possession; prohibiting harassment of a patient regarding firearm ownership during an examination by a licensed health care provider or health care facility; amending s. 456.072, F.S.; including the violation of the provisions of s. 790.338, F.S., as grounds for disciplinary action; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 432** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 155** was placed on the calendar of Bills on Third Reading.

MOTIONS

On motion by Senator Thrasher, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Thursday, April 28.

On motion by Senator Thrasher, a deadline of 8:00 a.m. Thursday, April 28, was set for filing amendments to Bills on Third Reading to be considered that day.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Thrasher, by two-thirds vote **CS for SB 90, CS for CS for SB 204, CS for CS for SB 236, CS for SB 314, SB 446, CS for SB 480, SB 534, CS for SB 664, CS for SB 734, SB 762, CS for CS for SB 952, and SB 1826** were withdrawn from the Committee on Budget; and **CS for CS for SB 1594** was withdrawn from the Committees on Budget; and Rules.

On motion by Senator Diaz de la Portilla, by two-thirds vote **SB 456, SB 776, SB 1692, SB 1750, SB 1768, SB 1804, and SB 1806** were withdrawn from the committees of reference and further consideration.

On motion by Senator Montford, by two-thirds vote **SB 1274** was withdrawn from the committees of reference and further consideration.

On motion by Senator Margolis, by two-thirds vote **SB 1648, SB 1670, and SB 1726** were withdrawn from the committees of reference and further consideration.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Thrasher, the rules were waived and the Special Order Calendar Group was granted permission to meet this day at 5:30 p.m.

MOMENT OF SILENCE

The President recognized Senator Latvala who asked the Senate to observe a moment of silence in honor of former Senator Patsy Kurth who passed away this day.

SPECIAL GUESTS

Senator Bennett introduced former Senator Pat Neal who was present in the gallery.

REPORTS OF COMMITTEES

Pursuant to Rule 4.17(1), the Special Order Calendar Group submits the following bills to be placed on the Special Order Calendar for Wednesday, April 27, 2011: **CS for CS for SB 830, CS for CS for SB 234, CS for CS for CS for SB 402, CS for CS for CS for SB 432, CS for CS for SB 1524, CS for SB 998, CS for CS for SB 818, CS for CS for CS for SB 1546, CS for SM 1654, CS for SB 1996, CS for SB 1466, CS for CS for SB 1414, CS for CS for SJR 1538, SB 626, CS for CS for CS for SB 408, CS for SB 1992, CS for CS for SB 1150, CS for SB 900, CS for SB 650, SB 652, SB 704, SB 1632.**

Respectfully submitted,
John Thrasher, Chair

The Committee on Budget recommends the following pass: **CS for CS for SB 1194; CS for SB 1300; CS for SB 1610; SB 1942; CS for CS for SB 2086 with 1 amendment**

The Committee on Rules recommends the following pass: **SB 18; SB 322; CS for CS for SB 416; CS for CS for SB 450; SB 474; SB 502; CS for SB 648; SB 722; SB 726; CS for CS for SB 786; CS for CS for SB 1312; SJR 1438; CS for CS for SB 1568; SB 1990; CS for SB 2010**

The bills were placed on the Calendar.

The Committee on Judiciary recommends committee substitutes for the following: **CS for SB 476; SJR 808; CS for SB 1448**

The Committee on Rules recommends a committee substitute for the following: **CS for SB 2088**

The bills with committee substitute attached contained in the foregoing reports were referred to the Committee on Budget under the original reference.

The Committee on Budget recommends committee substitutes for the following: **CS for SJR 140; SB 1182; CS for SB 1382; SB 1886**

The Committee on Rules recommends committee substitutes for the following: **SB 692; CS for SB 1252; SB 1620; CS for SJR 1954; SB 2170**

The bills with committee substitute attached were placed on the Calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Budget; and Judiciary; and Senator Ring—

CS for CS for SJR 140—A joint resolution proposing an amendment to Section 8 of Article V and the creation of Section 32 of Article XII of the State Constitution to increase the period of time that a person must be a member of The Florida Bar before becoming eligible for the office of circuit court or county court judge, to provide an effective date, and to provide that judges qualified to hold office and in office on that effective date may remain in office and run for reelection, notwithstanding the increase.

By the Committees on Judiciary; and Regulated Industries; and Senator Evers—

CS for CS for SB 476—A bill to be entitled An act relating to public lodging establishments; amending s. 509.032, F.S.; conforming provisions to changes made by the act; prohibiting local governments from regulating vacation rentals based solely on their classification or use; providing an exception; amending ss. 509.221 and 509.241, F.S.; conforming provisions to changes made by the act; amending s. 509.242, F.S.; providing that public lodging establishments formerly classified as resort condominiums and resort dwellings are classified as vacation rentals; defining the term “vacation rental”; amending s. 509.251, F.S.; conforming provisions to changes made by the act; amending s. 509.261, F.S.; revising mandatory education requirements for certain violations; amending s. 509.291, F.S.; revising membership of the advisory council of the Division of Hotels and Restaurants of the Department of Business and Professional Regulation; requiring the Florida Vacation Rental Managers Association to designate a member to serve on the advisory council; amending ss. 381.008 and 386.203, F.S.; conforming provisions to changes made by the act; providing a short title; amending s. 509.144, F.S.; revising the definition of the term “handbill”; providing additional penalties for the offense of unlawfully distributing handbills in a public lodging establishment; specifying that certain items used in committing such offense are subject to seizure and forfeiture under the Florida Contraband Forfeiture Act; creating s. 901.1503, F.S.; authorizing a law enforcement officer to give a notice to appear to a person without a warrant when there is probable cause to believe the person violated s. 509.144, F.S., and the owner or manager of the public lodging establishment, and one additional affiant, signs an affidavit containing information supporting the determination of probable cause; amending s. 932.701, F.S.; revising the definition of the term “contraband article”; providing that specified portions of the act do not affect or impede specified statutory provisions or any protection or right guaranteed by the Second Amendment to the United States Constitution; providing an effective date.

By the Committee on Rules; and Senator Richter—

CS for SB 692—A bill to be entitled An act relating to assisted living facilities; amending s. 429.19, F.S.; removing a requirement that the Agency for Health Care Administration disseminate annually a printed list of assisted living facilities sanctioned or fined to specified agencies and departments; amending s. 429.23, F.S.; removing reporting requirements for assisted living facilities relating to liability claims; amending s. 429.35, F.S.; removing an obsolete reporting requirement; amending s. 429.41, F.S.; removing a provision requiring the Depart-

ment of Elderly Affairs to submit to the Legislature for review and comment a copy of proposed department rules establishing standards for resident care; repealing s. 429.54, F.S., relating to a provision that authorizes the Department of Elderly Affairs to collect information regarding the cost of providing certain services in facilities and to conduct field visits and audits and a provision authorizing a local subsidy; providing an effective date.

By the Committee on Judiciary; and Senator Diaz de la Portilla—

CS for SJR 808—A joint resolution proposing an amendment to Section 4 of Article VII of the State Constitution to authorize counties and municipalities to limit the assessed value of the homesteads of certain low-income senior citizens.

By the Committee on Budget; and Senator Ring—

CS for SB 1182—A bill to be entitled An act relating to the State Board of Administration; amending s. 215.44, F.S.; authorizing the board to invest the assets of a governmental entity in the Local Government Surplus Funds Trust Fund without a trust agreement with that governmental entity; providing that certain investments made by the board under a trust agreement are subject only to the restrictions and limitations contained in the trust agreement; amending s. 215.444, F.S.; reducing the number of members on the Investment Advisory Council; amending s. 215.4755, F.S.; correcting cross-references; clarifying provisions prohibiting certain conflicts of interest by investment advisers and managers retained by the board; providing an effective date.

By the Committees on Rules; and Budget; and Senator Smith—

CS for CS for SB 1252—A bill to be entitled An act relating to insurance; amending s. 120.80, F.S.; allowing the Division of Administrative Hearings to have final order authority with respect to certain license applicants; amending s. 316.066, F.S.; revising the type of information that must be included in crash reports; authorizing the investigating officer to testify at trial or provide an affidavit concerning the content of the reports; amending ss. 440.12 and 440.20, F.S.; authorizing the payment of workers' compensation benefits through the use of a prepaid card; providing requirements; amending s. 440.49, F.S.; specifying that the assessment for the Special Disability Trust Fund be applied on a calendar year basis; amending s. 624.402, F.S.; revising provisions relating to certain insurers covering nonresidents domiciled outside the United States who are exempt from requirements to obtain a certificate of authority; amending s. 626.207, F.S., relating to penalties; providing definitions; barring persons convicted of certain crimes from licensure as an insurance agent; revising provisions relating to disqualifying periods for persons convicted of other crimes; providing an exemption from the limitation against state employment for persons convicted of certain crimes; amending s. 627.4133, F.S.; changing the designated person or persons who must be notified by an insurer from the "insured" to the "first-named insured" in situations involving the nonrenewal, renewal premium, cancellation, or termination of workers' compensation, employer liability, or certain property and casualty insurance coverage; specifying the effective date for the cancellation of a policy requested in writing by the insured; amending s. 627.4137, F.S.; requiring a claimant's request about insurance coverage to be appropriately served upon the disclosing entity; amending s. 627.442, F.S.; providing that premium audits for workers' compensation coverage is not required; providing exceptions; amending s. 627.7277, F.S.; making a conforming change that specifies the "first-named insured" as the person who is to receive notification of a renewal premium; amending s. 627.728, F.S.; changing the designated person or persons who must be notified by an insurer from the "insured" to the "first-named insured" in certain situations involving the cancellation or nonrenewal of motor vehicle insurance coverage; making a conforming change that specifies the "first-named insured's insurance agent" as a person who is to receive certain notifications relating to motor vehicle insurance coverage; amending s. 627.7281, F.S.; making a conforming change that specifies the "first-named insured" as the person who is to receive notification of cancellation of motor vehicle insurance coverage; amending s. 627.7295, F.S.; providing that a binder or policy for motor vehicle insurance is not effective until a certain amount of the premium is paid; amending s. 628.901, F.S.; providing definitions; repealing s. 628.903, F.S., relating to the definition of the term "industrial insured captive insurer"; amending

s. 628.905, F.S.; requiring a captive insurer to obtain a license and to file evidence that a person or firm with whom it intends to conduct business is reputable; providing that a certificate of insurance for an association captive insurer does not exceed the total funds of the association members; creating s. 628.908, F.S.; requiring a licensed captive insurer to maintain its principal place of business in this state and hold an annual meeting in this state; amending s. 628.909, F.S.; applying additional provisions of the insurance code to captive insurers; amending s. 634.403, F.S.; exempting certain persons from service warranty licensure requirements under certain circumstances; amending s. 817.234, F.S.; providing civil penalties for fraudulent insurance claims; providing effective dates.

By the Committees on Budget; and Governmental Oversight and Accountability; and Senator Bennett—

CS for CS for SB 1382—A bill to be entitled An act relating to rulemaking; amending s. 120.54, F.S.; requiring that an agency include in its notice of intended rulemaking a statement as to whether the proposed rule will require legislative ratification; providing for modification or withdrawal of an adopted rule that is not ratified by the Legislature; clarifying that certain proposed rules are effective only when ratified by the Legislature; amending s. 120.541, F.S.; reducing the time before an agency files a rule for adoption within which the agency must notify the person who submitted a lower cost alternative and the Administrative Procedures Committee; excluding rules adopting federal standards and emergency rulemaking from certain provisions; amending s. 120.56, F.S.; reducing the time within which a substantially affected person may seek an administrative determination of the invalidity of a rule after the statement or revised statement of estimated regulatory costs is available; amending s. 120.80, F.S.; exempting the adoption of certain amendments and the triennial updates to the Florida Building Code from required legislative ratification; exempting the adoption of certain amendments and the triennial updates to the Florida Fire Prevention Code from required legislative ratification; exempting the adoption of rules adjusting rates of certain transportation and expressway tolls from the preparation of a statement of estimated regulatory costs and from submission for legislative ratification; amending s. 120.81, F.S.; excluding the adoption of rules under chapter 2011-1, Laws of Florida, the Student Success Act, from the preparation of a statement of estimated regulatory costs and from submission for legislative ratification; providing an effective date.

By the Committees on Judiciary; and Community Affairs; and Senators Garcia and Lynn—

CS for CS for SB 1448—A bill to be entitled An act relating to the sale or lease of a county, district, or municipal hospital; amending s. 155.40, F.S.; providing that the sale or lease of a county, district, or municipal hospital is subject to approval by the registered voters or by the circuit court; requiring the hospital governing board to determine by certain public advertisements whether there are qualified purchasers or lessees before the sale or lease of such hospital; defining the term "fair market value"; requiring the board to state in writing specified criteria forming the basis of its acceptance of a proposal for sale or lease of the hospital; providing for publication of notice; authorizing submission of written statements of opposition to a proposed transaction, and written responses thereto, within a certain timeframe; requiring the board to file a petition for approval with the circuit court and receive approval before any transaction is finalized; specifying information to be included in such petition; providing for the circuit court to issue an order requiring all interested parties to appear before the court under certain circumstances; requiring the clerk of the court to publish the copy of the order in certain newspapers at specified times; providing that certain parties are made parties defendant to the action by the publication of the order; granting the circuit court jurisdiction to approve sales or leases of county, district, or municipal hospitals based on specified criteria; providing for a party to seek judicial review; requiring that in judicial review the reviewing court affirm the judgment of the circuit court unless the decision is arbitrary, capricious, or not in compliance with the act; requiring the board to pay costs associated with the petition for approval unless a party contests the action; providing an exemption for certain sale or lease transactions completed before a specified date; amending s. 395.3036, F.S.; conforming cross-references; providing an effective date.

By the Committee on Rules; and Senator Flores—

CS for SB 1620—A bill to be entitled An act relating to digital learning; creating s. 1002.321, F.S.; creating the Digital Learning Now Act; providing legislative findings related to the elements to be included in high-quality digital learning; providing digital preparation requirements; providing for customized and accelerated learning; amending s. 1002.33, F.S.; authorizing the establishment of virtual charter schools; providing application requirements for establishment of a virtual charter school; authorizing a charter school to implement blended learning courses; requiring each charter school governing board to appoint a representative and specifying duties; requiring each governing board to hold two public meetings per school year; providing funding for a virtual charter school; establishing administrative fees for a virtual charter school; amending s. 1002.37, F.S.; redefining the term “full-time equivalent student” as it applies to the Florida Virtual School; providing instruction, eligibility, funding, assessment, and accountability requirements; amending s. 1002.45, F.S.; revising the definition of the term “virtual instruction program”; revising school district requirements for providing virtual instruction programs; requiring full-time and part-time virtual instruction program options; authorizing a school district to enter into an agreement with a virtual charter school to provide virtual instruction to district students; authorizing virtual charter school contracts; providing additional provider qualifications relating to curriculum, student performance accountability, and disclosure; revising student eligibility requirements; providing funding and accountability requirements; creating s. 1002.455, F.S.; establishing student eligibility requirements for K-12 virtual instruction; amending s. 1003.428, F.S.; requiring at least one course required for high school graduation to be completed through online learning; creating s. 1003.498, F.S.; authorizing school districts to offer virtual courses and blended learning courses; amending s. 1008.22, F.S.; requiring all statewide end-of-course assessments to be administrated online beginning with the 2014-2015 school year; amending s. 1011.61, F.S.; redefining the term “full-time equivalent student” for purposes of virtual instruction; amending s. 1012.57, F.S.; authorizing school districts to issue adjunct teaching certificates to qualified applicants to provide online instruction; revising requirements for adjunct teaching certificateholders; providing for annual contracts; amending ss. 1000.04, 1002.20, and 1003.03, F.S.; conforming provisions to changes made by the act; requiring the Department of Education to submit a report to the Governor and the Legislature relating to school district offering of, and student access to, digital learning; providing an effective date.

By the Committee on Budget; and Senator Wise—

CS for SB 1886—A bill to be entitled An act relating to controlled substances; amending s. 893.03, F.S.; including certain hallucinogenic substances on the list of controlled substances in Schedule I; reenacting ss. 893.13(1), (2), (4), and (5), 893.135(1)(l), and 921.0022(3)(b), (c), and (e), F.S., relating to prohibited acts and penalties regarding controlled substances and the offense severity chart of the Criminal Punishment Code, to incorporate the amendment to s. 893.03, F.S., in references thereto; providing an effective date.

By the Committees on Rules; and Community Affairs; and Senator Garcia—

CS for CS for SJR 1954—A joint resolution proposing an amendment to Section 6 of Article VIII of the State Constitution to authorize amendments or revisions to the home rule charter of Miami-Dade County by special law approved by a vote of the electors; providing requirements for a bill proposing such a special law; authorizing the Miami-Dade County charter to provide for fixed term limits of commissioners.

By the Committees on Rules; Rules Subcommittee on Ethics and Elections; and Rules; and Senator Gaetz—

CS for CS for SB 2088—A bill to be entitled An act relating to ethics; amending s. 112.312, F.S.; redefining the term “gift” to exclude contributions or expenditures reported under federal election law; creating s. 112.3142, F.S.; providing for qualified blind trusts; providing legislative findings; providing conditions when a public officer has no conflict of interest; prohibiting a public officer from influencing or exercising con-

trol over the management of the blind trust; providing exceptions; providing conditions for certain communications between the public officer or other persons having a beneficial interest and the trustee; providing that the public officer report certain information relating to the blind trust; providing requirements for the public officer in creating a qualified blind trust; prohibiting the trustee from disclosing certain information to the public officer or other persons having a beneficial interest in the trust; requiring the public officer to provide notice and specified information to the Commission on Ethics; amending s. 112.3143, F.S.; providing for an exception to a provision authorizing a state public officer to vote in an official capacity on any matter, to conform to changes made by the act; creating s. 112.31435, F.S.; defining the term “relative”; prohibiting a member of the Legislature from voting upon any legislation inuring to his or her special private gain or loss; prohibiting a member of the Legislature from voting upon any legislation that the member knows would inure to the special private gain or loss of a principal by whom the member is retained or the corporate parent or subsidiary of a corporate principal by which the member is retained; prohibiting a member of the Legislature from voting on legislation that the member knows would inure to the special private gain or loss of a relative, a business associate, an employer, or a board upon which the member sits; requiring that a member disclose all such interests to the applicable legislative body or committee before the legislation is considered; requiring that the member disclose the specific nature of any such interests within a specified period after the date on which a vote on the legislation occurs; requiring that such disclosure be made by written memorandum and filed with the Secretary of the Senate or the Clerk of the House of Representatives; requiring that the memorandum be recorded in the journal of the house of which the legislator is a member; providing that the act does not prevent a member from voting on legislation that inures to the special private gain or loss of the member's employer, principal, or board upon which the member sits, if such entity is an agency; providing that a member's vote does not inure to the member's special private gain or loss under certain circumstances; providing that the act does not require disclosure if a member's vote will inure to the special private gain or loss of a member's employer, principal, or board upon which the member sits, if such entity is an agency; providing that a member of the Legislature who is serving as an independent contractor attorney or “of counsel” attorney in a law firm is not prohibited from voting on and is not required to make a disclosure concerning legislation that would inure to the special private gain or loss of any of the firm's clients; authorizing a member to request an advisory opinion from the general counsel of the house of which he or she is a member; providing that the act does not prevent the member from voting on a General Appropriations Act or implementing legislation; amending s. 112.3144, F.S.; requiring the Commission on Ethics to review certain filings of full and public disclosure of financial interests made by certain public officers, including supporting documentation; requiring the commission to provide notice of the sufficiency of the financial disclosure; requiring that an amended or corrected disclosure be filed if the filing is insufficient; providing that the amended or corrected disclosure is not subject to sufficiency review; providing for a fine if the amended or corrected disclosure is not filed by a certain date; relieving an officer of liability for fines and penalties if a complete and sufficient full and public disclosure of financial interests is filed by September 1; specifying that any full and public financial disclosure that is not timely received is not entitled to review; permitting the commission to delegate to the commission's staff the responsibilities to review and provide notices relating to the disclosure filings; amending s. 112.3145, F.S.; redefining the term “local officer” for the purposes of disclosing financial interests to include members of a community redevelopment agency board and any finance director of a county, municipality, or other political subdivision; amending s. 838.014, F.S.; deleting the definition of the term “corruptly” or “with corrupt intent” to conform provisions to changes made by the act; amending s. 838.015, F.S.; redefining the term “bribery” as it relates to the requisite mental state for the offense of bribery; amending s. 838.016, F.S.; revising provisions relating to the requisite mental state for the offenses of unlawful compensation and reward for official behavior and official misconduct, to conform to changes made by the act; amending s. 838.022, F.S.; revising provisions relating to the requisite mental state for the offenses of unlawful compensation and reward for official behavior and official misconduct, to conform to changes made by the act; adding actions by a public servant that are illegal; requiring the section be strictly enforced without discretion; amending s. 839.24, F.S.; revising the public servants who are affected and duties for which failure of performance is a misdemeanor of the first degree; requiring that the act be strictly enforced without discretion; amending s. 843.0855, F.S.; adding certain actions

under color of law by a public servant or employee to be unlawful; providing penalties; requiring that the act be strictly enforced without discretion; providing an effective date.

By the Committees on Rules; and Judiciary—

CS for SB 2170—A bill to be entitled An act relating to judicial nominating commissions; amending s. 43.291, F.S.; providing for termination of the terms of all current members of judicial nominating commissions; providing for staggered terms of newly appointed members; providing an effective date.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 97; has passed as amended CS for CS for HB 7095; has passed by the required constitutional three-fifths vote of the membership CS for HJR 1179 and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

By Health & Human Services Access Subcommittee and Representative(s) Gaetz, Ahern, Albritton, Baxley, Brandes, Brodeur, Corcoran, Costello, Drake, Grant, Horner, Ingram, Perry, Plakon, Porter, Renuart, Smith, Stargel, Tobia, Trujillo, Van Zant, Weatherford—

CS for HB 97—A bill to be entitled An act relating to health insurance; creating ss. 627.64995, 627.66996, and 641.31099, F.S.; prohibiting certain health insurance policies and health maintenance contracts from providing coverage for abortions; providing exceptions; defining the term "state"; amending s. 627.6515, F.S.; providing that certain restrictions on coverage for abortions apply to certain group health insurance policies issued or delivered outside the state which provide coverage to residents of the state; providing an effective date.

—was referred to the Committees on Health Regulation; Banking and Insurance; and Budget.

By Appropriations Committee, Judiciary Committee, Health & Human Services Committee and Representative(s) Schenck—

CS for CS for HB 7095—A bill to be entitled An act relating to controlled substances; amending s. 456.072, F.S.; making failure to comply with the requirements of s. 456.44, F.S., grounds for disciplinary action; providing mandatory administrative penalties for certain violations related to prescribing; amending s. 456.42, F.S.; requiring prescriptions for controlled substances to be written on a counterfeit-resistant pad produced by an approved vendor or electronically prescribed; providing conditions for being an approved vendor; creating s. 456.44, F.S.; providing definitions; requiring certain physicians to designate themselves as controlled substance prescribing practitioners on their practitioner profiles; providing an effective date; requiring registered physicians to meet certain standards of practice; requiring a physical examination; requiring a written protocol; requiring an assessment of risk for aberrant behavior; requiring a treatment plan; requiring specified informed consent; requiring consultation and referral in certain circumstances; requiring medical records meeting certain criteria; providing an exemption for physicians meeting certain criteria; amending s. 458.3265, F.S., relating to regulation of pain-management clinics and medical doctors; amending the definition of a pain-management clinic; providing definitions; providing an exemption from registration for clinics owned and operated by physicians or medical specialists meeting certain criteria; allowing physician assistants and advanced registered nurse practitioners to perform medical examinations; requiring physicians in pain-management clinics to ensure compliance with certain requirements; imposing facility and physical operations requirements; imposing infection control requirements; imposing health and safety

requirements; imposing quality assurance requirements; imposing data collection and reporting requirements; amending rulemaking authority; conforming provisions to changes made by the act; providing for future expiration of provisions; amending s. 458.327, F.S.; providing that dispensing certain controlled substances in violation of specified provisions is a third-degree felony; providing penalties; amending s. 458.331, F.S.; providing that dispensing certain controlled substances in violation of specified provisions is grounds for disciplinary action; providing penalties; amending s. 459.0137, F.S., relating to regulation of pain-management clinics and osteopathic physicians; providing definitions; providing an exemption from registration for clinics owned and operated by physicians meeting certain criteria; allowing physician assistants and advanced registered nurse practitioners to perform medical examinations; requiring osteopathic physicians in pain-management clinics to ensure compliance with certain requirements; imposing facility and physical operations requirements; imposing infection control requirements; imposing health and safety requirements; imposing quality assurance requirements; amending rulemaking authority; conforming provisions to changes made by the act; providing for future expiration of provisions; amending s. 459.013, F.S.; providing that dispensing certain controlled substances in violation of specified provisions is a third-degree felony; providing penalties; amending s. 459.015, F.S.; providing that dispensing certain controlled substances in violation of specified provisions is grounds for disciplinary action; providing penalties; amending s. 465.015, F.S.; requiring a pharmacist to report to the sheriff within a specified period any instance in which a person fraudulently obtained or attempted to fraudulently obtain a controlled substance; providing criminal penalties; providing requirements for reports; amending s. 465.016, F.S.; providing additional grounds for denial of or disciplinary action against a pharmacist license; amending s. 465.018, F.S.; providing grounds for permit denial or discipline; requiring applicants to pay or make arrangements to pay amounts owed to the Department of Health; requiring an inspection; requiring permittees to maintain certain records; requiring community pharmacies to obtain a permit under chapter 465, F.S., as amended by the act by March 1, 2012, in order to dispense Schedule II and III controlled substances; amending s. 465.022, F.S.; requiring the Department of Health to adopt rules related to procedures for dispensing controlled substances; providing requirements for the issuance of a pharmacy permit; requiring disclosure of financial interests; requiring submission of policies and procedures and providing for grounds for permit denial based on them; allowing the Department of Health to phase-in the policies and procedures requirement over an 18-month period beginning July 1, 2011; requiring the Department of Health to deny a permit to applicants under certain circumstances; requiring permittees to provide notice of certain management changes; requiring prescription department managers to meet certain criteria; imposing duties on prescription department managers; limiting the number of locations a prescription department manager may manage; requiring the board to adopt rules related to recordkeeping; providing that permits are not transferable; increasing the fee for a change of location; amending s. 465.0276, F.S.; prohibiting registered dispensing practitioners from dispensing certain controlled substances; providing an exception for dispensing controlled substances in the health care system of the Department of Corrections; providing an exception for dispensing within 7 days after surgery which used general anesthesia; deleting a provision establishing a 72-hour supply limit on dispensing certain controlled substances to certain patients in registered pain-management clinics; amending s. 499.0051, F.S.; providing criminal penalties for violations of certain provisions of s. 499.0121, F.S.; amending s. 499.012, F.S.; requiring wholesale distributor permit applicants to submit documentation of credentialing policies; amending s. 499.0121, F.S.; providing reporting requirements for wholesale distributors of certain controlled substances; requiring the Department of Health to share the reported data with law enforcement agencies; requiring the Department of Law Enforcement to make investigations based on the reported data; providing credentialing requirements for distribution of controlled substances to certain entities by wholesale distributors; requiring distributors to identify suspicious transactions; requiring distributors to determine the reasonableness of orders for controlled substances over certain amounts; requiring distributors to report certain transactions to the Department of Health; prohibiting distribution to entities with certain criminal histories; limiting monthly distribution amounts of certain controlled substances to retail pharmacies; requiring the department to assess data; requiring the department to report certain data to the Governor, President of the Senate, and Speaker of the House of Representatives by certain dates; prohibiting distribution to entities with

certain criminal backgrounds; amending s. 499.05, F.S.; authorizing rulemaking concerning specified controlled substance wholesale distributor reporting requirements and credentialing requirements; amending s. 499.067, F.S.; authorizing the Department of Health to take disciplinary action against wholesale distributors failing to comply with specified credentialing or reporting requirements; amending s. 810.02, F.S.; authorizing separate judgments and sentences for burglary with the intent to commit theft of a controlled substance under specified provisions and for any applicable possession of controlled substance offense under specified provisions in certain circumstances; amending s. 812.014, F.S.; authorizing separate judgments and sentences for theft of a controlled substance under specified provisions and for any applicable possession of controlled substance offense under specified provisions in certain circumstances; amending s. 893.055, F.S., relating to the prescription drug monitoring program; deleting obsolete dates; deleting references to the Office of Drug Control; requiring reports to the prescription drug monitoring system to be made in 7 days rather than 15 days; prohibiting the use of certain funds to implement the program; requiring the State Surgeon General to appoint a board of directors for the direct-support organization; conforming provisions to changes made by the act; amending s. 893.065, F.S.; conforming provisions to changes made by the act; amending s. 893.07, F.S.; providing that law enforcement officers are not required to obtain a subpoena, court order, or search warrant in order to obtain access to or copies of specified controlled substance inventory records; requiring reporting of the discovery of the theft or loss of controlled substances to the sheriff within a specified period; providing criminal penalties; repealing s. 2 of chapter 2009-198, Laws of Florida, relating to the Program Implementation and Oversight Task Force in the Executive Office of the Governor concerning the electronic system established for the prescription drug monitoring program; providing a buyback program for undispensed controlled substance inventory held by specified licensed physicians; requiring certain certifications by the physician returning inventory to a distributor; providing an exemption to pedigree paper requirements; requiring reports of the program; providing for a declaration of a public health emergency; requiring certain actions relating to dispensing practitioners identified as posing the greatest threat to public health; providing an appropriation; providing for future repeal of program provisions; providing an effective date.

—was referred to the Committees on Health Regulation; Criminal Justice; and Budget.

By Health & Human Services Committee and Representative(s) Baxley, Adkins, Albritton, Broxson, Corcoran, Costello, Davis, Gaetz, Grant, Metz, Moraitis, Plakon, Porter, Renuart, Smith, Stargel, Tobia, Van Zant, Weatherford, Weinstein, Williams, T.—

CS for HJR 1179—House Joint Resolution A joint resolution proposing the creation of Section 28 of Article I of the State Constitution to generally prohibit public funding of abortions and prohibit the State Constitution from being interpreted to create broader rights to an abortion than those contained in the United States Constitution.

—was referred to the Committees on Health Regulation; Judiciary; and Rules.

CONFEREES APPOINTED

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the Speaker of the House of Representatives has appointed the following Representatives to the conference committee for HB 5011, CS for CS for SB 1292, CS for CS for SB 1314, CS for SB 1738, SB 2000, SB 2002, SB 2094, SB 2096, SB 2098, SB 2104, SB 2106, and SB 2110:

House/Senate Budget Conference: Chair: Rep. Grimsley: At-Large – Reps. Aubuchon, Chestnut, Hukill, Kreegel, Legg, Lopez-Cantera, McKeel, Proctor, Rouson, Sands, Saunders, Schenck, Snyder, Weatherford

Robert L. “Bob” Ward, Clerk

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the Speaker has appointed the following Representatives to serve as managers on the part of the House for the Conference Committee on SB 2100:

FRS/Retirement: Lead House Manager: Workman

Robert L. “Bob” Ward, Clerk

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the Speaker of the House of Representatives has appointed the following Representatives to the conference committee for CS for HB 5005 and CS for HB 5007:

Professional Deregulation: Lead House Manager: Hukill

Robert L. “Bob” Ward, Clerk

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the Speaker of the House of Representatives has appointed the following Representatives to the conference committee for SB 2156 and SB 2162:

Governmental Reorganization: Lead House Manager: Legg

Robert L. “Bob” Ward, Clerk

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the Speaker of the House of Representatives has appointed the following Representatives to the conference committee for HB 7205 and HB 7207:

SEED Fund: Lead House Manager: Aubuchon

Robert L. “Bob” Ward, Clerk

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the Speaker of the House of Representatives has appointed the following Representatives to the conference committee for CS for HB 143, CS for HB 641, CS for HB 733, CS for CS for HB 873, and HB 7203:

House Finance & Tax Committee/Senate Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations: Rep. Precourt, Chair: House Conferees - Reps. Bernard, Dorworth, Holder, Ray

Robert L. “Bob” Ward, Clerk

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the Speaker of the House of Representatives has appointed the following Representatives to the conference committee for SB 2152, SB 2154, and SB 2160:

House Transportation & Economic Development Appropriations Subcommittee/Senate Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations: Rep. Horner, Chair: House Conferees - Reps. Berman, Bernard, Brandes, Broxson, Caldwell, Dorworth, Drake, Ray, Rogers, Workman

Robert L. “Bob” Ward, Clerk

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the Speaker of the House of Representatives has appointed the following Representatives to the conference committee for SB 2122, SB 2130, and SB 2142:

House Agriculture & Natural Resources Appropriations Subcommittee/Senate Budget Subcommittee on General Government Appropriations: Rep. Williams, T., Chair: House Conferees - Reps. Albritton, Artiles, Bemby, Crisafulli, Goodson, Ingram, Porter, Rooney, Sands

Robert L. "Bob" Ward, Clerk

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the Speaker of the House of Representatives has appointed the following Representatives to the conference committee for SB 2124, SB 2126, SB 2128, SB 2132, SB 2134, and SB 2136:

House Government Operations Appropriations Subcommittee/Senate Budget Subcommittee on General Government Appropriations: Rep. Hooper, Chair: House Conferees - Reps. Campbell, Costello, Gaetz, Gibbons, Julien, Mayfield, Nelson, Nuñez, Patronis

Robert L. "Bob" Ward, Clerk

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the Speaker of the House of Representatives has appointed the following Representatives to the conference committee for SB 2120:

House Pre K-12 Appropriations Subcommittee/Senate Budget Subcommittee on Education Pre K-12 Appropriations: Rep. Coley, Chair: House Conferees - Reps. Adkins, Bileca, Fresen, Kiar, Plakon, Smith, Stargel

Robert L. "Bob" Ward, Clerk

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the Speaker of the House of Representatives has appointed the following Representatives to the conference committee for SB 2150:

House Higher Education Appropriations Subcommittee/Senate Budget Subcommittee on Higher Education Appropriations: Rep. O'Toole, Chair: House Conferees - Reps. Ahern, Brodeur, Ford, Gonzalez, Jones, Reed, Trujillo, Williams, A.

Robert L. "Bob" Ward, Clerk

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the Speaker of the House of Representatives has appointed the following Representatives to the

conference committee for HB 5303, HB 5305, HB 5309, SB 2108, SB 2144, SB 2146, and SB 2148:

House Health Care Appropriations Subcommittee/Senate Budget Subcommittee on Health and Human Services Appropriations: Rep. Hudson, Chair: House Conferees - Reps. Chestnut, Corcoran, Davis, Diaz, Frishe, Harrell, Jones, Pafford, Roberson, Steube, Wood, Young

Robert L. "Bob" Ward, Clerk

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the Speaker of the House of Representatives has appointed the following Representatives to the conference committee for HB 5401, CS for HB 5403, HB 5405, HB 5409, SB 2112, SB 2114, SB 2116, and SB 2118:

House Justice Appropriations Subcommittee/Senate Budget Subcommittee on Criminal and Civil Justice Appropriations: Rep. Glorioso, Chair: House Conferees - Reps. Baxley, Grant, Holder, McBurney, Metz, Nehr, Perry, Pilon, Rouson, Slosberg, Soto

Robert L. "Bob" Ward, Clerk

RETURNING MESSAGES — FINAL ACTION

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 400; adopted SM 484.

Robert L. "Bob" Ward, Clerk

The bills contained in the foregoing messages were ordered enrolled.

CORRECTION AND APPROVAL OF JOURNAL

The Journals of April 7 and April 26 were corrected and approved.

CO-INTRODUCERS

Senators Bullard—CS for CS for SB 1150; Gaetz—CS for SJR 592, CS for SB 1466

RECESS

On motion by Senator Thrasher, the Senate recessed at 5:00 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Thursday, April 28 or upon call of the President.